

HOUSE BILL No. 2162

By Committee on Elections

1-30

1 AN ACT concerning the secretary of state, relating to ballot language
2 statements.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) A county election officer ~~may~~ **shall** ~~may~~ request the
6 preparation of a ballot language statement for the purposes of explaining
7 the language of a ballot question of any municipality as defined by K.S.A.
8 75-6102, and amendments thereto.

9 (1) If the ballot question language was derived from a petition
10 submitted to the office of the county attorney, district attorney or county
11 counselor pursuant to K.S.A. 25-3601, and amendments thereto, such
12 county election officer shall, **within 10 days of certification**, request **from**
13 the office of the county attorney, district attorney or county counselor, as
14 applicable, to prepare the ballot language statement in compliance with the
15 requirements of subsection (a)(3).

16 (2) If the ballot question language did not derive from a petition
17 submitted to the office of the county attorney, district attorney or county
18 counselor pursuant to K.S.A. 25-3601, and amendments thereto, such
19 county election officer shall, **within 10 days of publication**, request the
20 office of secretary of state to prepare the ballot language statement in
21 compliance with the requirements of subsection (a)(3).

22 (3) A ballot language statement shall fairly and accurately explain
23 what a vote for and what a vote against the measure represents. Such ballot
24 language statements shall be true and impartial statements of the effect of a
25 vote for and against the measure in language neither intentionally
26 argumentative nor likely to create prejudice for or against the proposed
27 measure. A ballot language statement shall be prepared and transmitted in
28 good faith and without malice.

29 (b) (1) Within 15 days of a request by a county election officer to
30 prepare a ballot language statement pursuant to subsection (a)(1), the
31 office of the county attorney, district attorney or county counselor, as
32 applicable, shall prepare and forward such ballot language statement to the

1 office of secretary of state for approval by the secretary of state or the
2 secretary of state's designee that such ballot language statement complies
3 with the requirements of subsection (a)(3). Within five days following the
4 receipt of the ballot language statement, the office of secretary of state
5 shall furnish the county election officer with the ballot language statement
6 as approved by the office of secretary of state as in compliance with the
7 requirements of subsection (a)(3).

8 (2) Within 15 days of a request by a county election officer to prepare
9 a ballot language statement pursuant to subsection (a)(2), the secretary of
10 state or the secretary's designee shall prepare and forward such ballot
11 language statement to the office of the attorney general for approval by the
12 attorney general, or any assistant attorney general, that such ballot
13 language statement complies with the requirements of subsection (a)(3).
14 Within five days following the receipt of the ballot language statement, the
15 office of the attorney general shall furnish the county election officer with
16 the ballot language statement as approved by the office of the attorney
17 general as in compliance with the requirements of subsection (a)(3).

18 (c) A ballot language statement prepared under this section shall be:

19 (1) Posted in each polling place, but shall not be placed on the ballot;

20 (2) provided to registered voters voting by advance ballot. Such ballot
21 language statement shall not be placed on the ballot when provided to a
22 registered voter voting by advance ballot; and

23 (3) made available for public inspection in the office of the county
24 election officer. A ballot language statement prepared under this section
25 may be posted on the official website of the county.

26 (d) There shall be no cause of action at law or in equity challenging
27 the validity of the form of a ballot language statement prepared under this
28 section. There shall be no liability on the part of and no cause of action of
29 any nature shall arise against the attorney general, any assistant attorney
30 general, the secretary of state, the secretary of state's employees, the
31 county election officer, the county attorney, the district attorney or the
32 county counselor as a result of the preparation of a ballot language
33 statement under this section. The preparation of a ballot language
34 statement shall not form any basis for an election contest or result in the
35 waiver of any immunity by the state or any of its subdivisions.

36 Sec. 2. This act shall take effect and be in force from and after its
37 publication in the ~~Kansas register~~ {statute book}.