

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

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Session of 2013

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

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

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

1 (b) (1) Within 15 days of a request by a county election officer to
2 prepare a ballot language statement pursuant to subsection (a)(1), the
3 office of the county attorney, district attorney or county counselor, as
4 applicable, shall prepare and forward such ballot language statement to the
5 office of secretary of state for approval by the secretary of state or the
6 secretary of state's designee that such ballot language statement complies
7 with the requirements of subsection (a)(3). Within five days following the
8 receipt of the ballot language statement, the office of secretary of state
9 shall furnish the county election officer with the ballot language statement
10 as approved by the office of secretary of state as in compliance with the
11 requirements of subsection (a)(3).

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

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

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

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

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

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

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