



TO: House Committee on Elections  
FROM: Michael Koss, Legal Counsel  
Date: March 11, 2015  
RE: Opposition Testimony – Sub SB 171 & Proposal for Even-Year City Elections

Thank you for allowing the League of Kansas Municipalities to submit testimony on Sub SB 171. The League opposes this bill because of the burdens it places on municipal operations, and we oppose the proposal to consolidate elections because it would diminish the ability of citizens to focus on local issues.

### **Restricts Bond and Special Question Elections (Sub SB 171)**

Sub SB 171's requirement that bond and sales tax question elections be held only during August or November elections would hurt taxpayers and significantly impede the flexibility and timing of city projects. Cities often issue general obligation bonds to meet an express and immediate need. If a storm drainage line ruptures under Main Street, or some other catastrophic event occurs, infrastructure may need to be repaired and replaced immediately. Cities also try to issue bonds when the interest rates are low to decrease bond repayments. This provision would make citizens wait to fund emergency repairs, and forcing taxpayers to pay more for needed projects.

In addition, this provision disrupts the free market. By forcing all bonds to hit the market at the same time, and starving the market at other times of the year, you will lower rates when bonds are inaccessible and raise rates when demand is highest. This will artificially inflate the interest rate at the only time cities can issue the bonds.

### **Requires Elections to Fill Vacancies (Sub SB 171)**

Sub SB 171 would require cities and consolidated city-county governments to have a special election to fill a vacancy on the governing body if the municipality does not have its own procedure for filling a vacancy and has not filled any such vacancy within 60 days. This is an unnecessarily expensive way to address an extremely rare situation. In addition, this conflicts with the other requirement in the bill that special elections be held only in August or November.

### **Transitional, Procedural and Constitutional Questions (Sub SB 171)**

Sub SB 171 would force all 3,812 elected city officials to serve longer terms than for which they were elected. Such a move encroaches upon the democratic decisions made by Kansas communities. Moreover, amending all of the ordinances currently in place to adapt to a new election cycle will result in substantial publication costs for cities. Finally, Article 15, Section 2 of the Kansas Constitution states, "the legislature shall not create any office the tenure of which shall be longer than four years...." This bill appears to violate that section.

### **Competition with Other Elections Diminishes Focus on Local Issues (Even-Year Proposal)**

Combining elections creates an environment that makes it harder to focus on individual races, which is why the vast majority of American cities hold off-cycle elections. Right now, because local elections are the only elections happening in the spring, local newspapers and other media outlets are covering the issues that are important in

local communities. Although we appreciate the gesture of placing local races on the top of the ballot, research shows that **voters are less likely to learn the bare minimum about an office when ‘more important’ offices appear on the same ballot, regardless of where those lower level races are placed.**<sup>i</sup> Combining elections would actually increase the incumbency rate of local candidates because the large number of races on the ballot causes voters to pick the names they recognize.<sup>ii</sup>

Additionally, time-strapped county officials will be less able to inform local candidates about filing deadlines, campaign finance laws, statements of substantial interest, and other information. Finally, combining elections would make it more difficult for local candidates to raise money, schedule forums and debates, and find room in cluttered yards for their campaign signs.

### **Increase Ballot Length (Even-Year Proposal)**

If elections were combined, county election offices would likely have to distribute two-page ballots to each voter. Many county election officers have said this is unmanageable and will increase the likelihood of error, ballot fatigue, and under-voting. The Secretary of State has said the administrative challenges of combining city, school, state and federal elections onto one ballot would require several additional reforms.

### **Little to No Cost-savings (Both Proposals)**

The Secretary of State, the Kansas Association of Counties, and several county clerks and election commissioners have stated that combining elections will likely save little to no money. Expenses will simply shift from one election period to another, and increased ballot complexity will require longer ballots, and potentially additional poll workers and polling places. Sub SB 171 would also not save money because it simply shifts the date of the odd-year elections.

### **Better Options to Increase Voter Turnout (Both Proposals)**

There are a number of alternative policies the legislature could implement to increase turnout in city elections without distorting election results and creating overly-complex ballots. For example, all-mail ballot elections for local races would substantially increase voter turnout, benefit taxpayers by decreasing the cost of election administration, and eliminate the effect of bad weather on Election Day turnout. Although some have expressed concern about a potential increase of voter fraud if mail-ballot elections were used, there is no data to support such a fear. In fact, Kansas already uses mail-ballot elections for bond, special question, rural water district officer, and LOB elections. In addition, over ¼ of Kansas voters used advanced ballots in last November’s general election. Investigating mail-ballot elections and other alternatives like voting centers, same-day registration, and Saturday Election Day’s is preferable to enacting flawed legislation.

For all these reasons, the League of Kansas Municipalities asks on behalf of its members that this committee not report Sub SB 171 or the consolidated election proposal favorably for passage.

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<sup>i</sup> Andersen, D. (2011, May). Pushing the Limits of Democracy: Concurrent Elections and Cognitive Limitations of Voters. Rutgers. Retrieved from <https://rucore.libraries.rutgers.edu/rutgers-lib/33379/pdf/1/>.

<sup>ii</sup> Trounstein, Jessica. “Information, Turnout, and Incumbency in Local Elections.” Princeton University. FN 30. <http://www.princeton.edu/csdp/events/Trounstein020509/Trounstein020509.pdf>; *also see* Hajnal, Z. L., Lewis, P. G., & Louch, H. (2002). Municipal Elections in California: Turnout, Timing, and Competition. Public Policy Institute of California, 36 n. 4; *also see* Anderson, D. (2011). Concurrent Elections and Voter Attention: How voters search for political information in crowded campaign environments. Rutgers, The State University of New Jersey. Retrieved from [http://www.eagleton.rutgers.edu/research/documents/Andersen\\_ConcurrentElections2011.pdf](http://www.eagleton.rutgers.edu/research/documents/Andersen_ConcurrentElections2011.pdf).