

To: Senate Federal and State Affairs Committee

From: John Goodyear, General Counsel

Date: February 14, 2023

RE: Testimony in Opposition to SB 210

I want to thank Chairman Thompson and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to SB 210.

The League is opposed to this measure as it would have the effect of limiting the candidate pool for city elections and could prohibit good, qualified candidates from seeking and holding public office. The Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active-duty military from participating in partisan election activity. For the purposes of these laws, an election is partisan unless **none** of the candidates nominated or elected has a political party listed. In the case of a federal employee or service member, a candidate could use SB 210 to eliminate their competition simply by listing their own political party.

The primary functions of cities are to provide services and to act in ways that protect and preserve public health, safety, and welfare. Few decisions that governing bodies make have partisan underpinnings. The oft-repeated adage is that "potholes are neither Democrat nor Republican. They're just potholes that need to be fixed."

As a final point, cities can pass ordinances to establish partisan elections under K.S.A. 25-2113. The vast majority have chosen to have nonpartisan elections. SB 210 would supplant this local decision, allowing one candidate to make an election partisan and invalidating local ordinances that have established the election policy of cities across the state.

The League is opposed to SB 210 and would ask that the Committee not recommend this bill favorably to the full Senate.