



STATE OF KANSAS

Testimony on SB65 (Oral Support)

House Committee on Elections

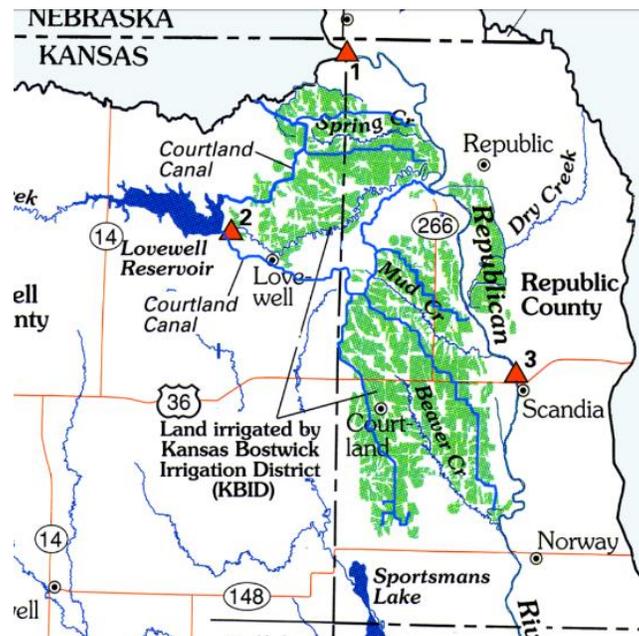
Thursday, February 26, 2026

Chairman Proctor and members of the Committee:

The Secretary of State supports SB 65, which modifies election procedures for irrigation districts with more than 35,000 irrigated acres. SB 65 passed the Senate on final action by a vote of 40–0.

The provisions of K.S.A. 42-701 *et seq.* govern irrigation districts in Kansas. Six major irrigation districts have contracts with the United States Bureau of Reclamation to deliver water from major reservoirs: Almena, Kirwin, Webster, Kansas Bostwick, Glen Elder, and Lower Smoky Hill.

The Kansas Bostwick Irrigation District No. 2 (KBID), located in north-central Kansas and operating as part of the Republican River Compact with Nebraska, is the **only** irrigation district in Kansas serving more than 35,000 irrigated acres. KBID delivers water to approximately 42,500 acres in Republic and Jewell counties.



SB 65 was introduced at the request of KBID's management after concerns arose that the current statute governing board elections—K.S.A. 42-706—may contain an unworkable election process. These concerns trace back to 2015, when the Legislature moved most local elections to August and November to standardize local election procedures. As a result, K.S.A. 42-706 was left with several possibly inconsistent provisions regarding the election of KBID's three-member board of directors.

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Secretary of State



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Since 2009, KBID elections have been conducted by mail ballot each March, with ballots sent to qualified electors—owners of irrigable land within the district—pursuant to a detailed written election plan adopted by the KBID board. It is now unclear whether this long-standing mail ballot process remains fully consistent with the current language of K.S.A. 42-706.

All other irrigation districts in Kansas provide irrigation water to fewer than 35,000 acres and may elect their directors at an annual meeting under K.S.A. 42-706(f). Because KBID exceeds the 35,000-acre threshold, it has always been subject to a more formal election process.

The proposed amendment to K.S.A. 42-706 in SB 65 will allow KBID to continue using its established mail ballot election process—all mail ballot to the qualified owners of irrigated land on the March special election day—while not affecting any other irrigation district in Kansas.

Finally, an unanticipated issue is that SB 65 references and makes a minor amendment to the All-Mail Ballot Act (K.S.A. 25-431 et seq.), which may be repealed by HB 2503. This is not fatal to SB 65, as the bill can operate as a stand-alone statute and does not depend on the continued existence of the All-Mail Ballot Act.

Sincerely,

Clayton Barker

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