



STATE OF KANSAS

February 10, 2025

Testimony on SB65 (Oral Neutral)

Senate Committee on Federal and State Affairs

Submitted: Friday, February 7, 2025

Chairman Thompson and members of the Committee:

SB65 has no effect on the operations of the Secretary of State, which provides this testimony solely to assist the committee in considering the bill. The Secretary cannot be supportive of the bill in its current format, due to the conflicts in law that could lead to potential election disputes.

Background:

Under current law, for election purposes, Irrigation Districts are considered “municipalities” whose elections are conducted just like cities and school districts. KSA 25-21a01(g). The Board of Directors of Irrigation Districts are, therefore, elected using standard election procedures combining polling places and advance ballots by mail, with some additional unique features:

- For Irrigation Districts “qualified electors” are “qualified owners of irrigable lands” within the irrigation district. KSA 42-701, 706. As a result, the voter rolls for irrigation districts are distinct from the regular voter rolls and are notoriously difficult to maintain accurately.
- Additionally, the mail ballot envelopes must contain special additional provisions for the voter to certify land ownership.

Comment on the Bill:

SB65 would allow an irrigation district the option of electing their board of directors using all-mail ballot elections. This change would create several implications for the election system:

- Currently, the mail ballot act (KSA 25-431 to -440) forbids any person to be elected using an all-mail ballot election. This bill would create an immediate conflict of law.
- Currently, the mail ballot act prohibits an all-mail ballot election from occurring on the same day as a polling place election because of the inherent voter confusion. This proposal violates that principle and creates another conflict of law.
- The board of directors of the irrigation district would be required to send and receive ballots. Those irrigation boards are not professional election personal and are not trained or equipped to process and secure all mail elections.

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- If this is adopted, other districts such as drainage districts, watershed districts, etc. will likely also want to use all-mail ballot elections. This will cause voter confusion with different types of districts voting different ways on the same day, depending on the type of district.
- As election administrators we expect this bill in its current form would result in an increase in election errors and increased voter confusion.

Respectfully,

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