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STATE OF KANSAS

House Committee on Elections

Testimony on House Bill 2130

Secretary of State Kris W. Kobach

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2130. House Bill 2130 would amend Kansas statutes relating to petition circulator requirements. As currently written, the statutes state that petition circulators must be "a resident of the state of Kansas" and have the "qualifications of an elector in Kansas." This language prohibits non-residents from circulating petitions within the state of Kansas.

In 2010, the Constitution Party filed suit against the State of Kansas, alleging that the non-resident restriction for petition circulators was unconstitutional. Attorney General Six and Secretary of State Biggs agreed with this assessment, filing a joint memorandum with the Plaintiffs in support of a stipulated order permanently enjoining the enforcement of the non-resident restriction in K.S.A. § 25-302a. This order permanently enjoined the State of Kansas from prohibiting non-residents from circulating petitions within the state based upon their state of residence under that statute. Furthermore, the District Court held that this residency requirement was in violation of the First Amendment of the United States Constitution. Specifically, the District Court cited a 10th Circuit Opinion as the basis for its finding. The case is *Yes on Term Limits, Inc. v. Savage*, 550 F.3d 1023 (10th Cir. 2008). House Bill 2130 would remove the offending language from the statute.

The Office of the Kansas Attorney General supports this bill.

I urge the committee to recommend House Bill 2130 favorably for passage in order that Kansas statutes comply with the First Amendment of the United States Constitution.

Thank you for your consideration.