



To: Senate Ethics, Elections & Local Government Committee
From: Kim Winn, Deputy Director
Date: February 21, 2013
Re: Opposition to SB 211

Thank you for the opportunity to appear today in opposition to SB 211. This legislation would alter elections for all 626 incorporated cities in Kansas. Our membership has expressed strong opposition to the changes proposed in this bill and we offer the following key concerns.

Mandated Partisanship. City elections in Kansas are non-partisan, and with very few exceptions, always have been. SB 211 would mandate partisan elections for all cities. More than any other aspect of this proposed legislation, city officials have expressed concern about this portion of the bill. Unlike the overarching philosophies that permeate national and state elections, local elections turn on issues that are truly local in nature. In one community, the key issue in a city election might be the need to repair streets and fix potholes. In the next community over, the key issue might be nuisance abatement or picking up stray dogs.

Each city has a unique character and unique issues that come to the forefront in local elections. These issues do not fit into the ideology of the existing political parties. There is no Republican or Democratic way to fix a pothole. Cities are serving citizens at the most practical level and we oppose the State mandating partisanship on cities.

Fall Elections. SB 211 would move all local elections to fall of even-numbered years. This would mean that city elections would be held at the same time as gubernatorial or presidential elections, along with a variety of state officials, judicial retentions, county elections, etc. The ballot fatigue alone is reason enough not to make this change. However, even more concerning is the fact that local issues will most certainly be lost in the myriad of state and federal issues that surround the fall 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. While greater numbers might vote in fall elections in even-numbered years, there is a high likelihood that they would be less well-informed about local issues.

Some have suggested moving the local elections to the fall, but in odd-numbered years, offering that maybe individuals would be more likely to remember to vote in the fall. But, this proposal would simply change one free-standing election to another free-standing election. And, it is pure conjecture to suggest that individuals would automatically know that election day is coming up just because it is fall. Voters realize that it is time to cast their ballots because they begin to see yard signs, candidates go door-to-door, candidate fliers are mailed, newspapers cover the key issues, etc.

Procedural Concerns. This bill would impact the elections for all 3,812 elected city officials in Kansas and the drafting of the bill raises some serious procedural concerns. First, there are internal inconsistencies in the bill including whether terms of office will be staggered and whether the terms will be two or four years. New section 1 seems to suggest everyone will be reelected in 2014 and there will be no stagger. New section 2 seems to leave the terms of office up to the governing body to establish by ordinance. Further, section 36 seems to mandate both a stagger and a four-year term.

Adding city, school, and other jurisdictional boundaries to already confusing voting precincts would only increase the opportunity for voters to go to the wrong polling place. Further, it would increase the likelihood of ballot errors with voters receiving the wrong ballots (as we saw in the most recent election). Adding local elections to the already confusing and difficult to administer election process would add an undue burden on county election officials and polling staff.

New section 1 seems to suggest that persons who are currently holding office and those who may be elected in April would be removed from office by this legislation. This portion of the bill presumes that all 3,812 city elected positions would be up for election in the fall of 2014 (including those who are being elected in the spring of this year, some of whom may have terms that run through 2017).

Voter Turnout. Lack of voter turnout is often cited as the reason for this legislation. Voter turnout has been declining in presidential elections since 1960. And, while it is important that individuals exercise their constitutionally guaranteed right to vote, voter turnout is not the only indicator of the civic health of a community. Some individuals may be relatively content and may choose not to vote. Others may only be interested in the larger constitutional issues raised at the state and federal level.

I would posit that if voter turnout numbers are the primary reason for this change, there are better ways to engage the citizenry than to alter the election date. Perhaps we should be working together to find ways to enhance civic education so that our students, and all Kansans, understand the value of government at all levels and the importance of their participation. Through such a dialogue, we certainly could find solutions which would affect the overall participation of our citizens in government generally.

I would be happy to stand for questions at the appropriate time.