

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2130

As Amended by Senate Committee on Ethics
and Elections

Brief*

HB 2130 would remove the requirement that a petition circulator be a resident of the State of Kansas and possess the qualifications of an elector.

The bill would create a definition of “petition circulator” as a person who is a U.S. citizen, is at least 18 years of age, and has not been convicted of a felony or, if convicted of a felony, has been pardoned or restored to that person’s civil rights. In addition, all petition circulators would be required to submit to the jurisdiction of the state for purposes of subpoena enforcement regarding the integrity and reliability of the petition process.

The bill would be in effect upon publication in the *Kansas Register*.

Background

Secretary of State Kobach testified in support of the bill at its hearing before the House Committee on Elections. He stated the statute, as currently written, which prohibits non-residents from circulating petitions within Kansas, was challenged as unconstitutional in 2010. Attorney General Six and Secretary of State Biggs agreed with the challenger, and joined in an order permanently enjoining enforcement of the non-resident restriction. The District Court subsequently held that the statute, as currently written, is in violation of the First

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Amendment of the U.S. Constitution. No other conferees testified on the bill. The Committee recommended the bill be placed on the Consent Calendar.

Before the Senate Committee on Ethics and Elections, a representative of the Office of the Secretary of State testified in support of the bill and stated the Office of the Attorney General supports it. No other conferees testified.

The Senate Committee amended the bill to allow a person who was pardoned of a felony or whose civil rights had been restored after conviction for a felony to meet the definition of "petition circulator."

The fiscal note submitted by the Division of the Budget on the original bill indicated the Office of the Secretary of State said any fiscal effect resulting from the passage of the bill would be negligible.