

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2210

As Amended by House Committee on Elections

Brief*

HB 2210 would prohibit a person from changing his or her party affiliation from the time of the candidate filing deadline (June 1) through the time when primary election results are certified by the Secretary of State (on or before September 1). KSA 25-3304 currently allows persons to change or establish a party affiliation up to 14 days prior to the date of a primary election for national, state, county, or township offices.

The bill, as amended, also would delete a current statutory provision that prohibits a voter from receiving a ballot of any political party other than the party with which the voter is affiliated. Similar statutes have been declared unconstitutional by federal courts, which ruled that only political parties can determine whether to close a primary election.

Background

The bill was introduced by the House Committee on Elections. Representative Esau testified in support of the bill, citing its benefits in protecting the integrity of each party from undue influence of other parties, reducing the workload of election offices during the busiest time of the election cycle, and contributing to accurate analysis of election results. The Executive Director of the Kansas Republican Party and a representative of the Secretary of State's Office also testified in support of the bill.

*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>

Representatives of the Kansas National Education Association and the Mainstream Coalition testified in opposition to the bill, stating it disenfranchises some voters because in many places in Kansas the only choice in an election is in the Republican primary. The Mainstream representative stated any restriction on the ability to choose party affiliation is a restriction on the ability to choose leadership.

A representative of the Johnson County Election Office provided neutral testimony on the bill.

The House Committee on Elections amended the bill to strike existing language in KSA 25-3304 that allows an unaffiliated person to declare a party affiliation up to 14 days prior to the date of a national, state, county or township primary election. Unaffiliated persons are separately addressed in KSA 25-3301, which allows them to declare affiliation when applying for an advance ballot for a primary election or at the precinct polling place. In addition, the Committee made a technical amendment, and struck language deemed unlawful by the courts.

According to the Division of the Budget's fiscal note, the Office of the Secretary of State indicates the bill would have no fiscal effect on the state, but would reduce expenditures in county election offices by an amount it is unable to estimate.