



THE KANSAS REPUBLICAN PARTY

March 2015

TESTIMONY IN GENERAL SUPPORT OF Sub SB 171

PROBLEMS WITH THE CURRENT SPRING ELECTION SYSTEM

1. Kansas has astoundingly low voter turnout in local spring elections:

2015 Primary:

- Johnson County: 5.9% turnout
- Sedgwick County: 9.7% turnout

General Elections: Johnson County:

YEAR	ELIGIBLE	VOTED	% Voted
GENERAL ELECTION SPRING			
2000	77,046	6,944	9.00%
*2001	316,138	42,068	13.3%
2002	83,030	6,716	8.1%
*2003	306,897	35,634	11.6%
2004	181,506	32,171	17.7%
*2005 (Const Amendment)	332,843	98,799	29.7%
2006	85,332	10,039	11.8%
*2007	345,615	40,853	11.8%
2008	85,996	8,744	10.2%
*2009	350,792	32,890	9.38%
2010	89,234	7,719	8.65%
*2011	355,682	34,714	9.76%
2012	89,598	9,870	11.02%
*2013	370,254	29,553	7.98%
2014	50,001	4,808	9.61%
Compare: GENERAL ELECTION FALL			
2000 (Pres)	312,788	218,486	69.85%
2002	333,710	167,431	50.2%

2004 (Pres)	348,552	259,599	75.0%
2006	342,688	187,379	54.68%
2008 (Pres)	364,441	285,001	78.32%
2010	365,917	184,834	50.51%
2012 (Pres)	383,491	275,674	71.89%
2014	380,907	194,052	50.96%

*main spring election, some localities opted for Spring elections in even years

2. **The Local Election System is Voter Suppression**

The current Kansas local election system constitutes constructive voter suppression. The design of any election system that routinely results in voter turnout as low as in Kansas is suppressing the vote. It must be changed.

3. **No Election System will ever Reform Itself**

- a) The legislature cannot expect local officials elected using the current system to change it.
- b) This is the system that put them in power, why would they want to change it?

4. **Fewer contested elections than in fall general elections**

- a. Partial reason for low turnout
- b. Many single-candidate races
- c. **Result:** Low turnout and no choice in many races

5. **Voters have minimal information on candidates**

- a. Few candidate websites, mailings, or walking. Candidates lack funds.
- b. Candidates have no foundational infrastructure to publicize their campaigns

6. **Third Party campaign efforts can easily overshadow the candidates**

- a. ‘The local candidates are bit players in their own campaigns, they might as well stay home, we control their message.’ – paraphrase of a Colorado political operative
- b. With modern data-driven voter ID, it is simple for a well-funded organization to determine those voters aligned with the group’s goals and herd them to the ballot box and, given the low turnout, few votes are needed to win. This can be minimized with higher turnout.
- c. The argument that the current tiny turnout emphasizes “deliberate” or “intentional” voters is, frankly, bizarre and elitist. The legislature must, therefore, by implication, be elected by accidental and uninformed voters. Our system should seek to maximize the turnout of all registered voters, and not pass judgment on their competence to select their representatives.

7. **Difficult to recruit candidates and to campaign for a spring campaign.**

- a. Holidays and the even-year general election process conflict with the normal candidate recruitment time frame- there is little lead time to find new candidates outside incumbents and their selected successors.

- b. The Spring election has not changed in 150 years, but we have added a lengthy series of preliminary steps – primaries, filing deadlines, etc: Candidates now must file 10 weeks before election- in late January.
- c. Once the general election is over in November, provisional ballots counts, any legal action, Thanksgiving, Christmas, and New Years follow in rapid succession then suddenly candidates must be filed. There is little time to do this intelligently. The system works to protect incumbents.
- d. Winter can interfere with the candidate's ability to walk doors, granted so can August heat, but snow storms can also interfere with elections.

8. Local government is inherently politicized and partisan.

- a. It is not relegated to the proverbial filling of potholes. Local government often control large budgets and have corresponding taxing authority
- b. Local districts often complain that local issues are too important to be “politicized.” If these issues are so important, shouldn't more than a handful of people be voting on them?
- c. The fear of “partisanship” is over blown. Councils and Boards will not break into republican and democratic caucuses or elect majority and minority leaders.
- d. Statewide, school boards have incurred around \$4.4 billion in debt and \$1.8 Billion in reserve
- e. Larger city budgets are in the \$100s of Millions
- f. Community College budgets can exceed \$100 Million

9. The Political parties are Already heavily Involved in Local Elections

- a) Both the republican and democrat parties already heavily involve themselves in local races with e-mail, direct mail, voter ID, training, funding and turnout efforts.
- b) Democrats at last week' convention said their party needs to concentrate more on “winning local offices, so that Democrats build up credibility with voters in even GOP-leaning areas.”

GOALS

1. Increase voter turnout-

- a. Creates a government more representative of the community
- b. Involves the community in its own government
- c. Creates legitimacy

2. Improve the System for informing voters of candidates & positions

- a. Minimize the voter effort required to learn about candidates
- b. Allow voters to better vet candidates

RECOMMENDATIONS

1. Move the Spring Elections to the Fall of Even Numbered Years

- Allows the large number of voters to also weigh-in on local issues.
- Creates a superior time frame for recruiting candidates – in order to increase the number of candidates running
- Most voters think of elections as something that occurs in the fall- so fall elections will, on that fact alone, increase turnout

2. Make the Elections Partisan

- Aligning with a political party creates a foundation of resources to allow the candidate's message to be better disseminated to the voters.
- Diminishes the power of third party groups to influence campaigns
- Political parties educate voters on candidates and issues. Allows candidates to be available for question & answer sessions and to present themselves to voters.
- Political parties specialize in voter turnout.
- **Concerning the Hatch Act-** Kansas local elections are already partisan. The Federal Government puts substance over form: State and local laws create only a rebuttable presumption that an election is nonpartisan. *See Special Counsel v. Yoho*, 15 M.S.P.R. 409, 413 (1983), overruled on other grounds, *Special Counsel v. Purnell*, 37 M.S.P.R. 184 (1988). Evidence showing that partisan politics actually enter the campaigns of the candidates can rebut this presumption. *See McEntee v. Merit Sys. Prot. Bd.*, 404 F.3d 1320 (Fed. Cir. 2005); *In re Broering*, 1 P.A.R. 778, 779 (1955). For example, if a candidate solicits or advertises the endorsement of a partisan political party or uses a political party's resources to further his or her campaign, these actions indicate that the election is a partisan one. While each case is fact specific, the Board has consistently held that it is less about the title used, and more about the actions of the candidate. *See Special Counsel v. Campbell*, 58 M.S.P.R. 170 (1993), *aff'd*, 27 F.3d 1560 (Fed. Cir. 1994); *McEntee v. Merit Sys. Prot. Bd.*, 404 F.3d 1320 (Fed. Cir. 2005).
- Partisan designations by candidates give clear signals to voters on the candidate's general political philosophy and view on issues.

Comment:

We believe in the goal of making the elections process more fair and inclusive. Many Kansans lead very busy lives so doing what we can to make it easier to vote in their local elections is a good result.



Kelly Arnold, Chair, Kansas Republican Party