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STATE OF KANSAS
House Committee on Elections
Testimony on Senate Bill 171

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February 11, 2015

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill 171. This bill deals with elections held in municipalities and special districts. The Secretary of State wishes to reiterate his position on municipal election bills that have been considered in recent years. He has offered his conditional support for such measures as a way of improving voter turnout. But his support has been conditioned upon the inclusion of several provisions related to reducing the complexity and expense of ballot production at the county level: (1) converting municipal elections from nonpartisan to partisan, (2) increasing the number of at-large elections, and (3) reducing the effects of ballot rotation.

We have attached Secretary Kobach's 2013 testimony on House Bill 2271, which was one of several similar bills under consideration at the time that contained many of the same provisions of Senate Bill 171.

The major provisions of Senate Bill 171 are as follows:

1. It would move municipal elections from the spring of odd years to the fall of even years to coincide with regular elections for national, state, county and township elections. Municipal elections include cities, unified school districts, and consolidated city/county governments.
2. It would convert municipal elections from nonpartisan to partisan.
3. It would move elections of special districts from the spring of odd years to the fall of odd years. Special districts include community college boards of trustees, boards of public utilities, drainage districts, irrigation districts, library districts, water districts, hospital districts and extension council boards of directors. Elections for special districts would remain nonpartisan.
4. It would require unified school districts to provide facilities for polling places if needed by the county election officer.
5. It would require the Secretary of State's office to conduct a statewide voter education program to inform the public of the changes brought about by this bill.

6. It would replace the current system of rotation of candidates' names on the ballots to a system where a random alphabetical order is established each year for the arrangement of candidates' names according to the first letters of their surnames.

7. It would raise the candidate filing fee for municipal and special district elections from \$5 to \$20 and grant authority to the governing bodies in such districts to set a higher fee.

8. It would increase from 1 to 2 the number of teenage (under 18 years) persons who could serve as poll workers at a given polling place and require such persons to first obtain a letter of recommendation from a school teacher, counselor or administrator.

9. It would increase the length of the elected term of political party precinct committee persons from 2 years to 4 years.

We wish to point out several policy questions arising from our review of Senate Bill 171:

1. The rules for conducting primary elections in municipal elections need to be clarified. Current law states that a primary is held only if more than three candidates file for a position in cities and school districts. If these elections are converted to partisan elections, will the three-candidate rule apply in each party?

2. It is unclear whether candidates for municipal offices have the option of filing by petition instead of by fee.

3. In the past, the Secretary of State had recommended a ballot rotation scheme that would keep the status quo for federal and statewide offices while applying the random alphabetical rule to other offices. Senate Bill 171 applies the random alphabetical rule to all offices. Secretary Kobach reiterates his preference for his hybrid rotation proposal.

Thank you for your consideration.

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STATE OF KANSAS
House Committee on Elections

Testimony on House Bill 2271

Secretary of State Kris W. Kobach

February 20, 2013

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2271. This bill deals with local and municipal elections currently held in the spring of odd-numbered years. The bill would:

- change local elections from nonpartisan to partisan
- move these elections from the spring of odd-numbered years to the fall of even-numbered years to coincide with national, state and county elections
- provide for a simpler ballot rotation scheme for most jurisdictions
- make all elections for local school boards and community college boards of trustees at-large

This bill affects the following jurisdictions: extension districts, cities, boards of public utilities, water districts, drainage districts, irrigation districts, unified school districts, and community colleges.

From a public policy perspective, we support legislation that will increase turnout. This bill will undoubtedly increase turnout in local elections. From an election administration standpoint, we insist on an election process that can be successfully administered by our county election officers. We must reduce complexity, minimize costs, avoid voter confusion, take steps to prevent long lines at polling places, and minimize the possibility of ballot distribution errors by poll workers. Three components of House Bill 2271 are designed to do that—(1) making all elections partisan, (2) simplifying ballot rotation, and (3) requiring certain elections to be conducted at large rather than by member districts.

We have distributed a handout that gives an idea of the complexity that may result in one county if appropriate steps are not taken. A series of overlays indicates the divisions Butler County would see if local elections are simply added to the ballot that currently exists for even-year elections. Because most local jurisdictions do not follow precinct lines, many additional ballot variations are created, which leads to ballot printing and machine programming costs that are paid by the counties. This complexity can lead to voter confusion, longer lines at polling places, and errors in ballot distribution.

That is why my support for 2271 is conditional. We should combine all elections in the fall of even numbered years if and only if the three steps enumerated above are also taken to reduce the number of ballot variations in any given county.

We have listed below some sections of the bill that we believe should be amended. We urge the committee to amend House Bill 2271 as proposed and to report the bill, as amended, favorably for passage.

Thank you for your consideration of these issues.

Proposed Amendments to House Bill 2271

- a. Section 17, Page 16, line 33—Insert “of November” after “Monday”
- b. Section 28, Page 27, Line 23—Delete “following the first Monday in”
- c. Section 31, Page 28, Lines 19-22—Delete Section 31 of the bill because it creates a different ballot rotation scheme for school districts than is specified for other jurisdictions.
- d. Section 33, Page 29, Line 8—Delete “25-209” and insert “25-25-105”
- e. Section 35, Page 31, Lines 11-19—Restore the language beginning with “if there are more than” on line 11 through “in the general election” on line 19. This will keep in place the current rule for determining when a primary is need in local school districts, and it will maintain consistency between school districts, cities and community colleges.
- f. Section 46, Page 36, Lines 29-33—Delete Section 46 of the bill because it creates a different ballot rotation scheme for cities than is specified for other jurisdictions.
- g. Section 59, Page 48, Lines 3-11— Restore the language beginning with “if there are more than” on line 11 through “in the general election” on line 19. This will keep in place the current rule for determining when a primary is need in local school districts, and it will maintain consistency between school districts, cities and community colleges.
- h. Section 60, Page 48, Lines 31-36—Delete Section 60 of the bill because it creates a different ballot rotation scheme for community colleges than is specified for other jurisdictions.