



TO: Senate Committee on Ethics and Elections
FROM: Michael Koss, Legal Counsel
Date: February 11, 2015
RE: Opposition Testimony – SB 171

Thank you for allowing the League of Kansas Municipalities to submit testimony on Senate Bill 171. The League opposes this bill because it would diminish the ability of citizens to focus on local issues and take away local control of city elections.

Competition with Other Elections Diminishes Focus on Local Issues

Creating an election environment that makes it harder to focus on individual races is not good public policy, and that is why the vast majority of American cities hold off-cycle 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. Research indicates that decreasing attention on local races affects results. Combining elections actually increases the incumbency rate of local candidates because the large number of races on the ballot causes voters to pick the names they recognize.ⁱ

Additionally, time-strapped county officials will be less able to inform local candidates about filing deadlines, campaign finance laws, statements of substantial interest, and other information. Finally, combining elections would make it more difficult for local candidates to raise money, schedule forums and debates, and find room in cluttered yards for their campaign signs.

Partisan Elections Limit Candidates, Create Divisiveness

The federal Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active duty military from participating in partisan elections. Due to these restrictions, making local elections partisan would narrow the potential field of candidates for municipal offices. The League has identified a number of dedicated public servants who would be adversely affected by such a change. When all levels of government frequently struggle to find citizens willing to serve, why would we further reduce the pool of potential candidates?

There are several other problems with making city elections partisan. Most Kansans do not want to see party politics inserted into our local governments. Kansas municipalities reflect their residents' will, and creating additional divisions amongst governing bodies will not serve the interest of our communities.

Finally, primary voters who are non-affiliated with the two major parties are required to receive separate ballots for partisan and non-partisan races. This causes confusion amongst voters and election workers. Such confusion would only increase with a move to partisan municipal elections.

Increase Ballot Length

If elections were combined, counties would likely have to distribute two ballots to each voter. This will increase the likelihood of error, ballot fatigue, and under-voting. The percentage of voters who vote on races decreases as you move down a ballot, and adding city and other races to the same ballot will only compound that problem. The administrative challenges of combining elections onto one ballot are so complex that the Secretary of State has

said that the only way to successfully implement combined elections is by making local races partisan and replacing wards with at-large districts.

Better Options to Increase Voter Turnout

There are a number of alternative policies the legislature could implement to increase turnout in city elections without distorting election results, prohibiting active duty military and federal employees from running, and creating overly-complex ballots. For example, all-mail ballot elections for local races would substantially increase voter turnout, benefit taxpayers by decreasing the cost of election administration, and eliminate the effect of bad weather on Election Day turnout. Investigating mail-ballot elections and other alternatives is preferable to enacting flawed legislation.

Little to No Cost-savings

The Secretary of State, the Kansas Association of Counties, and several county clerks and election commissioners have stated that combining elections will likely save little to no money. Expenses will simply shift from one election period to another, and increased ballot complexity will require longer ballots, and potentially additional poll workers and polling places.

Removes Statutes for Commission-Manager Form of Government

SB 171 appears to repeal the state statutes establishing the commission-manager form of government. These laws have been in place since 1917, and over thirty cities continue to utilize these statutes to govern the relationship between the commission and city staff. Repealing these laws will force dozens of cities to alter decades of ordinances to reauthorize their current form of government.

No Answer to Transitional and Procedural Questions

This bill does not address the transitional issues it will cause for Kansas's 626 cities. The proposed bill appears to force many elected city officials to serve shorter or longer terms than for which they were elected. Such a move encroaches upon the democratic decisions made by Kansas communities. Additionally, amending all of the ordinances currently in place to adapt to combined elections will result in substantial publication costs for cities.

For all these reasons, the League of Kansas Municipalities asks on behalf of its members that this committee not report SB 171 favorably for passage.

ⁱ Oliver, J. Eric and Shang E. Ha. 2007. "Vote Choice in Suburban Elections," *American Political Science Review*. 101 (3):393-408; *also see* Trounstein, Jessica. "Information, Turnout, and Incumbency in Local Elections." Princeton University. FN 30. <http://www.princeton.edu/csdp/events/Trounstein020509/Trounstein020509.pdf>.