

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2558

As Amended by Senate Committee on Ethics
and Elections

Brief*

HB 2558 addresses the following two aspects of election law:

- The bill would prohibit cities and counties from regulating or prohibiting certain actions related to door-to-door campaigning for elective office: canvassing, polling, soliciting, or otherwise approaching private residences for the purpose of distributing campaign literature or campaigning for a candidate; and
- The bill would permit hospital districts to hold elections in even-numbered years (in addition to odd-numbered years) for the purpose of staggering terms of office, as well as specifying that hospital board terms of office may be three years, in addition to the currently specified four years, also for the purpose of allowing for staggered terms.

Background

The original bill addressed only the issue of which door-to-door campaigning actions a city or county could not regulate. The Senate Committee on Ethics and Elections amended the bill to add authority for hospital board elections in even-numbered years to provide for staggered terms of

*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>

office or for three-year terms of office, and to allow three-year terms for hospital district board members.

The bill was introduced by the House Committee on Local Government. Proponents included Senator Smith, the Executive Director of the Kansas Republican Party, the Executive Director of the American Civil Liberties Union of Kansas, and three private citizens. The proponents' arguments centered around the right of free speech.

A representative of the League of Kansas Municipalities (LKM) testified in opposition to the bill during the House Committee hearing, saying the organization saw this prohibition as an infringement upon cities' state constitutional home rule right of local control. However, on the day action was taken on the bill, the Chairperson indicated an LKM representative subsequently stated the organization planned to change its position on the bill to neutral. No neutral testimony was presented at the House Committee hearing.

Proponents providing testimony before the Senate Committee on Ethics and Elections included Senator Smith, Representative Esau, and two private citizens. A representative of the LKM provided neutral testimony. A member of the Ellinwood District Hospital Board submitted testimony later, requesting a revision to the hospital district election statute. The hospital district board member indicated 2015 HB 2104, which moved many elections (including for hospital districts) from the spring to the fall, inadvertently caused an issue related to staggering the terms of hospital board members.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, no fiscal effect information was received from the LKM or the Kansas Association of Counties. The Division of the Budget estimates passage of the bill would have no fiscal effect.