

Date: February 20, 2017

To: Chairman Keith Esau and House Elections Committee

From: Cindy Green, Deputy Director

Re: Oppose HB 2310

Chairman Esau and Elections committee members, thank you for the opportunity for the League of Kansas Municipalities, on behalf of its member cities to provide testimony in opposition of HB 2310.

The League agrees that K.S.A. 25-2110a needs updated, but disagrees with how HB 2310 proposes to do so. By eliminating the current language and replacing it with the language in the bill, the statute becomes uniform. Because cities relied on the non-uniformity of K.S.A. 25-2110a to charter out of statutes that were part of the same enactment, such as the primary elections statute (K.S.A. 25-2108a) and the recently adopted vacancy-filling statute (K.S.A. 12-104a or L. 2015, Ch. 88, sec. 71 (2015)), those charter ordinances would become effectively repealed by making K.S.A. 25-2110a uniform. This presents a number of problems:

- Dozens of cities have used their Home Rule authority to charter out the state's primary election law, to reduce the allowable number of candidates for the general election to two, rather than three, or opt out of primary elections entirely. The League believes cities should maintain the ability to charter out of this flawed law and adopt more sensible primary election processes.
- Even more cities have chartered out of K.S.A. 12-104a, which is unworkable because it requires a special election to fill a governing body vacancy be held within 45 days of the passing of a resolution calling for the election. This statute conflicts with numerous other vacancy-filling laws.
- Many cities have included provisions to transition to November elections in their charter ordinances opting out of the statutes mentioned above. By repealing these charter ordinances, the legislature would potentially repeal the provisions cities have adopted to prepare for this transition, which is only months away.

The League has a proposed amendment that would maintain the non-uniformity of K.S.A. 25-2110a while still correcting the city candidate filing fee of \$20 and having all candidates file at the county. When the Committee works HB 2310, we ask that the amendment be included in the bill maintaining the non-uniformity of K.S.A. 25-2110a. With the inclusion of such amendment, the League will lift its objection and be in support of the bill.

36 Sec. 4. K.S.A. 2016 Supp. 25-2110a is hereby amended to read as
37 follows: 25-2110a. (a) ~~In cities of the first and second class, any person~~
38 ~~desiring to become a candidate for a city office elected from a district,~~
39 ~~shall file with the city clerk before the filing deadline a statement of such~~
40 ~~candidacy on a form furnished by the county election officer as specified~~
41 ~~by the secretary of state. The city clerk of any city upon receiving any~~
42 ~~filing under this section shall record the same and transmit it, together with~~
43 ~~the filing fee or petition herein provided, within three business days to the~~

1 ~~county election officer. In cities of the third class, any person desiring to~~
2 ~~become a candidate for a city office elected from a district, shall file with~~
3 ~~the county election officer of the county in which the city is located, or in~~
4 ~~the county in which the greater population of the city is located if the city~~
5 ~~extends into more than one county, or the city clerk, before the filing~~
6 ~~deadline, a statement of candidacy on a form furnished by the county~~
7 ~~election officer as specified by the secretary of state.~~

8 ~~—(b)— In cities having a population of less than 5,000, each such filing~~
9 ~~shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a~~
10 ~~petition signed by 25 qualified electors of the council district or by a~~
11 ~~number of such qualified electors of the district equal to not less than 10%~~
12 ~~of the ballots cast in the district at the last general city election, whichever~~
13 ~~is less.~~

14 ~~—(c)— In cities having a population of not less than 5,000 nor more than~~
15 ~~100,000, each such filing shall be accompanied by a filing fee of \$10 or, in~~
16 ~~lieu of such filing fee, by a petition signed by 50 qualified electors of the~~
17 ~~council district or by a number of such qualified electors of the district~~
18 ~~equal to not less than 1% of the ballots cast in the district at the last~~
19 ~~general city election, whichever is less.~~

20 ~~—(d)— In cities having a population of more than 100,000, each such~~
21 ~~filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing~~
22 ~~fee, by a petition signed by 100 qualified electors of the council district or~~
23 ~~by a number of qualified electors of the district equal to 1% of the ballots~~
24 ~~east in the district at the last general city election, whichever is less. Any~~
25 ~~person desiring to become a candidate for a city office elected from a~~
26 ~~district shall file with the county election office of the county in which the~~
27 ~~city is located, or of the county in which the greater population of the city~~
28 ~~is located if the city extends into more than one county, before the filing~~
29 ~~deadline, established in K.S.A. 25-205, and amendments thereto, a~~
30 ~~declaration of candidacy on a form furnished by the county election office~~
31 ~~as specified by the secretary of state.~~

32 ~~(b) The number of qualified electors of the city that must sign a~~
33 ~~nomination petition shall be established by the city governing body by~~
34 ~~passage of an ordinance.:~~

35 ~~(i) In cities having a population of less than 5,000, 25 qualified~~
36 ~~electors of the council district or by a number of such qualified electors of~~

37 the district equal to not less than 10% of the ballots cast in the district at
38 the last general city election, whichever is less.

39 (ii) In cities having a population of not less than 5,000 nor more
40 than 100,000, 50 qualified electors of the council district or by a number
41 of such qualified electors of the district equal to not less than 1% of the
42 ballots cast in the district at the last general city election, whichever is
43 less.

1 (iii) In cities having a population of more than 100,000, 100
2 qualified electors of the council district or by a number of such qualified
3 electors of the district equal to not less than 1% of the ballots cast in the
4 district at the last general city election, whichever is less.

5 (c) The filing fee for any candidate for city office elected from a
6 district is \$20.

7 ~~(e)~~(d) Within three days from the date of the filing of a nomination
8 petition or declaration of intention to become a candidate for a city office
elected from a district, the county election officer shall determine the
validity of such petition or declaration.

~~(f)~~(e) If a nomination petition or declaration is found to be invalid,
the county election officer shall notify the candidate on whose behalf the
petition or declaration was filed that ~~such~~ the nomination petition or
declaration has been found to be invalid and the reason for the finding.
~~Such~~ The candidate may make objection to the finding of invalidity by the
county election officer in accordance with K.S.A. 25-308, and
amendments thereto.

~~(g)~~(f) All city elections shall be conducted by the county election
officer of the county in which ~~such~~ the city is located, or of the county in
which the greater population of the city is located if the city extends into
more than one county.

