



TESTIMONY IN OPPOSITION TO HB 2310 – Concerning municipal election changes; bond law clarification; other changes

To: Honorable Chairman, Rep. Keith Esau
House Committee on Elections

From: City of Lenexa, Kansas
Mike Nolan, Assistant to the City Administrator

Date: February 20, 2017

Mr. Chairman and members of the Committee on Elections, thank you for allowing me to submit testimony on behalf of the City of Lenexa opposing HB 2310. We oppose this legislation because Section 4 would potentially repeal long-standing charter ordinances and municipal code sections that are essential to conducting our 2018 elections that will be held this fall.

Although Section 4 appears limited in scope, it impacts many local election laws across the state because it eliminates our ability to charter out of the provisions of Chapter 25, Article 21, which contains the majority of all state laws regarding local elections. Many cities, Lenexa included, have enacted charter ordinances regarding local elections. Specifically, Lenexa has chartered out of K.S.A. 25-2108a regarding primary elections. If HB 2310 were enacted, any municipal charter ordinance conflicting with any provisions Chapter 25, Article 21 is effectively repealed, including Lenexa's primary election process. The local election statutes have been non-uniform for decades, and Lenexa has exercised its Home Rule powers during that time to adopt local rules related to municipal elections.

This legislation would have a direct negative impact on the fast approaching 2018 local elections. Lenexa's next election is scheduled for November 2018. The deadline for filing for this election is June 1, 2017. Lenexa has already taken steps to prepare for the 2018 elections, including working with the Johnson County Elections Office to provide clear guidance to candidates on filing requirements. Lenexa made revisions to its election laws in January 2016 in response to HB 2104 (2015), which moved local elections to the fall. These changes were made well in advance of the upcoming election cycle. The proposed legislation would require additional amendments to the Lenexa's municipal code and possibly charter ordinances. HB 2310 would create uncertainty, and given the timetable of enactment and statutory filing deadlines, could result in candidates filing under different laws.



Lenexa urges the Committee to refrain from once again changing local election laws and allow cities to continue to regulate local elections. If the Committee believes immediate changes are necessary, the League of Kansas Municipalities has crafted an amendment to HB 2310 that addresses many of the concerns we have with the bill. The proposed amendment would not impact other local election laws and allows cities to retain local control over their elections. The proposed amendment would result in statutory clarity, the continued validity of Lenexa's existing election laws, and legal certainty heading into the newly-implemented fall cycle city elections.

For these reasons, the City of Lenexa asks the Committee either not pass HB 2310 out of committee or adopt the amendment drafted by the League of Kansas Municipalities. If there are any questions we can answer about this testimony or our local elections processes, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

CITY OF LENEXA

A handwritten signature in blue ink that reads "Mike Nolan".

Mike Nolan, Assistant to the City Administrator