



Date: February 20, 2017
To: House Committee on Elections
From: Kathy Sexton, Derby City Manager
Re: HB 2310 – Opponent

Kathy

Thank you Chairman Esau and Committee Members for the opportunity to submit testimony on HB 2310. The City of Derby opposes this bill because Section 4 appears to repeal long-standing charter ordinances essential to City operations.

When a non-uniform enactment is made uniform, city charter ordinances opting out of the enactment are effectively repealed. Because Derby has relied on the non-uniformity of K.S.A. 25-2110a to charter out of other statutes that were part of the same enactment, this legislation will potentially repeal our charter ordinance. City election statutes have been non-uniform for decades, and Derby has exercised its Home Rule powers to adopt local rules related to elections and other issues.

For example, the legislation would reverse Derby's decision to charter out of K.S.A. 12-104a. This law is unworkable because it requires cities to call a special election within 45 days if they haven't filled a vacancy within 60 days, and it conflicts with many other statutes speaking to this issue.

In addition, to adjust to the 2015 election law, the City adopted one new charter ordinance controlling our election process, term transitions, form of government rules, ward system, and other essential provisions for operating the City. If the non-uniform statute the City was relying upon to pass that charter ordinance is made uniform, that charter ordinance and the essential provision within it, will potentially be repealed. It is bad policy to throw into disarray such essential operational rules when those rules are required for an election that people are filing as candidates for right now (June 1 filing deadline).

If the Committee thinks more statutory clarity is necessary, the League of Kansas Municipalities has crafted an amendment to HB 2310 that accomplishes that and doesn't force cities to be subject to flawed policies. Like HB 2310, this amendment creates uniform rules for the filing fee and where candidates are to file, but it leaves non-uniform provisions for the nomination petition requirements. The result would be statutory clarity, continued validity of city charter ordinances, taxpayers avoiding the cost of recodifying new ordinances, and legal certainty heading into the inaugural November city elections.

For these reasons, I ask the Committee to either not pass HB 2310 out of committee or adopt the amendment drafted by the League. Thanks for listening.