



Date: February 20, 2017
To: House Committee on Elections
From: Chris Engel, City Administrator, Merriam, KS
Re: HB 2310 – Opponent

Thank you Chairman and Committee for allowing me to submit testimony on HB 2310. The City is currently opposed to this legislation because Section 4 would potentially repeal long-standing charter ordinances that are essential to the City's operations.

When a non-uniform enactment is made uniform, those charter ordinances opting out of the enactment are effectively repealed. The City is concerned that, because it 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 those charter ordinances. The city election statutes have been non-uniform for decades, and the City has exercised its Home Rule powers during that time to adopt local rules related to elections and other issues.

For example, the City of Merriam has chosen to create a primary election process where a maximum of two candidates advance to the general election, rather than three candidates as allowed by state statute. The City feels this is a much more logical primary election system than the one established by state statute. HB 2310 would potentially reverse the City's choice to opt out of the state's primary election process. The legislation would also reverse the City'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 conflicts with many other statutes speaking to this issue.

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. However, it also leaves non-uniform provisions for the nomination petition requirements. The result of this amended legislation would be statutory clarity, the 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 that Committee either not pass HB 2310 out of committee, or adopt the amendment drafted by the League of Kansas Municipalities. Thank you for your consideration.