

To: House Elections

From: Amanda L. Stanley, General Counsel

Date: March 12, 2019

RE: Support for SB 105

I want to thank Chairman Sutton and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in support of SB 105.

The legislative change from spring elections to fall elections, which occurred for the first time in 2017, created several issues for cities. One of the challenges has been a longer election and transition period.

Prior to the change in law, candidates filed for election in late January, the primary was in late February, the general election was in early April, and then the new governing body members were seated at the next regular meeting following the canvass, typically in late April or early May. Under the current statutes, June 1 is the filing deadline for candidates, the primary election is the first Tuesday in August, the general election is the first Tuesday in November following the first Monday, and elected officials take office on the second Monday of January. The new process has essentially doubled the length of time between candidates filing for office and taking office.

This change also presented a concern with the swearing-in of new officials. Typically, this happens at governing body meetings which are set by ordinance and cannot be moved without taking additional procedural steps. If a city does not have a regular meeting scheduled for the second Monday in January, then a city has had to find a way to accommodate the swearing in of elected officials. This change has led to numerous calls to our office from city clerks, administrators, city attorneys, and governing body members trying to understand the change. Our Facebook Live explaining the steps needed to move a meeting / the process to be followed to swear in new governing body members has had 1.1K views.

SB 105 will provide cities with the flexibility to set the swearing in of elected officials at a time that works within the established regular meeting schedule already set by city ordinance. If cities have concerns with the "lame duck" period from November to January, they can reduce this period by having the new officials sworn in at the first regular meeting in December. If a city has already made adjustments to its meeting schedule to accommodate swearing in on the second Monday in January, then the city does not have to make any change.

We respectfully ask this Committee to pass SB 105 favorably to the full House for consideration.