

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2080**

As Agreed to May 9, 2011

Brief*

HB 2080 would make several changes to state election laws. Details of the bill follow.

Presidential Preference Primary

Under the bill, the date of the next presidential preference primary in Kansas would move from 2012 to 2016. The bill also would change the filing deadline for a candidate who wishes to appear on the ballot of the presidential preference primary, from February 12 to seven weeks before such an election. The bill would allow darkening of an oval, in addition to making a mark in a square, to indicate a vote in a presidential preference primary (SB 128, as introduced).

Filing Deadlines in Redistricting Years

The filing deadlines in redistricting years (SB 130, as amended by Senate Committee on Ethics and Elections, with further amendments by the Conference Committee) would be changed in the following ways:

- If new districts are established in law on or before May 10 (a change from June 10), the deadline to file a

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

nomination petition or declare intention to become a candidate would be June 1 (a change from June 24).

- If new districts are established in law after May 10, the candidate deadline would be June 10 (a change from June 12).

Local Governments—Primary Election Triggers

The bill would, for a school district, city officer, or community college trustee office, require a primary election only if more than three candidates would be on the ballot. It also would require that the names of the top two vote-getters in the primary election be placed onto the ballot for the general election. If the election-at-large method is used, the bill would require a primary election only if the number of candidates is more than three times the number to be elected, and the number on the general election ballot would equal twice the number to be elected (House Sub. for Sub. for SB 127, as amended by House Committee of the Whole).

Finney County Drainage District No. 2

The bill would change the term of office for the Drainage District No. 2 of Finney County directors from a three-year staggered term to a four-year staggered term (House Sub. for Sub. for SB 127, as amended by House Committee of the Whole).

Campaign Treasurer's Reports

The bill would change the filing requirements for campaign treasurer's reports for candidates for state office other than those elected on a statewide basis by allowing them to be filed electronically only with the Secretary of State (House Sub. for Sub. for SB 127, as amended by the House Committee of the Whole).

Candidates Appearing in Public Service Announcements

The bill would prohibit candidates running for public office from appearing in public service announcements or having their name appear in public service announcements paid for with government funds, or certain specified private funds, beginning 60 days before the primary election and continuing through the general election. These prohibitions would extend to both electronic and print media; however, the agency website and regularly used print material of the office would be excluded (HB 2128, as amended by the House Committee of the Whole). Intentional violations of this prohibition would result in civil penalties (SB 126, as amended by the Senate Committee on Ethics and Elections and further amended by the Conference Committee).

Ending the Overlap Between Voter Registration and Advance Voting

The bill would change the deadline for voter registration to the 21st day prior to the election (from the 15th day). This would end the overlap between the beginning of advance voting and the end of voter registration.

Filling a Vacated Senate Office

The bill would change election requirements for filling a vacated Senate office. If the vacancy occurred before May 1, changed by the bill from October 15, in the second year of the term, a senator would be elected in the next general election. Anyone appointed to the office would serve until that election. The bill would specify that the nomination and election process of the successor senator would be the same as that for a regular Senate term. A person appointed to a Senate office vacated after May 1 in the second year of a term would stay in the office for the remainder of the term (SB 129, as introduced).

Technical Changes

Finally, the bill would make technical amendments to provisions in this report and statutes previously amended this session by SB 125 and HB 2067. These technical changes would include the following:

- Authority for the Secretary of the Department of Revenue to adopt rules and regulations regarding the issuance of a free, non-driver's identification card, as prescribed in 2011 HB 2067;
- Authority for the Secretary of the Kansas Department of Health and Environment to adopt rules and regulations regarding the issuance of a free certified copy of a birth certificate, as prescribed in 2011 HB 2067; and
- Change the filing deadline for candidates for the governing body of extension districts from Wednesday to Tuesday ten weeks before the election.

Conference Committee Action

The Conference Committee removed the original contents of Senate Sub. for HB 2080 and replaced them with the following portions of the aforementioned bills:

- SB 128, as introduced, relating to the presidential preference primary;
- SB 130, as amended by the Senate Committee on Ethics and Elections, relating to the candidate filing deadlines in redistricting years;
- House Sub. for Sub. for SB 127, relating to municipal primaries, Finney County Drainage District No. 2, and campaign treasurer's reports;

- HB 2128, as amended by the House Committee of the Whole and SB 126, as amended by the Senate Committee on Ethics and Elections, relating to candidates' appearances in public service announcements with a further amendment by the Conference Committee to specify that only a candidate could be subject to civil penalties for violations; and
- SB 129, as introduced, relating to filling a vacant Senate office.

The Committee added provisions eliminating the overlap between the beginning of advance voting and the end of voter registration. This began as an amendment by the House Committee of the Whole to House Sub. for SB 129, and was refined by the Conference Committee.

The Committee also moved the filing deadlines in redistricting years to June 1 if new districts are established by May 10, and June 10 if new districts are established after May 10.

Finally, the Committee inserted technical amendments to provisions in this report, and in bills that already have been signed by the Governor: SB 125 and HB 2067.

Background

SB 128—Presidential Preference Primary

A representative of the Secretary of State testified in support of the bill. There was no other testimony.

Since a statute authorizing a presidential preference primary in Kansas was enacted in 1978, such a primary has been held only twice, in 1980 and in 1992.

SB 130—Filing Deadlines in Redistricting Years

A representative of the Secretary of State provided testimony supporting the bill, stating the date changes are necessary to allow county election officials time to meet federal deadlines for mailing ballots to military and overseas voters. There was no other testimony.

The Senate Committee on Ethics and Elections amended the bill to remove a provision that would have decreased from 300 to 100 the number of signatures needed on a nomination petition for the office of member of the State Board of Education.

***House Sub. for Sub. for SB 127—Local Government
Primary Election Triggers, Campaign Treasurer's
Reports, and Finney County Drainage District No. 2***

The original bill dealt with the primary election trigger issue. At the Senate Committee on Ethics and Elections hearing on SB 127 (as introduced), the Allen County Clerk and Election Official, representing the Kansas County Clerks and Election Officials Association, and the Crawford County Clerk and Election Official testified in favor of the bill. A representative of the Secretary of State also testified in its support, and a representative of the League of Kansas Municipalities submitted written proponent testimony. No neutral or opposing testimony was presented.

The Senate Committee on Ethics and Elections recommended a substitute bill that incorporated extensive technical changes to the original bill but did not change its intent.

The House Committee on Elections and the House Committee of the Whole adopted and amended a new substitute bill which included additional provisions. Among those provisions were campaign treasurer's reports and Finney County Drainage District No. 2. (this began as HB 2314, but was further amended in House Sub. for Sub. for SB 127).

Representative Larry Powell testified in favor of HB 2314, as introduced (the original bill dealing with Finney County Drainage District No. 2). His testimony indicated the current three-year term for the drainage district members has created the need for a special election. HB 2314 would correct that problem. No opponents testified.

HB 2128 and SB 126—Candidates in Public Service Announcements

Regarding HB 2128, the Kansas State Treasurer testified that the difference between public service announcements and campaign commercials had been blurred during election season as candidates carried out their statutory duty while also attempting to help themselves win re-election. He stated this bill would allow the office to continue to promote and administer its statutory duties without directly referencing the candidate.

There was no opponent testimony.

The House Committee on Elections amended the bill to clarify that private funds from the contractor that currently is working with sponsoring government programs could not be used to fund public service announcements under this law. Also, the Committee added that the penalty for violating these provisions would be a civil fine under KSA 2010 Supp. 25-4181.

Regarding SB 126, Kansas State Treasurer Ron Estes testified in favor of the bill. There was no other testimony. The Senate Committee on Ethics and Elections amended the definition of “public service announcement or advertisement” to specify that the message would be one paid for with public sector funds or private sector funds from the governmental organization's current contractor and to exclude news stories and editorials in media not controlled by the candidate. It also added “intentionally” in the subsection regarding civil penalties. KSA 2010 Supp. 25-4181 allows the Governmental

Ethics Commission to assess a civil fine of not more than \$5,000 for a first violation, \$10,000 for a second violation, and \$15,000 for each subsequent violation.

SB 129—Filling of a Vacated Senate Office

The Deputy Secretary of State for Elections and Legislative Matters testified in support of the bill, as introduced. He stated the date change would allow for a candidate filing period and a primary election. There was no other testimony.

Fiscal Effect

According to the Division of Budget there is no or negligible fiscal effect for any of the bills except SB 128 (presidential preference primary). Regarding that bill, according to the fiscal note prepared by the Division of the Budget, the Secretary of State estimates a presidential preference primary in 2012 would increase expenditures from the State General Fund by \$1,321,122, to reimburse county election officials for procuring polling places, paying poll worker salaries, printing ballots, and tabulating results. The FY 2012 Governor's Budget Report does not include expenditures for the presidential preference primary election.

Election laws, Presidential preference primary, redistricting, Finney County