

House Committee on Elections

Testimony on HB 2017

Kris W. Kobach, Kansas Secretary of State

January 10, 2017

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in favor of House Bill 2017. This bill amends laws governing the procedure for conducting a special election due to a vacancy in United States House of Representatives. The last time there was a vacancy in United States House of Representatives was 1950.

Let me briefly discuss the timeline that takes place under current law if there is a vacancy in United States House of Representatives. First, the Congressman must resign (presumably to the Governor). Once a resignation is submitted, the Governor has five days to issue a writ of election via proclamation calling for a special election. The date of the special election must be conducted within 45 to 60 days of the Governor's proclamation.

This bill covers three major areas.

(1) Timeline - K.S.A. 25-3502 currently states the Governor must set the election between 45 and 60 days. K.S.A. 25-3504 states that a congressional district convention shall be called for on a date not less than 25 days after the proclamation of election is issued. Assuming the Governor takes the full 60 days, and assuming the political parties conduct conventions on the first possible day, there will be only 35 days to administer the election. Both state and federal law require members of the military and overseas citizens to receive ballots at least 45 days before every election. With this being a Congressional election, the Department of Justice will take special notice of the failure to meet this requirement and may initiate legal action. This bill changes the 45 to 60 day window to 75 to 90 days. The bill also allows the political party conventions to take place no earlier than 15 days and no later than 25 days after the proclamation. This will allow at least 50 days for ballots to be prepared and transmitted on time to members of the military and United States citizens overseas.

(2) Ballot access – K.S.A. 25-3504 currently states that a congressional district convention of each political party whose candidate for governor received no less than 5 percent of the votes at the last election shall be called. This requirement allows the Democratic and Republican parties to hold conventions. This requirement does not allow the Libertarian Party to conduct a convention. During a regular Congressional election, however, any recognized political party is

eligible to nominate a candidate by primary, caucus, or convention. This bill would amend the current law to allow any recognized political party to conduct a convention to nominate a candidate.

K.S.A. 25-3504 also allows an independent candidate to file a petition containing signatures equal to four percent of all registered voters in the district. The current signature requirement would be 17,011. The deadline to submit the petition is the same deadline as conducting a convention. Therefore, an independent candidate would only have 25 days to collect these signatures. In a regular Congressional election, the same four percent requirement applies, except there is a maximum of 5,000 signatures. Also, a candidate has 180 days to collect those 5,000 signatures. This bill would change the signature requirement to 1,000 signatures that must be collected within 25 days. This is consistent with the signature requirement that is used in redistricting years when redistricting is delayed.

(3) Canvass – K.S.A. 25-3507 currently requires the county board of canvassers to certify the election results on the second day following the election and then requires the State Board of Canvassers to certify the election results by the fourth day following the election. This bill will increase that time to three days and six days respectively. The additional time will allow counties to process provisional ballots and other necessary duties required to certify the election. And it will allow the state sufficient time to review the county election results.

It is possible that a Congressional vacancy may take place as early as January 19th or 20th. I am therefore requesting this committee approve this legislation in an expedited fashion to allow the Senate and the Governor time to approve this law before a vacancy takes place.

Thank you for the opportunity to provide testimony in support of this bill, and I stand for any questions.