

SESSION OF 2019

**CONFERENCE COMMITTEE REPORT BRIEF  
SUBSTITUTE FOR SENATE BILL NO. 130**

As Agreed to April 2, 2019

**Brief\***

Sub. for SB 130 would amend law concerning advance ballots and associated signature requirements; polling places; the filing date for municipal offices and the date certain newly elected township officers take the oath of office; elections, appointments, and dates certain officials take office for school boards, local boards of education, and local school district boards.

***Advance Ballots and Signature Requirements***

The bill would require county election officers to make an attempt to contact each voter who submitted an advance voting ballot without a signature or with a signature that does not match the signature on file and allow the voter to correct the deficiency before the commencement of the final county canvass.

***Polling Places***

The bill would allow all voters in a county to vote at any polling place on election day, at the discretion of the county election official.

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\*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>

### ***Municipal Office Filing Date***

The bill would change the filing deadline for any candidate in a municipal election from September 1 prior to the general election in odd-numbered years, or the next day that is not a Saturday, Sunday, or holiday, if the filing deadline falls on such date, to June 1, or the next day that is not a Saturday, Sunday, or holiday, before the primary election in even- and odd-numbered years.

### ***Oaths of Office for Township Officers***

The bill would remove the requirement for a newly elected trustee, clerk, or treasurer of any township or any appointed road overseer in any road district to take the oath of office within 20 days after being notified of such election.

### ***School Board-related Changes***

The bill would remove language requiring local board of education (Board) officials who are replacing members of the Board to be appointed by November 15.

The bill would require the first meeting of the Board be on or after the second Monday in January or at a later meeting during the calendar year if so determined by the Board at the first meeting, rather than in July.

The bill would require the Board to adopt a resolution specifying the regular meeting time, the regular hour for the meeting to begin, the day of the week, and the week of the month on or after the second Monday in January and before February 1, or at a later date during the calendar year if so determined by the Board, instead of during the month of July.

The bill would remove the requirement school districts make changes in the method of elections or voting plans, or both, during the period beginning on the first Wednesday in

November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year and would require a change in the method of elections or voting plan, or both, to be submitted to voters at any primary or general election, or at a special election called for that purpose.

The bill also would make technical changes.

The bill would be in effect upon publication in the *Kansas Register*.

### **Conference Committee Action**

The Conference Committee agreed to the contents of Sub. for SB 130, as amended by the House Committee on Elections, with the following changes:

- Add the contents of SB 7, as amended by the Senate Committee on Ethics, Elections and Local Government and passed by the Senate;
- Add the contents of SB 131, as amended by the House Committee on Elections;
- Change the effective date to upon publication in the *Kansas Register*.

### **Background**

The bill includes the provisions of Sub. for SB 130, as amended by the House Committee on Elections (which include provisions of SB 129, as introduced); SB 7, as amended by the Senate Committee on Ethics, Elections and Local Government and passed by the Senate; and SB 131, as amended by the House Committee on Elections.

***Sub. for SB 130 (Advance Ballot Signatures)***

SB 130 was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Faust-Goudeau.

During the Senate Committee hearing, Senator Faust-Goudeau, a representative for the Kansas County Clerks and Election Officials Association (KCCEOA), and the Sedgwick County Election Commissioner provided proponent testimony stating the bill would allow voters to correct deficiencies on advance voting ballots and would allow county election officials to count more votes.

Neutral testimony was provided by a representative of the Board of Sedgwick County Commissioners.

No opponent testimony was provided.

The Senate Committee amended the bill to include language requiring county election officers to make an attempt to contact (rather than contact) each voter and to specify the commencement of the final county canvass as the deadline for correcting signature deficiencies on advance voting ballots. At the request of the revisor, the Senate Committee also amended the bill to place the provisions into a different statute and voted to place the amended contents into a substitute bill.

In the House Committee on Elections hearing, proponent testimony was provided by Senator Faust-Goudeau, a representative of the KCCEOA, the Sedgwick County Election Commissioner, a representative of the American Civil Liberties Union, a representative of the Sedgwick County Commissioners, and a representative of the MainStream Coalition.

No other testimony was provided.

The House Committee amended the bill by including the provisions of SB 129, which would allow all voters in a county to vote at any polling place on election day, at the discretion of the county election official. The amendment was requested by a representative of the Sedgwick County Commissioners. [Note: The Conference Committee retained this amendment.]

According to the fiscal note prepared by the Division of the Budget on SB 130, as introduced, the Office of the Secretary of State (Office) indicates enactment of the bill would have a minor fiscal effect on the agency as training and educational materials would need to be updated or created to implement the new law. In addition, the law would need to be explained and publicized to ensure awareness and prevent confusion on the part of the voters. These expenditures could be managed within existing resources. The Office also indicates enactment of the bill, as introduced, could have a minor fiscal effect on Kansas counties depending on the size of the county and the number of voters that would need to be contacted to comply with the provisions of the bill, and the timing of the contact by the election office. Costs would vary by election and by county and would be an ongoing cost for every election. Any fiscal effect associated with enactment of SB 130, as introduced, is not reflected in *The FY 2020 Governor's Budget Report*.

The Kansas Association of Counties (KAC) reports there could be a fiscal effect on Kansas counties if county elections offices are required to mail out duplicate ballots, but the effect is not expected to be significant.

#### *SB 129 (Polling Places)*

SB 129 was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Faust-Goudeau.

During the Senate Committee hearing, Senator Faust-Goudeau, the Sedgwick County Election Commissioner, and

a representative of the Board of Sedgwick County Commissioners provided proponent testimony, stating the bill would reduce the number of provisional ballots and make voting more convenient for voters.

No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget, the Office indicates enactment of SB 129, as introduced, would have a minor effect as that office would need to update and create new training and educational materials to implement the provisions of the new law. In addition, the law would need to be explained and publicized to ensure voter awareness and prevent confusion. While some of the costs may be absorbed into existing resources, the Office indicates the public education campaign is not currently in the Office's budget but does not provide an estimate of those costs. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

The KAC states enactment of the bill could cause significant costs to Kansas counties with regard to the administrative and technical costs of overseeing an election. However, the KAC is unable to estimate those costs.

***SB 131(Municipal Office Filing Date; Oaths of Office for Township Officers)***

SB 131 was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Hardy on behalf of the KCCEOA.

During the Senate Committee hearing, a representative of the KCCEOA and the Sedgwick County Election Commissioner provided proponent testimony stating the bill would align the candidate filing deadline with the current deadline for other offices or candidates, reducing confusion for candidates and providing more time for election officers to

prepare ballots. Proponents also stated the bill would align the date when certain township officers take the oath of office with that of other elected offices.

Written-only proponent testimony was provided by the Allen County Clerk and Election Officer, the Cowley County Clerk and Election Officer, the Ford County Clerk and Election Officer, and the Osborne County Clerk and Election Officer.

No neutral or opponent testimony was provided.

The Senate Committee amended the bill to specify the filing deadline for a candidate in a municipal election where a primary is not authorized or required by law as the day before the primary election date, rather than the day before the primary election. [*Note:* The Conference Committee did not retain this amendment.]

The Senate Committee of the Whole amended the bill to remove language regarding filing on an alternative day if September 1 is a Saturday, Sunday, or holiday [*Note:* The Conference Committee did not retain this amendment]; the bill would establish the filing deadline as a Monday. The Senate Committee also amended the bill to allow a newly elected trustee, clerk, or treasurer of any township to take the oath of office on or before the second Monday in January. [*Note:* The Conference Committee did not retain this amendment.]

In the House Committee on Elections hearing, proponent testimony was provided by a representative of the KCCEOA and the Sedgwick County Election Commissioner.

Written-only proponent testimony was provided by the Allen County Clerk and Election Officer, the Cowley County Clerk and Election Officer, and the Osborne County Clerk and Election Officer.

No other testimony was provided.

The House Committee amended the bill to require all candidates for any municipal office to file by June 1 prior to the primary election; remove the timing requirement for a newly elected trustee, clerk, or treasurer of any township or any appointed road overseer in any road district to take the oath of office; and change the effective date from publication in the statute book to publication in the *Kansas Register*. [Note: The Conference Committee retained these amendments.]

According to the fiscal note prepared by the Division of the Budget on SB 131, as introduced, the Office indicates enactment of the bill would have a minor fiscal effect on the Office as that office would need to update training materials. The Office indicates any costs could be absorbed within existing resources. The KAC also reports enactment of the bill could have a fiscal effect on Kansas counties because of printing and distribution costs of ballots. However, it is unable to estimate the fiscal effect. Any fiscal effect associated with enactment of SB 131 is not reflected in *The FY 2020 Governor's Budget Report*.

### ***SB 7 (School Board-related Changes)***

SB 7 was introduced in the Senate Committee on Ethics, Elections and Local Government at the request of Senator Hawk.

In the Senate Committee hearing, Senator Hawk, a member of the Board of Education of Manhattan-Ogden USD 383, a representative of the Shawnee Mission School District School Board, and a representative of the Wichita USD 259 provided proponent testimony. Proponents stated the bill would correct unintended consequences of legislation that moved city commission and school board elections from April of odd-numbered years to November of even-numbered years. Proponents also stated the bill would provide flexibility to school boards to decide when to hold internal leadership elections and meetings.

The representative of the Wichita USD 259 proposed an amendment removing the requirement that school districts must make changes in the method of elections or voting plans, or both, during the period beginning on the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year and inserting language requiring a change in the method of elections or voting plan, or both, be submitted to voters at any primary or general election or at a special election called for that purpose.

The President of the Kansas Association of School Boards presented neutral testimony due to varying responses from local boards.

No other testimony was provided.

The Senate Committee amended the bill to remove the requirement that school districts must make changes in the method of elections or voting plans, or both, during the period beginning on the first Wednesday in November of even-numbered years and ending on the first Tuesday in June of each odd-numbered year and to insert language requiring a change in the method of elections or voting plan, or both, be submitted to voters at any primary or general election or at a special election called for that purpose. [Note: The Conference Committee retained these amendments.]

According to the fiscal note prepared by the Division of the Budget on SB 7, as introduced, the Department of Education indicates enactment of SB 7 would have no fiscal effect.

elections; advance ballot; advance voting; polling place; school board; municipality; local board of education; local school district board; township; Office of the Secretary of State

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