

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 131

As Amended by House Committee on Elections

Brief*

SB 131, as amended, would amend laws concerning the filing date for municipal offices and the date certain newly elected township officers take the oath of office.

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.

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.

The bill also would make technical changes.

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

Background

The bill was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Hardy on behalf of the Kansas County Clerks and Election Officials Association (KCCEOA).

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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.

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; 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.

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 in even- and odd-numbered years; to 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 to change the effective date from publication in the statute book to publication in the *Kansas Register*.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Secretary of State (Secretary) indicates enactment of the bill would have a minor fiscal effect on the Secretary as that office would need to update training materials. The Secretary indicates any costs could be absorbed within existing resources. The Kansas Association of Counties 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 the bill is not reflected in *The FY 2020 Governor's Budget Report*.