

**REVISED**  
*SESSION OF 2014*

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2227**

As Amended by House Committee on Elections

**Brief\***

HB 2227 would require municipal elections to be held in the fall of odd-numbered years, rather than in the spring of odd-numbered years. These elections would remain nonpartisan. Members of school boards would begin their terms of office in January rather than July. Specific information about the changes is discussed below.

With regard to elections for members of the governing body and other elected officials of any municipality, all primary elections would be held on the first Tuesday in August of 2015 and on that date thereafter in odd-numbered years. All general elections would be held on the Tuesday succeeding the first Monday in November of 2015 and on that date thereafter in odd-numbered years.

Under the bill, the definition of "municipality" would include any city, school district, community college, drainage district, extension district, irrigation district, library district created under KSA 12-1236 *et seq.*, and water district created under KSA 19-3501 *et seq.*; the Unified Government of Wyandotte County and Kansas City, Kansas; and the Kansas City Board of Public Utilities.

The term of office of members of governing bodies and other elected officials of municipalities that would otherwise expire during 2015 would, under the bill, expire on the second Monday in January 2016, when newly elected members of the governing body and other newly elected officials would

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\*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>

take office. The governing body of the municipality would be required to establish by ordinance or resolution terms of office of elected officials to comply with the bill. The bill would address changes necessary to maintain staggered appointment dates for municipalities.

The term of office for school board members would begin on the second Monday in January following election.

The Secretary of State would be authorized to adopt rules and regulations necessary to ensure orderly elections in even-numbered years and odd-numbered years. The Secretary also would determine the arrangement of offices on the general ballot for municipal offices, upon consultation with county election officers.

The bill also would make changes to statutes concerning municipal candidate filing requirements, notice requirements for municipal elections, and voting procedures for municipal elections, to make municipal election procedures more uniform with the existing state election laws.

## **Background**

During the 2013 Session, the Deputy Assistant Secretary of State testified in support of the bill in the House Committee on Elections, stating that moving elections to the fall should increase turnout, would provide county election officers more time for ballot production before the primary and general elections, would provide adequate time for distribution of ballots to military and overseas voters, and would provide more opportunities for local governing bodies to place questions on the ballots in regularly scheduled elections. The Chair of the Kansas Republican Party and the Cowley County Clerk submitted written testimony in support of the bill.

Representatives of the League of Kansas Municipalities, the Unified Government of Wyandotte County, and the Wichita Public Schools testified in opposition to the bill in

2013. They stated there is no evidence moving elections to the fall would increase voter turnout, and the change in date would place new school board members in the middle of contract negotiations and budget processes with inadequate time to become familiar with district practices. Written testimony in opposition to the bill was received from the cities of Derby and Neodesha, the Overland Park Chamber of Commerce, USD 208-Trego County, and Water One.

The Kansas County Clerks and Elections Officials Association submitted neutral testimony on the bill, noting the organization's support for maintaining municipal elections in odd-numbered years, but also noting the concerns of the cities and schools.

The 2013 Committee on Elections made technical amendments to the bill, which included striking a section that allowed cities to adopt a different form of government by ordinance, then inserted the bill's contents into 2013 SB 64, which subsequently was stricken from the House Calendar.

The House Committee on Elections held hearings on HB 2227 again during the 2014 Session. The Executive Director of the Kansas Republican Party testified in support of the bill. He provided data for Johnson County showing the low voter turnout for spring elections compared to fall elections. He noted additionally that, compared to fall elections, spring elections have fewer contested races, provide less information to voters regarding the candidates, are more readily influenced by third-party campaign efforts, are difficult to recruit and campaign for, and often address highly politicized issues even though elections are nonpartisan. Written testimony in support of the bill was submitted by the Deputy Assistant Secretary of State, the Johnson County Election Commissioner, former State Representative Montgomery and a school board member speaking on his own behalf.

Conferees who testified in opposition to the bill included Representative Wolfe Moore and representatives of the cities of Marysville, Overland Park, and Wichita; the Kansas

Association of School Boards; the Kansas Mayors Association; the League of Kansas Municipalities; and USD 385-Andover. In general, representatives of cities and their associations said moving the timing of elections would be confusing to voters, would not save money, and was not being requested by local governments. School representatives said the change would disrupt continuity for school boards, noting that under the current system, the school board term coincides with the school year and the fiscal year. City and education representatives expressed concern that this bill would be the first in a series of changes that would result in making local elections partisan and moving them to even-numbered years, to which they expressed strong objections.

Written testimony in opposition to the bill was submitted by the cities of Altamont, Buhler, Concordia, Derby, Lecompton, Lenexa, Maize, Merriam, Mission, Oswego, Ottawa, Overbrook, Prairie Village, Shawnee, and Topeka; the Kansas Association of Community College Trustees; the Kansas Association of School Boards; Kansas PTA; school districts USD 214 (Ulysses), USD 229 (Blue Valley), USD 259 (Wichita), USD 459 (Bucklin), and USD 497 (Lawrence); and Water One.

A representative of the Kansas Association of Counties provided neutral testimony on the bill, and the Kansas County Clerks and Election Officials Association submitted written neutral testimony.

In 2014, the House Committee on Elections adopted further technical amendments to the bill, which included amendments made during the 2013 Session.

The fiscal note submitted by the Division of the Budget on the bill, as introduced, said the Office of the Secretary of State indicated the costs associated with training county election officers, which would be necessitated by passage of the bill, could be absorbed within existing resources. The Office estimated the fiscal effect on county election offices would be negligible.