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## STATE OF KANSAS

**Testimony: HB2163 (PROPONENT)**

House Elections Committee  
Thursday, February 4, 2021

Chairman Carpenter and members of the Committee:

HB2163 would simply eliminate several obsolete statutes. These outdated statutes can be divided into the following groups:

**Group 1: 1908 Primary Election Act:** K.S.A. 25-222 is the last remnant of the original 1908 primary election act. This statute has no meaning or relevance as it references and relies on other provisions no longer in existence. The statute creates confusion every primary election because it remains in statute.

**Group 2: 1911 Campaign Finance Act:** Early version of K.S.A. 25-1709 and 25-1710 were contained in the state's original 1911 campaign finance act. K.S.A. 25-1709 barred certain organizations and individuals from making campaign-related expenditures and K.S.A. 25-1710 was the punishment. In the 1980s, the Attorney General issued several opinions determining those statutes, as written, were unconstitutional and needed amended. Eventually, they reached their current form and have no operative substance, simply directing a list of entities to follow the campaign finance act, something they must already do. They are not part of today's campaign finance act and do not fall under the jurisdiction of the Ethics Commission.

**Group 3: 1978 Presidential Preference Primary (PPP) Act:** The PPP was enacted in 1978 but has only been conducted twice, in 1980 and 1992. In 2015, the operative statute (K.S.A. 25-4501) directing the conduct of the PPP, was repealed and replaced by K.S.A. 25-4501a, directing the political parties to adopt their own procedures to determine how to select and bind their delegates to their respective national conventions and to pay for the process with their own funds. The remaining statutes (K.S.A. 25-402 to K.S.A. 25-4507) provided instructions on how to conduct the PPP are now obsolete and we recommend they be repealed avoid voter confusion.

Similar legislation was introduced in the 2020 session through SB256. The Senate Elections Committee amended SB257 into SB256. The combined bill passed the Senate by a vote of 36 to 3 and was scheduled for consideration in the House until the early adjournment of session due to the coronavirus pandemic.

We respectfully ask for your support.

Respectfully Submitted,

Clay Barker  
Deputy Assistant Secretary of State  
Assistant General Counsel