

January 28, 2015

The Honorable Mark Kahrs, Chairperson
House Committee on Elections
Statehouse, Room 286-N
Topeka, Kansas 66612

Dear Representative Kahrs:

SUBJECT: Fiscal Note for HB 2104 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2104 is respectfully submitted to your committee.

HB 2104 would amend existing law concerning candidates for national, state, county, and township offices and candidate vacancies following a primary election. The bill would prohibit a candidate for any office from withdrawing from the election process after the primary election. Only in the case of a candidate who dies on or before September 1 following an August primary, could the candidate's name be withdrawn from nomination and not printed on general election ballots. In cases where a district convention is provided by law to fill a vacancy in a party candidacy for a district office or for the office of a member of the State Board of Education, the bill would reduce the number of days allowed for a county chairperson to implement each of the steps necessary to call the convention and fill the vacancy.

When a person has been elected to fill a vacancy in a party candidacy, current law requires the chairperson or vice-chairperson of the convention to certify that election to the Secretary of State. HB 2104 would also require the person elected to execute a notarized statement agreeing to accept the nomination. The certification and notarized statement must be sent to the Secretary of State within 14 days of receipt of the notice of the vacancy. The bill would also insert language indicating that whenever "shall" is used, it imposes a mandatory duty that no court can interpret in any other way. In addition, the bill would move the candidate filing date for the office of district attorney from June 10 to June 1 to be consistent with the filing deadline for other offices.

According to the Secretary of State, passage of HB 2104 would have no fiscal effect on the state or Kansas counties. The Kansas Association of Counties also indicates that passage of HB 2104 will have no fiscal effect on Kansas counties.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Desiree Taliaferro, Secretary of State's Office
Melissa Wangemann, KAC