

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2017

As Amended by House Committee of the Whole

Brief*

HB 2017 would amend KSA Chapter 25, Article 35, dealing with filling congressional vacancies.

The bill would change the minimum number of signatures of registered voters required for an independent candidate to petition for nomination to fill a congressional vacancy to 3,000. Current law requires an independent candidate to submit the signatures of four percent of qualified voters in the congressional district. The bill would state such petitions may not be circulated for signatures until after the date of the election is proclaimed by the Governor.

Additionally, the bill would change the requirements for which political parties are required to call a district convention in the case of a congressional vacancy. Under the provisions of the bill, each political party that has obtained official recognition would be required to call a convention. Under current law, each political party whose candidate for governor received not less than five percent of the votes cast at the next preceding election of the governor is required to call a district convention in the event of a vacancy.

Finally, the bill would adjust related time frames to conform to federal overseas voter ballot requirements, and it would make additional conforming changes, as outlined below:

*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>

- Modify the time frame within which the election must be held to fill a congressional vacancy, *from* 45 to 60 days *to* 75 to 90 days after the Governor proclaims the date of the election (KSA 25-3502);
- Modify the time frame within which a congressional district convention of the district party of each officially recognized political party must be called by the state chairperson of each such party, *from* “at least 25 days” after the proclamation is issued *to* between 15 and 25 days after issuance of the proclamation (KSA 25-3504);
- Move the day on which the county boards of canvassers must meet, *from* the second *to* the third day following the election;
- Move the day on which the state board of canvassers must meet, *from* the fourth *to* the sixth day following the election;
- Make conforming changes to reflect the previous deletion of a subsection in KSA 25-3503 made in 2015 HB 2504 (KSA 25-3504 and 25-3507); and
- Make additional technical and conforming changes.

The provisions of the bill would be in effect as of January 1, 2017, and the bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by Representative Esau.

At the hearing in the House Committee on Elections, the Secretary of State appeared in favor of the bill, testifying that the bill addressed three different issues in current law: 1) changing the time line for the special election to allow overseas citizens to receive their ballots 45 days before the

election, as required by state and federal law; 2) changing the signature requirement for petitions filed by independent candidates and allowing any recognized political party to nominate a candidate to fill a vacancy to improve ballot access; and 3) increasing the time the county and state boards of canvassers have to certify the election results to accommodate counting of provisional ballots. The Secretary asked that the bill be considered on an expedited schedule to prevent any issues with any upcoming congressional vacancies.

A representative of the Kansas Republican Party also appeared in support of the bill in regards to the provisions updating statutory language to allow for elections to be held in compliance with current federal and state law and neutrally on provisions of the bill permitting any political party with official recognition to nominate a candidate. The representative stated the signature threshold for an independent candidate should be the same as for a regular congressional nomination.

A representative of the Libertarian Party also appeared in support of the bill.

Written-only testimony in support of the bill was received from the Chairman of the Sedgwick County Board of Commissioners and a representative of the Wichita Regional Chamber of Commerce and The Friends of McConnell.

There was no other testimony on the bill.

Note: The requirements for official recognition of a political party are contained in 2016 Supp. KSA 25-302a. They include petitions signed by two percent of the total vote cast for Governor in the last preceding general election.

The House Committee on Elections amended the bill to increase the number of signatures required for an independent candidate petition for nomination from 1,000 to 3,000 and to make the provisions of the bill effective January

1, 2017, in addition to upon publication in the *Kansas Register*.

The House Committee of the Whole amended the bill to specify that petitions for the nomination of independent candidates could not be circulated for signatures until after the date of the election is proclaimed by the Governor.

No fiscal note was available when the House Committee or the House Committee of the Whole took action on the bill.