

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2256

As Amended by Senate Committee on Ethics,
Elections and Local Government

Brief*

HB 2256 would revise the crime of electioneering contained in KSA 2016 Supp. 25-2430, as follows:

- The bill would add to those conditions constituting the crime, the gathering of signatures or otherwise circulating any petition within a polling place on election day or an advance voting site during the time allowed for advance voting within a 100-foot radius from the entrance of the polling place or advance voting site; and
- The bill would add a second exemption from what constitutes electioneering: wearing, exhibiting, or distributing labels, signs, posters, stickers, or other materials that clearly identify a candidate in the election or clearly indicate a position on a question submitted election at a location separated from a polling place or advance voting site by a public street, road, or highway.

Background

The bill was introduced by the House Committee on Elections. In the House Committee hearing, Representative Carpenter testified in favor of the bill. No other testimony was provided.

*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>

The House Committee amended the bill by returning to the 250-foot radius in current law within which no electioneering may occur. The bill, as introduced, would have reduced the distance to 100 feet.

Representative Esau testified in favor of the bill in the Senate Committee on Ethics, Elections and Local Government hearing. The Director of Elections, Office of the Secretary of State, provided both proponent and neutral testimony. He stated the Office of the Secretary of State is in favor of adding to the crime of electioneering the petition-related activities. The Director of Elections recommended making the bill effective upon publication in the *Kansas Register*, possibly allowing for this bill to become effective prior to the April 11 special election to fill the congressional vacancy in Kansas' 4th Congressional District left by the resignation of Congressman Pompeo. With regard to other provisions in the bill (*i.e.*, the number of feet within which electioneering activities are prohibited), the Office of the Secretary of State had no opinion. No opponent testimony was provided.

The Senate Committee amended the bill to return the size of the radius to 100 feet, as in the bill as introduced, within which electioneering activities would be prohibited.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Association of Counties and the League of Kansas Municipalities indicate enactment of the bill is not expected to have a fiscal effect. A revised fiscal note was not available at the time the Senate Committee took action.