

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2256

As Further Amended by Senate Committee on
Ethics and Elections

Brief*

HB 2256, as amended, would revise the crime of electioneering as follows:

- The bill would add to those conditions constituting the crime of electioneering 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;
- The bill would reduce the radius from the polling place entrance within which electioneering is prohibited from 250 feet to 100 feet; 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, highway, or driveway or on private property that is not used as a polling place.

The bill would take effect upon publication in the *Kansas Register*.

*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>

Background

The bill was introduced by the House Committee on Elections. In the House Committee hearing, on February 15, 2017, Representative Carpenter testified in favor of the bill. No other testimony was provided.

On February 21, 2017, the House Committee amended the bill by returning the radius to 250 feet in current law within which no electioneering may occur. The bill, as introduced, would have reduced the radius to 100 feet.

Representative Esau testified in favor of the bill in the Senate Committee on Ethics, Elections and Local Government hearing on March 22, 2017. 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 petition-related activities to the crime of electioneering. 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, 2017, special election to fill the congressional vacancy in Kansas' 4th Congressional District left by the resignation of Congressman Pompeo. No opponent testimony was provided.

On March 24, 2017, 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.

The bill was rereferred from the Senate Committee of the Whole to the Senate Committee on Ethics, Elections and Local Government on May 8, 2017.

Representative Esau testified in favor of the bill in the second Senate Committee hearing, on January 31, 2018. The Director of Elections, Office of the Secretary of State, provided proponent testimony. He stated the Office of the Secretary of State supports adding the gathering of

signatures and circulation of petitions to the crime of electioneering and reducing from 250 feet to 100 feet from the entrance to the polling place the area within which electioneering is prohibited. He stated the Office of the Secretary of State recommended an amendment to exempt privately held property from the ban on electioneering. No further testimony was provided.

The Senate Committee amended the bill to include driveways and private property not being used as a polling place in electioneering exemptions and to change the effective date from upon publication in the statute book to upon publication in the *Kansas Register*.

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 indicated 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.