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STATE OF KANSAS

Testimony on HB2087 (Oral Proponent)

Senate Committee on Federal and State Affairs

Monday, March 20, 2023

Chairman Thompson and members of the Committee:

Thank you for the opportunity to provide comments in support of House Bill 2087. Our office introduced this legislation following the passage of the federal Electoral Count Act to ensure current state statute reflects new federal law. HB2087 was passed unanimously by the House of Representatives in a vote of 122-0.

HB2087 updates Kansas statutes pertaining to presidential electors. The following provisions of the bill are required to ensure state law is consistent with the new federal Electoral Count Reform and Presidential Transition Improvement Act, signed into law in December 2022, which updates the Electoral Count Act of 1887.

- Section 2: Addresses a change to the distribution of the Certificate of Ascertainment to the six electors.
- Section 3: Moves the nationally uniform meeting day of the Electoral College from the first Monday to the first Tuesday after the second Wednesday in December.
- Section 5: Specifies how a Kansan may contest the election of an elector or electors by bringing legal action before a special three-judge federal court.

The following provisions provide general clean-up of current law – many of which are long overdue:

- Sections 1 and 4: Removes two provisions directing political parties how to select the electors. In 1961, the legislature directed that a party convention select electors (K.S.A. 25-301). In 1981, the legislature directed that the state committee of a political party select electors (K.S.A. 25-804). A state party committee and a party convention are two materially different methods, and neither is defined in statute. A series of U.S. Supreme Court decisions in the 1980s established that state governments have very limited authority to tell a political party how to conduct internal business, and the two provisions should have been removed in 1990.
- Section 4: Clarifies how political parties without a state party affiliate and independent candidates select their electors. It also establishes a deadline for all parties or candidates to notify the Secretary of State of the electors' names.
- Section 6: Repeals K.S.A. 25-803, which set compensation for electors at \$3 a day and 15 cents per mile. This amount was established in 1868 and has never changed. To our knowledge, compensation has never been requested by an elector.

These provisions are necessary to update state law before the 2024 presidential election. We respectfully request the committee's consideration and approval passage of HB2087.

Respectfully submitted,

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