

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 103

As Recommended by Senate Committee on
Ethics and Elections

Brief*

SB 103 would return to prior (2007) law the statutes prescribing when primary elections are held in school districts, cities and community college districts.

Specifically, the bill would delete current requirements in each of the three statutes that prohibit a primary election (a) unless, by holding the primary, two or more persons will be eliminated as candidates for office; and (b) if there are not more than three times the number of candidates as there are officers or board members to be elected. (If there are not more than three times the number of candidates, the candidates' names must appear on the general election ballot.) Also deleted would be a requirement that a primary election be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates.

The bill then would reinsert prior language that does the following:

- With respect to school district and community college district boards, require the entities to hold primary elections under certain circumstances, which differ depending on whether the district elects members from member districts or at large.
- Prohibit a primary election unless by holding the election at least one person would be eliminated as a candidate. If there are not more than two candidates for any one

*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>

office, candidates' names for that office would not appear on the primary ballot and instead would be advanced to the general election.

Background

In 2008, SB 562 was enacted which, in part, eliminated prior law dealing with primaries in the three entities (mentioned above) and replacing it with the current requirements. The purpose of that measure was to reduce the overall number of local primary elections, thereby reducing election costs at the local level. SB 103 was introduced by the Senate Committee on Ethics and Elections because of reported problems in implementing the new law.

The Deputy Assistant Secretary of State and the Saline County Clerk testified in favor of the bill but proposed it be amended with language provided by the Secretary of State's office, the intent of which was to accomplish the original purpose of last year's legislation. A representative of the League of Kansas Municipalities testified in favor of the bill as introduced, expressing concern regarding possible unintended consequences and indicating there was time before the next local election cycle began to analyze the proposed changes before passing them into law.

According to the fiscal note, passage of the bill would have no fiscal effect on the Office of the Secretary of State; this agency would be able to implement the bill's provisions with existing resources. The fiscal note further indicates the bill would have a fiscal effect for cities by increasing election costs and by requiring more primary elections, but it is not possible to estimate these costs.