

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 419

As Amended by Senate Committee on
Ethics and Elections

Brief*

SB 419 would eliminate the distinctions, based on the class of city, regarding where a candidate for a city office would be required to file a statement of candidacy, and it would eliminate filing in the county where the greatest proportion of the city's population resides if a city is split between counties. The bill instead would require a candidate for office in any city to file his or her statement with either of the following:

- The city clerk; or
- The county election officer in the candidate's county of residence;

The bill also would reduce, from three to two, the number of days from the date a candidate files, within which the county election officer must determine the validity of the candidate's filing.

Background

Current law distinguishes between cities of the first and second classes and cities of the third class with respect to where candidate statements are filed. Candidates in cities of the first and second class must file with the city clerk. Candidates in cities of the third class must file either with the county election officer of the county in which the city is located,

*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 county election officer of the county having the greater proportion of the city's population if the city's population is divided between counties, or the city clerk.

Several county clerks testified in support of the original bill on behalf of the Kansas County Clerks and Election Officials Association. Proponents indicated there were timing, deadline, information and training problems when candidates file with city clerks (an option that would have been eliminated in the original bill). Opponents included representatives of the League of Kansas Municipalities, and city clerks or other representatives of the cities of Overland Park, Newton, Phillipsburg, Neodesha, Andover, Clearwater, Westmoreland, Rose Hill, Mulvane, Spring Hill, Blue Rapids, Oswego, and Liberal. The opponents indicated that not filing with city clerks would discourage candidates from running for office.

The Senate Committee on Ethics and Elections amended the bill as follows:

- The amendment would eliminate new language requiring the candidate filing to be made either with the county in which the city is located or the county in which the greatest proportion of the city's population resides if a city is split between counties. Instead, the filing would be made with the city clerk or the county election officer in the candidate's county of residence.
- It would change the number of days from the date a candidate files, within which the county election officer must determine the validity of the candidate's filing.

According to the fiscal note on the original bill, the Secretary of State estimates that the state costs associated with SB 419 would be negligible and could be absorbed within existing resources. The fiscal effect to county election officers and city clerks' offices would be negligible as well, according to the Secretary of State.