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STATE OF KANSAS

February 13, 2025

Testimony on HB2056 (Oral Proponent)

House Committee on Elections

Submitted: Wednesday, February 12, 2025

Chair Proctor and members of the Committee:

The Secretary of State introduced HB2056 to address two separate but related issues that arose in the 2024 election cycle. The goal of this bill is to eliminate two loopholes in Kansas election law to preserve the Legislature's overall election policy.

Background:

For elections, a "*nomination*" means the person's name will appear on the general election ballot. There are three ways to receive a nomination:

1. **Independent Nomination by Petition:** An independent candidate secures the required number of signatures and submits the petition no later than the Monday before the primary election.
2. **Minor Party Nomination by Convention:** A minor political party holds a nomination convention, and the party chair submits a list of party-nominated candidates and offices by June 1.
3. **Major Party Nomination by Primary Election:** Major political party candidates file by June 1, but only the primary winner, as certified by the State Canvas no later than September 1 receives the party nomination.

Note: Nothing limits a political party to nominating only a voter registered with that party. That means, for instance, a registered democrat could run and win a republican primary, and a registered republican could be nominated by a minor party. The only exception is that precinct committee members must be registered with the party they represent.

Problem 1: Although it would seem to be an implied condition, nothing in law currently requires a minor party's nominated candidate to accept the nomination. In 2024, one senator discovered that she had purportedly been nominated as a minor party candidate against her will.

Solution: HB2056 requires the minor party to submit a notarized statement signed by the nominated candidate expressing acceptance of the nomination.

Problem 2: Since 1901, Kansas has had an anti-fusion law, which prohibits a candidate from being nominated by two political parties on the same ballot, i.e., having their name on the same ballot twice. Currently, any candidate who receives two nominations has 7 days to select one, or the election officer will select it for them.

Kansas also has a 'sore loser law' that requires independent candidates to file for office before the primary election, to prevent a primary loser from running as an independent.

In 2024:

- Two candidates were nominated by a minor party and filed for and won their major party primary nomination. Each then decided to run as the major party candidate.
- One candidate was nominated by a minor party and filed for but lost their major party primary. The candidate then ran in the general election as a minor party candidate against the same person who beat them in the primary. One senator faced the same candidate twice in 2024.

Solution: HB2056 requires candidates to select only one method of nomination. For example, a candidate would need to completely abandon a minor party nomination before the person could file to run in a major party primary. This prevents a candidate from losing a major party primary and then running again in the general election as a minor party candidate.

Respectfully,

/Clayton Barker

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