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STATE OF KANSAS

January 24, 2024

Testimony on HB2516 (Oral Neutral)

House Committee on Elections

Thursday, January 25, 2024

Chairman Proctor and members of the Committee:

Thank you for the opportunity to provide comments on House Bill 2516. Our office is neutral on this legislation, will provide context and comment, and request the committee to address one major concern.

Context & Comment: The necessary level of public support (reflected in the number of petition signatures) for an independent candidate to have the candidate's name placed on the general election ballot for a statewide office is a matter best left to the discretion of the legislature.

The Secretary of State's office verifies the Independent candidate petition by assigning each petition page a unique page number and tallying the total number of possible signatures. If the number of possible signatures exceeds the statutory minimum, the petition is sent to the respective counties where staff verify each voter's status and signature. If the number of verified voters is legitimized by the appropriate counties and, once again, exceeds the statutory minimum, the person's name will be placed on the general election ballot. This process must be complete within 20 days of the petition being filed at the Secretary of State's office.

Concerns & Recommendation: First, the Secretary has a concern with increasing the minimum signature threshold to 25,000. KSA 25-305(b) sets noon on Monday before the primary election as the filing deadline for independent candidate petitions and KSA 25-303 requires the verification process to be completed within 20 days. The practical reality is most petitions are filed on the Monday before the primary election and the election staff would, therefore, be tasked with simultaneously verifying 25,000 signatures and conducting all the post primary election work, including conducting audits, reviewing provisional ballots, conducting the county canvass, and conducting recounts if requested.

To address this issue, we recommend an amendment to the bill, when it is worked, such as:

KSA 25-303(i): ~~Within 20 days after receipt of an independent nominating petition, but not~~ Not later than the date of the meeting of the state board of canvassers . . .

This would provide the election staff adequate time to verify signatures and would not negatively affect the independent candidate.

Second, the goal of Bill Section 2(c) appears to prohibit independent candidates from filing by fee. But independent candidates are already prohibited from filing by fee. They *must* file by petition. K.S.A. 25-4119f, which Section 2 amends, requires independent candidates to pay the required governmental ethics commission fee as well as the secretary of state administrative fee. All candidates pay those fees regardless of whether they file by fee or by petition.

Last, other problems encountered with petition filings:

- KSA 25-216 provides that any voter who signs an independent candidate petition may not vote in the corresponding party primary. This provision is difficult to enforce.
- There is anecdotal evidence that paying circulators by the signature or setting hard quotas incentivizes circulators to resort to making false entries on the petition.

Sincerely,

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