

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2715

As Amended by House Committee of the Whole

Brief*

HB 2715 concerns certain aspects of elections and electioneering.

The first two sections of the bill deal with the filings of candidates for governing body of extension districts and drainage districts. The bill would change the filing deadline for extension and drainage district governing body candidates to not later than noon of the Tuesday, ten weeks preceding the first Tuesday in April in election years. For extension district candidates, the revision would amount to changing "odd-numbered years" to "election years"; the remainder of this deadline change was made last year. For drainage district candidates, current law sets the deadline at noon on the Wednesday following the primary election. The bill also would require each extension or drainage district candidate filing be accompanied by a \$5 filing fee. The county election officer would be required to remit the filing fees to the county treasurer for deposit in the county general fund.

The third section of the bill would be a new statute and would forbid a school district from prohibiting the use of a school district facility or building by registered political parties, without discrimination, for the purpose of holding a presidential caucus, a district convention for the offices of state representative or state senator, or a party organizational meeting. Further, the bill authorizes a district that is making a facility or building available for any of these purposes to establish terms and conditions for the use of the facility or building, and recover any actual costs incurred from the

*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>

registered political party. The section of law that prohibits public officers and employees, including those of school districts, from authorizing the use of public funds or equipment to expressly advocate the nomination, election, or defeat of a clearly identified candidate to state office or local office, or to distribute political documents containing such express advocacy would not apply to this new section of law.

Background

At the hearing in the House Committee on Elections, the bill was supported by the Crawford County Clerk and Election Officer, who stated the bill would align the filing deadline for extension and drainage districts to the filing deadlines for the city and school district positions also currently elected in the spring. The earlier filing deadline would allow time to prepare ballots to meet the requirements of the federal Uniform and Overseas Citizens Absentee Voting Act. The proponent also indicated the addition of the \$5 filing fee was for the purpose of making the fee uniform across the state.

No opponents testified. One neutral conferee, the attorney for the North Topeka Drainage District Board, asked for an amendment to clarify to which "odd-numbered" years the filing deadline language would apply, since governing board member elections occurred every four years.

The House Committee on Elections amended the bill by changing the term "odd-numbered" to "election" years.

The House Committee of the Whole amended the bill to add a new section requiring school districts to allow the use of district facilities or buildings by registered political parties, without discrimination, for specified purposes.

According to the fiscal note on the original bill, the Office of the Secretary of State indicated the \$5 fee instituted in the bill would increase revenue to the general fund in those counties that have drainage districts and extension councils.

The amount of revenue would depend on the number of candidates who file for the elections. The Secretary of State further indicated that any fiscal effect resulting from the passage of this legislation would be negligible and could be absorbed within existing resources.