

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 333**

As Recommended by Senate Committee on
Ethics and Elections

Brief*

Sub. for SB 333 would change the current statutory requirement, that a petition circulator must be a Kansas resident, to permit both residents and non-residents to be petition circulators. The bill would define a petition circulator as a resident or non-resident who is a United States citizen, is at least 18 years old, has not been convicted of a felony, and possesses a photo identification meeting the requirements of KSA 25-2908.

The bill also would require the affidavit that all petition circulators are statutorily required to sign a statement that the petition circulator agrees to submit to the jurisdiction of the state, including its agencies, political subdivisions, and election officials, for subpoena enforcement regarding the integrity and reliability of the petition process.

The bill would make technical amendments in the sections being otherwise amended.

The bill would be in effect upon publication in the *Kansas Register*.

Background

A representative from the Secretary of State's office testified in support of the bill. A representative 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>

Attorney General's office submitted written testimony in support of the bill. There was no opposition testimony. The representatives from the Secretary of State's office and the Attorney General's office requested several amendments to the original bill.

Currently, only Kansas residents are permitted to be petition circulators. This statutory requirement became unenforceable following the stipulated order in the case *Constitution Party of Kan. v. Biggs*, No. 10-4043-SAC, 2010 WL 3237293 (D. Kan. Aug. 13, 2010). The court found this requirement to be unconstitutional as it violates the First Amendment of the *U.S. Constitution* according to *Yes on Term Limits, Inc. v. Savage*, 550 F.3d 1023 (10th Cir. 2008).

The Senate Committee on Ethics and Elections recommended a substitute bill that would amend the contents of the original bill to define a petition circulator as a resident or non-resident of Kansas as long as the individual is a United States citizen, is at least 18 years of age, has not been convicted of a felony, and possesses a photo identification meeting the requirements of KSA 25-2908 (voting at the polls). Additionally, the substitute bill would require the affidavit that all petition circulators are statutorily required to sign, whether residents or non-residents, to state that the petition circulator agrees to submit to the jurisdiction of the state.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Secretary of State indicated that any fiscal effect associated with SB 333 would be negligible.