

Kansas Republican's plan to move local elections to even-numbered years draws scrutiny

By: Sherman Smith
KANSASREFLECTOR.COM

TOPEKA — An aide to the secretary of state warned lawmakers Tuesday that moving all local elections to even-numbered years, so that candidates for city, county and school board seats appear on the same ballot as candidates for president or governor, would have consequences for voters and election officials.

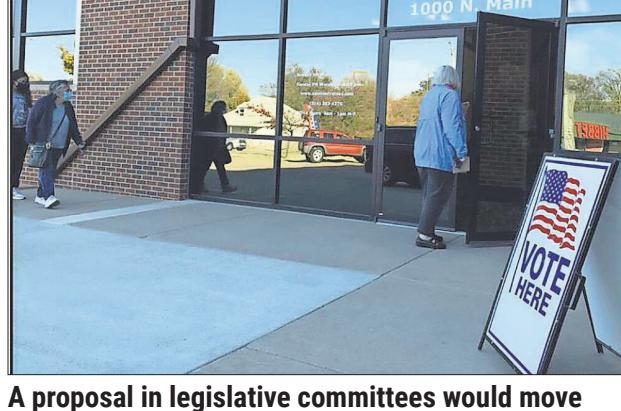
The proposal is among numerous changes to election law sought by Rep. Pat Proctor, a Leavenworth Republican who chairs the House Elections Committee and is running for the GOP nomination for secretary of state, which administers elections. Proctor said moving elections to even-numbered years would improve

voter turnout, which a voting rights advocate pointed out was at odds with Proctor's record of making it more difficult to participate in elections.

Clay Barker, general counsel for the Secretary of State's office, said during a hearing before Proctor's committee that combining elections would "exponentially increase" the number of ballot versions printed, to account for the boundary lines of small offices, such as school board seats and drainage districts.

He also said the ballots would be much longer, costing more to print and leading to longer lines at the polls as voters take more time to fill them out.

"The county will have to decide, do we handle that extra time and number of voters by having more polling places, more



A proposal in legislative committees would move city, school and other local elections to even numbered years to coincide with state and national elections. It would mean fewer elections to run, but other headaches for local election officials.

[Kansan File]

equipment and more staff, or do they make the strategy to push advanced voting, either in person or by mail, perhaps even sending out" advanced ballot applications, Barker said.

Counties also would have to figure out how to handle primary ballots, where only registered Republicans and Democrats can vote in their party's races while nonpartisan elections would be conducted at the same time.

Additionally, Barker said, voter fatigue from long ballots could result in simply voting along party lines based on information provided by special interest groups.

Proctor responded by asking Barker why he identified his testimony on House Bill 2452 as "neutral."

"You talked a lot about concerns and challenges," Proctor said, "and I'll dig into it with the clerks, because they're the ones that do this day to day. Secretary of State's Office has no position on the value of increasing voter turnout for an election?"

Barker said the office "would always be in favor of more turnout."

"At the same time, I was just trying to make sure you were aware of some of the implementation issues," Barker said.

If passed, the law would take effect in 2028.

Partisan flair

Only four people testified in support of the bill — two Republican legislators and representatives from two right-wing, out-of-state groups. Forty-three Kansans submitted opposition testimony.

Kathrine Bennett of the American Legislative Exchange Council spoke in favor of the bill but asked that her testimony be re-labeled from "proponent" to "neutral" because of the organization's nonpartisan nonprofit status. Rep. Alexis Simmons, a Topeka Democrat, questioned the authenticity of the move.

"Were you invited to the committee, or did ALEC seek this out?" Simmons asked.

Bennett said she was invited.

"And is that perhaps why

you did not register as a lobbyist?" Simmons asked.

Bennett responded: "As a 501(c)(3), and as vetted by our lawyers, the testimony before you today was considered neutral from a 501(c)(3) organization."

"Well, for the record, I think anyone involved in elections knows ALEC is highly partisan," Simmons said.

Proctor has a history of promoting partisan-based changes to election law, including restrictions to early voting he engineered last year. He has said he would prefer to eliminate early voting and complained that women stole the 2022 election on abortion rights after seeing them in long lines at polling places ahead of Election Day.

On Tuesday, Proctor's committee advanced House Bill 2446, which would drop the requirement that a treasurer's name appear on a candidate's political advertisements, and House Bill 2438, which bans non-government websites from assisting with voter registration applications.

The committee is scheduled on Thursday to hear House Bill 2451, which would prohibit public employees from advocating for or against proposed constitutional amendments while on the clock or with public resources. There is an exception for office holders who are seeking reelection or, like Proctor, a party nomination for office.

Voters in August will consider rewriting the Kansas Constitution to elect Supreme Court justices and abandon the current merit-based selection process.

Bitter fruit

Rep. Steve Huebert, a Valley Falls Republican, told the committee about how he had tried to move elections to even-numbered years more than a decade ago when Republican Gov. Sam Brownback was in office.

Huebert said he was driven by the need to increase turnout in local elections. But, he lamented, special interest groups fought the idea. As a compromise, the Legislature narrowly passed legislation that instead moved local elections from March to November in odd-numbered years.

"I remember being told by the governor, 'Great job — you got half an apple.' I jokingly told him, 'Yeah, we got the half the apple with a worm in it, because it's not going to accomplish its goal,'" Huebert said.

Ballotpedia writer Spencer Richardson provided voter turnout numbers for the committee that illustrate the stark discrepancy between local and statewide elections. Voter turnout in Kansas is 62% during presidential years, 46% for midterms and 20% in off-years, he said.

But numerous opponents questioned whether voters would be more likely to know anything about local candidates, even if turnout improved.

Harvey County Clerk Rick Piepho brought sample ballots for local elections that were already two full pages long for a single precinct. Merging elections would increase voter confusion, he said.

"It will increase the total number of votes for a candidate, because there'll be people that wouldn't make the effort in an odd year to go vote for a city election, that will actually mark a candidate if they

were combined," Piepho said. "But it's not proven whether they would be an informed voter or not, whereas, at least the ones that are turning out now, I would say, are probably informed, because they're making an effort to come vote in an odd year."

Simmons, the Topeka Democrat, asked Piepho if he had any recommendations for how else they could increase voter turnout. Piepho said turnout is determined by what's on the ballot.

"That's my favorite testimony today," Proctor said. "Turnout is determined by what's on the ballot, and if you only have a handful of local races, you get less turnout."

Getting out the vote

Voting rights advocate Melissa Stiehler, of Loud Light, told Proctor's committee she was "thrilled that you all care about voter turnout."

"That isn't typically something that's a priority in a lot of the bills that you all hear and work in this committee," she said.

Stiehler said Loud Light was opposed to the bill because there were too many unknowns. She said she was worried about the effect on local issues as candidates worked to get out the vote.

"Do you think that your local school board member is going to effectively be able to run a GOTV campaign with getting donors and volunteers in comparison to the presidential race?" Stiehler said. "Do you think that your pot-hole is going to get the attention that foreign policy gets in that election?"

She said it may be difficult for candidates to find printers for their mailers, and costs will rise for ad time, if local and statewide elections were held simultaneously.

"Making major electoral changes that will impact every Kansas voter, that will impact every elected official, deserves the due diligence of finding out the facts and evidence and legislating based on that," she said.

Shannon Kimball, a Lawrence school board member who testified on behalf of the Kansas Association of School Boards, said the organization has a longstanding policy of asking the legislature to keep school board elections nonpartisan and in odd-numbered years.

"We have maintained that position in belief that public education is best governed by locally elected citizens who are committed to serving their communities and are not accountable to partisan political structures," Kimball said.

Rep. Paul Waggoner, a Republican from Hutchinson, asserted without evidence that "many people will not run for school board races because so few people vote."

Kimball rejected his assertion.

"They run not because they are excited about the process of campaigning or partisan politics. They run because they really care about our public schools," she said.

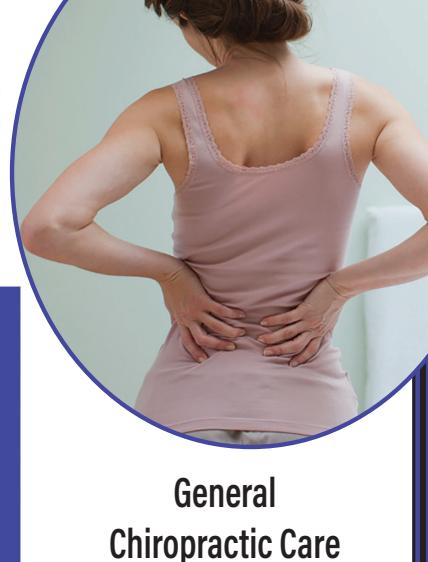
Waggoner's response: "For the fact of the matter, there's plenty of people on school board elections who could not win a higher office, because a higher percentage of people in their community who actually voted, that such a person would not receive a majority."

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