CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	February 20, 2015	
RESOLUTION OR ORDINANCE NUMBER	R-15-27	
AGENDA TITLE	A Resolution to oppose S Sub SB 171	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Cindy Price	
FISCAL INFORMATION	Cost as recommended:	n/a
	Budget Line Item:	
	Balance Available	
	New Appropriation Required:	[ ] Yes [ ] No
PURPOSE		
BACKGROUND	S Sub SB 171 is under consideration by the Kansas Legislature. This bill makes changes in the existing structure of local elections and also removes the statutes for the city manager form of government. Enclosed is information provided by the League of Kansas Municipalities regarding this bill. There have been numerous changes to the bill as it moves through the Ethics and Elections Committee. Staff is continuing to monitor this bill and will provide updated information, as well as a resolution, prior to the meeting. A list of the members of the committee and their contact information is provided.	

SPECIAL NOTES	**Senate Ethics and Elections Committee**: Sen. Mitch Holmes (R-33), Chair, Mitch.Holmes@senate.ks.gov, (785) 296-7667 Sen. Michael O'Donnell (R-25), Michael.ODonnell@senate.ks.gov, (785) 296-7391 Sen. Oletha Faust-Goudeau (D-29), Ranking Minority Member, Oletha.Faust-Goudeau@senate.ks.gov, (785) 296-7387 Sen. Steve Fitzgerald (R-5), Vice Chair, Steve.Fitzgerald@senate.ks.gov, (785) 296-7357 Sen. David Haley (D-4), David.Haley@senate.ks.gov, (785) 296-7376 Sen. Garrett Love (R-38), Garrett.Love@senate.ks.gov, (785) 296-7359 Sen. Tom Arpke (R-24), Tom.Arpke@senate.ks.gov, (785) 296-7369 Sen. Susan Wagle (R-30), Susan.Wagle@senate.ks.gov, (785) 296-2419 Sen. Kay Wolf (R-7), Kay.Wolf@senate.ks.gov, (785) 296-7390
ANALYSIS	
PUBLIC INFORMATION PROCESS	
BOARD OR COMMISSION RECOMMENDATION	
STAFF RECOMMENDATION	
REFERENCE DOCUMENTS ATTACHED	

RESOLUTION NO. R-15-27

A RESOLUTION TO OPPOSE THE KANSAS STATE LEGISLATURE'S CONSIDERATION OF MOVING MUNICIPAL ELECTIONS TO THE FALL.

WHEREAS, the Senate of the Kansas Legislature is considering SB 171 which moves city and school elections to the fall of odd numbered years; and,

WHEREAS, the City of Coffeyville feels that said legislation would unnecessarily interfere with local elections; and,

WHEREAS, the City has concerns that transitional issues have not been properly addressed; and

WHEREAS, the City has concerns that efforts will be made to make city elections partisan which will harm the quality of city governments in Kansas and prohibit federal employees and active duty military from running for local office; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Coffeyville, Kansas that the City officially opposes SB 171 or any other legislation that moves local elections to the fall.

ADOPTED THIS 24TH DAY OF FEBRUARY 2015.

_____
James Falkner, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

The legislature is currently considering S Sub SB 171, which would move nonpartisan city elections to the fall of odd numbered years. However, the League is concerned there will be additional efforts to move those races to the fall of even numbered years, and make them partisan. The League believes the current structure, which provides cities the flexibility to address the preferences of their citizens, is preferable to S Sub SB 171. The concerns of the League and its members are below.

Talking Points - S Sub SB 171

Transitional and Procedural Questions

- S Sub SB 171 does not address how city officials would transition to their new terms and cycles. There are also unanswered constitutional questions regarding the lengthened terms that would be necessary for the transition. It is poor public policy to requrie this massive, complex transition and provide no procedure for doing so.
- The legislation would force all 3,812 elected city officials to serve shorter or longer terms than for which they were elected. Such a move encroaches upon the democratic decisions made by Kansas communities.
- Amending all of the ordinances currently in place to adapt to a new election cycle will result in substantial publication costs for cities.

Home Rule Currently Allows Cities to Tailor Elections to Local Preferences

- Current law provides flexibility for communities to structure their local elections to reflect local preferences in a variety of ways. Cities may choose the frequencey of elections, the length of terms, staggered cycles, and the time of year in which the elections are held. Creating a uniform law takes away that flexibility to reflect the will of local citizens.

Better Options to Increase Voter Turnout

- There are a number of alternative policies the legislature could implement to increase turnout in city elections. For example, all-mail ballot elections for local races would substantially increase voter turnout, benefit taxpayers by decreasing the cost of election administration, and eliminate the effect of bad weather on election day turnout. Investigating mail-ballot elections and other alternatives is preferable to enacting flawed legislation.

Removes Statutes for City Manager Form of Government

- For the purposes of making that law uniform, the city manager form of government statutes in K.S.A. 12-1001, *et seq*., have been replaced by uniform language permitting cities to adopt or continue to operate under ordinances or charter ordinances that establish a form of government. S Sub SB 171 would require that those cities that rely on the statutes themselves to define their form of government take affirmative action to redefine their form of government. Several managers have reached out to the League with concerns that this offers insufficient protections for their form of government.

Talking Points - Opposing Amendments to Move to Even Years and Make Partisan

Competition with Other Elections

- Combining elections would make it more difficult for local officials to raise money, schedule forums and debates, and find room in cluttered yards for their campaign signs. Right now, because local elections are the only elections happening in the spring, local newspapers and other media outlets are covering the issues that are important in local communities. That is why the vast majority of American cities hold off-cycle elections.
- Research indicates that combining elections increases the incumbency rate of local officials because the large number of races on the ballot causes voters to just pick the names they recognize. Creating an election environment that makes it harder to focus on individual races is not good public policy.
- Time-strapped county officials will be less able to inform local officials about filing deadlines, campaign finance laws, statements of substantial interest, and other information.
- Adding city, school, and other jurisdictional boundaries to already confusing voting precincts would increase the opportunity for voters to go to the wrong polling place.

Partisan Elections Limit Candidates, Create Divisiveness

- The federal Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active duty military from participating in partisan elections. Due to these restrictions, making local elections partisan would narrow the potential field of candidates for municipal offices. The League has identified a number of dedicated public servants who would be adversely affected by such a change.
- Most Kansans do not want to see party politics inserted into our local governments. Kansas municipalities reflect their residents' will, and creating additional divisions amongst governing bodies will not serve the interest of our communities.
- Primary voters who are non-affiliated with the two major parties are required to receive separate ballots for partisan and non-partisan races. This causes confusion amongst voters and election workers. Such confusion would only increase with a move to partisan municipal elections.

Ballot Length

- If elections were combined, counties would likely have to distribute two ballots to each voter. This will increase the likelihood of error, ballot fatigue, and under-voting. The percentage of voters who vote on races decreases as you move down a ballot, and adding city, school board, and other races to the same ballot will only compound that problem.
- Combining elections would also increase the number of ballot styles used during each election. Many election officers have said such an increase would be unmanageable.
- The Secretary of State has said that the only way to successfully administer combined elections is by making local races partisan and replacing wards with at-large districts. Citizens should control how they are represented on their local governing bodies.

Opportunity for Other Public Elections

- Odd-year elections are often used as a vehicle to decide sales tax issues, bond issues, and other issues that require an election by a public vote, in order to avoid paying for an additional special election. Eliminating that opportunity virtually guarantees an increase in special elections, making it difficult for cities and counties to budget for election costs.