SPECIAL PRE-ELECTION POLICY WATCH
by Paul Johnson
With contributions from Mary Fund

2022 KANSAS ELECTIONS & POLICY ISSUES
What's on the Ballot? What's at Stake?

The voter turnout for the August 2nd primary was stunning. At almost 940,000 votes cast (48% of registered voters), it surpassed a normal Kansas primary vote by some 400,000 votes. The Kansas Legislature’s clever ploy of putting a constitutional amendment on a primary ballot when voter participation is historically low, was soundly defeated 59% to 41%.

Close to 180,000 independents – who normally sit out partisan primaries – cast a ballot. Come November, two more constitutional amendments will be on the ballot: one giving the State Legislature further control over the Executive branch, and the second mandating that counties must elect their sheriff but hands recall authority to the State AG office. These amendments are less likely to spur the outpouring of Kansans to the polls, but their importance is critical.

If passed, these changes to the Kansas Constitution would mark a decided shift toward less informed governance, more diminished local control, and erosion of the separation of branches of government. The explanatory language on the ballot for both amendments is deceptive so a careful examination is required. (See more below)

Furthermore, of the 125 Kansas House of Representatives seats, 65 have been settled through single candidate filings in June, and August primaries with no general election challenge. Of the 65 settled races, 46 are Republican and 19 Democrats. Except for one special election for a Kansas Senate seat this November (due to the death of the lawmaker), the 40 Kansas Senate elections are every four years coming next in 2024 in the newly redrawn senate districts.

How motivated will voters be to come out for the general election on November 8 with contested statewide races and the gerrymandered third Congressional district in Johnson County?

See more below about what’s on the ballot, what’s at stake, and key issues that should be garnering more attention.
**POWER TO REVOKE RULES & REGULATIONS.**

The first constitutional amendment on the ballot would allow a simple majority of state legislators to revoke or suspend state rules and regulations.

Currently, the Legislature writes and passes laws. The administrative agencies of the Executive branch write and implement rules and regulations to carry out those laws. The amendment is worded to suggest that the Legislature does not currently have any power to change rules and regulations. While a Joint Committee on Rules and Regulations can only review proposed rules and regulations and make suggestions, the Legislature currently has the power to write a new law striking down any rule or regulation in question— if there are enough votes to sustain a Governor’s veto.

The amendment would override a Kansas Supreme Court decision from 1984 drawing a sharp line between the Legislature writing the laws and the Executive branch administering the laws.

With the proposed constitutional amendment, the Legislature will be able to change or negate rules and regulations by a simple majority vote in the House and Senate. This new power grab can apply retroactively to any existing rule and regulation thus redefining intent perpetually. If passed, Executive agencies will constantly be in limbo guessing the real statutory intent of the current Legislature.

Rules and regulations are written by each agency based on the collective knowledge and expertise of staff working with the best consultants and outside experts in whatever subject area their agency is in charge of. As state citizens, we trust that they base their decisions on best available science and practices. While we know that special interests have their way of influencing rules and regulations, the separation of law writing and the agencies administering those programs helps maintain consistency and stability, and hopefully keeps ideology and politics further removed from day to day micro-management of affairs of state. This change assumes every legislator is or will be an expert in all the multiple topics that state government covers.

Voting yes takes away Executive authority and administrative stability with a 51% simple majority determining how agencies work. Voting no maintains the separation of the Executive and Legislative branches and maintains the current process for revocation.

Full text appearing on the ballot can be found here: 

**COUNTY SHERIFF ELECTIONS & PROCESS FOR RECALL.**

The second constitutional amendment would mandate that county sheriffs must be elected. This simple reading would appear benign, except that we already have that authority. The amendment if passed would prohibit counties from local reorganization of city and county law enforcement and services. More importantly, it gives authority to the State Attorney General to initiate a sheriff recall, something now left to the county authorities.

Riley County reorganized in 1974 to combine city and county law enforcement and services. This eliminated the election of the sheriff. This arrangement will remain in place. But under the constitutional amendment all other 104 counties will be prohibited from exercising such local reorganization control.

Furthermore, the amendment gives authority for initiating the process...
Deadline for mailed ballot to be postmarked: no later than Nov. 8, 2022

General election: Nov. 8, 2022

Last day for mailed ballots to reach the election office and still be counted: 5 p.m. Nov. 11, 2022

Kansas Voting Guide: What to know about the 2022 election
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SUPREME COURT JUSTICES RETENTION

The question of retaining six of the seven Kansas Supreme Court justices will also be on the November ballot. The role and visibility of the State Supreme Court has recently been elevated due to decisions regarding public school funding and in August, the amendment on the right to autonomy which protects a woman’s reproductive rights. Media have reported on “stealth” campaigns by the “Vote Yes” supporters to oust sitting Supreme Court Justices based on their votes to both of the above issues. Candidates are being queried about their stand on changing how justices are now appointed and subject to retention votes, to making them subject to a general election.

The justices up for retention in November are:
- Dan Biles — appointed in 2009 by Democratic Gov. Kathleen Sebelius.
- Caleb Stegall — appointed in 2014 by Republican Gov. Sam Brownback.
- Keynen Wall Jr. — appointed in 2020 by Kelly.
- Melissa Taylor Standridge — appointed in 2020 by Kelly.

See the following for more information on who is up for retention & explanation of justice selection.

THE NUTS, BOLTS AND POLITICS OF 2023 KANSAS LEGISLATIVE
The 2023 Kansas Legislature will convene on Monday – January 9, 2023. There will be several new Kansas House members - given the numerous retirements and newly elected lawmakers. In the first week of this coming December, the Republicans and Democrats will caucus to select their leaders. Given that the Republicans will still have the majority of House members, a new Speaker of the House will be selected along with a new House Majority leader. These new leaders will determine the number and subject matter of committees along with the Republican chairpersons for each committee as well as Republican committee assignments.

Leadership can change committee chairs and committee assignments at any time for any reason thus keeping their members in line. The Minority leader for the Democrats will determine their committee assignments and declare the ranking minority member for each committee. The Kansas Senate will keep the same Republican leadership but there could be some changes in committee assignments or subjects.

Kansas Legislative sessions run on a two-year cycle for the coming 2023 and 2024 sessions. The 2023 session is a fresh start so there is no legislation carried over from previous years. Bills are carried over for the second year. Senate bills start at #1 and House bills start at #2001. Pre-filed bills will be publicly available in December.

It is up to the Republican and Democratic leadership to establish policy priorities. Some of these policy priorities may come from the numerous interim committees that have been meeting this summer and into the fall. If an interim committee initiates legislation, these bills have been studied and stand a much better chance of passing.

It is difficult to predict policy issues but rest assured there will be more cultural war issues around public/private education, gender identity, public health, and abortion. Depending on the outcome of the Governor’s race, Medicaid expansion may or may not be finally debated and given a chance for a floor vote. While the session is slated for 90 days, it takes a couple weeks for the session to get up to full speed. Mondays are usually very light on committee hearings early in the session and Fridays are usually considered ‘pro forma’ where lawmakers check in early and return to their district.

Given the outcome of the primary election turnout, the general election this year could be full of surprises.

STATE POLICY ISSUES CRITICAL FOR THE FUTURE

While cultural and gender politics, book banning, and misleading hair-on-fire claims by candidates elicit (and divert) the most attention, Kansans deserve more substantive policy efforts on the issues of housing, energy/utilities/climate, water and resource policy, and farming, food and hunger. In talking to candidates, friends and neighbors pre-election, remember to include the following issues:

HOUSING – The 2022 Kansas Legislature made progress by dedicating federal pandemic and state funding for the ‘moderate income housing’ program at the Kansas Housing Resources Corporation (KHRC) through the State Housing Trust Fund (SHTF). State tax credits were passed to match the annual federal low-income housing tax credits that Kansas receives. Kansas needs to establish an ‘affordable housing commission’ that would present an annual housing needs report to the Kansas Legislature with policy and funding recommendations. Kansas needs a 10-year housing plan comparable to the highway programs.

Today Kansas does not have a dedicated funding source for the SHTF. The SHTF needs a $20-30 million reserve fund so Kansas could re-start the First Time Home Buyer Loan program statewide by using the $310 million in annual federal Private Activity Bonds at the Kansas Department of Commerce (as well as expanding the loans for multi-family rental projects). As 30-year mortgage rates have increased from 3% to 6.7% over last year, these federally subsidized loans for eligible first time home buyers and multi-family projects will lower the interest rate 1-2%.
ENERGY/UTILITIES – Kansas is still one of 8 states without a comprehensive state energy plan. The Kansas Legislature mandated a $300,000 electric rate study (paid for by captive ratepayers) that highlighted the essential need for such a plan but no action was taken by the Legislature.

The Kansas Corporation Commission (KCC) has also not used existing annual federal energy grant funds to devise a State Energy Plan. This at a time when the largest investor-owned electric utility in Kansas – EVERGY - is now 40% owned by ‘speculative’ investor funds intent on maximizing their highest rate of return by leveraging EVERGY to merge or be sold.

The 2021 February freeze - that forced natural gas prices up from $4 a mcf to $600/mcf from February 3 to February 17 and left many Kansans and communities with sky high fuel bills - is still unexplained. The KCC will not explain publicly where the money went and the Attorney General intervened (with expanded consumer protection authority) but has offered no explanation. Kansas Gas Service just floated $300 million in ‘rate-payer backed’ bonds that will cost each ratepayer $5-7 a month for 10 years.

While Kansas has 1.2 million housing units (of which 800,000 are owner-occupied and 400,000 rental), renters often pay the utility bill with little if any control over energy efficiency improvements. With thousands of the same rental units disconnected annually, the KCC needs to devise a plan to work with landlords to upgrade these housing units. Given the impact of the COVID pandemic and higher inflation, the issue of utility disconnects should receive greater focus and planning. EVERGY has a request now before the KCC to provide residential/small business customers energy efficiency programs (as they have in Missouri).

WATER – While over a few decades, Kansas has developed four 10-year highway plans now spending $1 Billion/yearly (funded through fees and particularly the general sales tax), Kansas has been unable to find $25 million a year for the State Water Plan Fund (SWPF) since 2008. Last session, Kansas used some federal funds to buy public water storage in three reservoirs and finally, after a lapse of several years, put the required $8 million of state funding into the SWPF. This is a good start but is far from what is needed to ensure or protect the State’s water for the future.

A special legislative interim Water Committee met August 29- 30, and once again heard grim and compelling testimony on the State’s water situation from numerous water experts and agency heads, but reached no recommendations on water policy or future funding. The target seems to be $55-60 million a year with the thought of taking that from the existing general sales tax (which is the funding base for public education, social services and public safety).

According to the 2017 USDA Agriculture Census for Kansas, there were 2.5 million irrigated crop acres (out of 22 million harvested acres in the state) on 5,147 farms - using 85% of all water in Kansas. (Crop irrigators pay no fees per 1,000 gallons of water). Agricultural water use is primarily driven in Kansas by federal Farm Bills with crop subsidies of $900 million for wheat, corn, soybeans and sorghum. The federal Farm Bill conservation programs of CRP (Conservation Reserve Program), CSP (Conservation Stewardship Program) and EQIP (Environmental Quality Incentives Program) totaled almost $200 million in 2020, but CSP and EQIP could fund only a small % of eligible applicants.

A new State Water Plan, the first since 2014, will be unveiled this fall, further outlining the state’s needs, and hopefully drawing attention to where policy or institutional changes or recommendations, and funding are needed. With much of the state under serious drought conditions and climate change fueled disasters across the planet increasing, this may (or should) be the impetus for action.

FARMING/FOOD/HUNGER – Farm Bills have the greatest impact in Kansas on cropping patterns, soil health, water (quantity/quality), nutrition and food assistance. Unfortunately, Farm Bills go undiscussed at the Kansas Legislature and will probably garner little debate in state Congressional races or the U.S. Senate campaign. The $1 to $1.5 billion annual Farm Bill farm subsidies heavily subsidize a few select crops that are planted over and over every year. Since 1995, 88% of commodity crop subsidies in Kansas have gone to just 20% of the 58,900 farms. Soil loss from wind and water erosion is around 5 tons of topsoil per acre per year. The Farm Bill conservation programs are severely underfunded although the issue of soil protection and climate change is gaining traction federally. As the new 2022 Kansas Water Plan comes out this fall, the Legislature should hold hearings in 2023 to discuss coordination between the SWPF


USDA has recently announced a round of Climate Smart Farming funding in the Inflation Reduction Act (IRA) that will add significant dollars to existing conservation programs. As the Farm Bill debate is beginning in D.C., so is the wrangling of just how those IRA dollars will impact the Farm Bill. Will these additional amounts be added into the Farm Bill appropriation asks? Will they be mandatory dollars or subject to annual change? The increases appear large given the underfunded status of many conservation programs, but like the long-underfunded Kansas State Water Plan (see above), much is needed.

In regards to nutrition, the USDA Food Plate is 50% fruits and vegetables (five servings daily), 30% grains (half whole grains) and 20% protein with a dairy side. Farm Bill food subsidies are quite different: 63% feed grains, 20% food grains, 15% sugar, starch, oil, alcohol, 2% nuts/legumes, and only 1% fruits and vegetables (thus the Western diet of fats, sugar and salt). Kansas ranks 8th of the 50 states in adult obesity (35.5%) and one-third of Kansas children are overweight or obese.

Overall Farm Bill spending is 80% nutrition (primarily food stamps now known as the Supplemental Nutrition Assistance Program or SNAP) and 20% farm programs. This is thanks to Senators Bob Dole and George McGovern that put food stamps in the 1972 Farm Bill.

In the 2018 USDA report on ‘serving the need’, the national average for eligible recipients getting SNAP was 82% while in Kansas it was just 68% placing our state 48th of the 50 states. In the realm of all Kansas food assistance programs, SNAP accounts for 60-70%, while school meals come in at 15-20% and the private sector under 10%. The 2023 Kansas Legislature should discuss why SNAP participation in Kansas is so low and what can be done to increase its’ use.

With Kansans spending over $8 Billion a year on food, Kansas needs a statewide food plan to capture those dollars in Kansas and promote a more resilient, local food system. Kansas imports 90-95% of the $800 million spent on fruits & vegetables but it is less clear the role of local meats, grains and dairy. Kansas has used federal and pandemic funds to expand the number of local meat processors from 75 to 100 over the last couple years.

The new KSU President Richard Linton, comes to Kansas from North Carolina State University where their Center for Environmental Farming Systems (CEFS), working with the North Carolina Department of Agriculture and North Carolina Agricultural and Technical State University, promoted and established a North Carolina 10% Local Foods Campaign. This is a process and program that Kansas could emulate, setting a goal for 10% of food dollars to be spent on local food.

Check out North Carolina State’s Extension program below: [https://cefs.ncsu.edu/extension-and-outreach/nc-10-campaign/](https://cefs.ncsu.edu/extension-and-outreach/nc-10-campaign/)

CEFS should be the model for the Kansas Center for Sustainable Agriculture and Alternative Crops – KCSAAC, whose state funding has been frozen at $60,000 since its inception in 1995.

**Other resources:**
See KRC’s Special Rural Papers on Farm Bill [HERE](https://cefs.ncsu.edu/extension-and-outreach/nc-10-campaign/)

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**FINAL THOUGHTS ON THE ELECTION**

With 65 of the 125 Kansas House Representatives already certain of election in November, this fall is the time to communicate with your representative—whether they are running unopposed or are in a race. It is the time to request greater transparency in House Rules in regards to listing sponsors of legislation, truthful/complete committee schedules, fair committee hearings, more open floor debates, and limits on packing legislation (that passed just one chamber) into mega-legislation at the end of the session. Given the partisan nature of redistricting and maps produced in the dark at the last minute (without regard for most public comments), Kansas has the time to assess how other states (19) have created non-partisan redistricting committees and select the best option for our state for 2031.
VOTING INFORMATION

OCTOBER 18 – KANSAS VOTER REGISTRATION DEADLINE

Today Kansas has 2,229,316 residents 18 and older. As of August 1, there were 1,951,099 registered Kansas voters – leaving 278,217 unregistered (approximately 12%). (In 2020’s general election there were 1,938,560 registered voters with 1,375,125 – 71% - casting a ballot). There are guesstimates that around 100,000 residents in 2022 cannot register given criminal status and citizenship questions. This November 8 election is important for Kansas and debating meaningful policy initiatives for the future.

Please take the time to ask your friends and relatives if they are registered to vote and plan to vote. Turnout will be vital to chart a better direction for our beloved state. The August 2022 primary was evidence of this.

Key Dates:

- Voter registration deadline for general: **Oct. 18, 2022**
- Advance voting begins: **Oct. 19, 2022**
- Last day to apply for advance mail ballot: **Nov. 1, 2022**
- Deadline for mailed ballot to be postmarked: no later than **Nov. 8, 2022**
- General election: **Nov. 8, 2022**
- Last day for mailed ballots to reach the election office and still be counted: 5 p.m. **Nov. 11, 2022**

For an excellent guide to voting go to the Kansas voting guide: What to know about the 2022 election by clicking **HERE**

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If you are receiving KRC Policy Watch through one of these organizations and have questions, contact the organization directly.

If you wish to be removed from the KRC list, contact info@kansasruralcenter.org

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