



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | AUGUST 9, 2024

2024 AUGUST PRIMARIES & POTPOURRI OF LEGISLATIVE ACTIVITIES

The highest-profile primary race was in the 2nd Congressional District to succeed Congressman Jake LaTurner. The 2nd District covers most of eastern Kansas except for greater Kansas City. Voters in this race were flooded with emails, flyers, media advertising, and texts. Five candidates competed in the Republican primary: former Kansas attorney general Derek Schmidt, Independence; Michael Ogle, Lawrence; former LaTurner staffer Jeff Kahrs, Topeka; Shawn Tiffany, former Kansas Livestock Association president, of Council Grove; and Chad Young, Lawrence. Former Republican governors split their endorsements in this race. Former governor Sam Brownback endorsed Jeff Kahrs, while former governor Jeff Colyer endorsed former attorney general Derek Schmidt. In addition, Derek Schmidt received the endorsement of former president Donald Trump. All of these efforts led to former attorney general Derek Schmidt earning the Republican primary victory.

The 2nd District Democratic primary saw former 2nd District Congresswoman Nancy Boyda narrowly defeating former University of Kansas basketball player Matt Kleinmann. Schmidt and Boyda will face each other in the November general election.

The “Big First” District Congressman Tracey Mann easily defeated his primary opponent, Eric Bloom, R-Lawrence. Congressman Mann will face Democrat Paul Buskirk of Lawrence in the November general election.

The 3rd Congressional District, which covers the greater Kansas City area, finds Congresswoman Sharice Davids, D-Shawnee, unopposed in the Democratic primary. She will face Republican primary winner Dr. Prasanth Reddy of Lenexa.

The 4th Congressional District incumbent Congressman Ron Estes, R-Wichita, attracted no primary opposition and will face Democrat Esau Freeman in the November general election.

KANSAS LEGISLATIVE PRIMARIES

On Tuesday, citizens voted out two legislators some viewed as traitors to their parties, which may add to the expected shakeup of the Legislature and an exciting general election. Sen. Dennis Pyle, R-Hiawatha, was beat out by Craig Bowser of Holton, while Rep. Marvin Robinson, D-Kansas City, lost his primary to Wanda Paige, a Kansas City, Kansas, school board member.

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The 40-member Senate could have as many as 12 newcomers by January. The House of Representatives (125 members) may have 21 newcomers. Those numbers could increase, depending on November results, when Democrats hope to break GOP supermajorities in both chambers. After reviewing the primary results and November ballot, there are nine Senators and 52 House members without a November opponent from a major party. We will provide a more comprehensive review of the 2024 elections following the November general election on Tuesday, Nov. 5.

KANSAS SENATE PRIMARIES

The 2024 election cycle this year is the first election for the Kansas Senate since the 2022 redistricting. It appears three House members who sought to move to the Senate lost their primaries.

The Republican primary in Senate District 1 finds Craig Bowser, R-Holton, defeating Rep. John Eplee, R-Atchison. Incumbent Senator Dennis Pyle, R-Hiawatha, finished third in the primary, leaving Craig Bowser appearing to face no opposition in the upcoming November general election.

The Senate District 2 primary had incumbent Marci Francisco, D-Lawrence, prevailing over Rep. Christina Haswood, D-Lawrence. Governor Laura Kelly endorsed Francisco and former Governor Sebelius endorsed Rep. Haswood. Then, in the Senate District 19 Democratic primary, House Minority Leader Vic Miller, D-Topeka, was defeated by Patrick Schmidt. Mr. Schmidt too was endorsed by Gov. Kelly, as this was another Democrat primary where she weighed in and provided support from her Middle of the Road PAC.

STEP BY STEP POST-ELECTION AUDIT PROCESS

Below are the next steps to audit the primaries now that the election has occurred. Some of the following steps should be considered contingent, as they may or may not occur as a result of the actions of a candidate or the situation. The Kansas Statutes referenced below can be viewed [here](#).

Step 1: Primary Election

Step 2: Post-Election Audit (K.S.A. 25-3009)

On August 7, the Secretary of State randomly selected one federal, one legislative, and one county race to be audited in each county.

The Secretary of State then notifies each county election office of the races to be audited. The county election office will then randomly select 1% of the precincts to be audited for each race. Under the law, ballots from the selected precincts must be hand-counted to ensure the hand count is identical to the vote count from the tabulators. The audit must be performed by a sworn election board consisting of bipartisan trained board members. Per K.A.R. 7-47-1, ballot images cannot be used when conducting an audit.

Audits must be completed before the county canvass, which must take place no later than August 19.

Step 3: Close-Race Audit (K.S.A. 25-3009(b))(2)(C)(Contingent)

If the election result margin is within 1% of the total votes cast and reported on election night, then a close-race audit is triggered in addition to a post-election audit.

Step 4: County Canvass (K.S.A. 25-3101 to 25-3110)

The canvassing must be public and must be completed no later than 13 days following the election. Certification of election results by the County Board of Canvassers is required for all elections.

Step 5: Recount (K.S.A. 25-3107)(Contingent)

Any candidate may request a recount in one or more counties.

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Final Step: State Board of Canvassers (K.S.A. 25-3201 to 25-3211)

The State Board of Canvassers consists of the Governor, Secretary of State, and Attorney General. The State Board of Canvassers meets following the County Boards of Canvassers' certification of election results in each county. The meeting must be public and must be completed no later than Sept. 1, 2024.

Only after all these required audits and steps occur are the primary election results official. The process starts over in preparation for the November general election.

INTERIM STUDIES APPROVED

The Legislative Coordinating Council (LCC) in July approved interim committee meetings for the 12 standing Joint Committees. In addition, the LCC authorized seven special committees for interim study to review and potentially make recommendations on a wide range of topics.

Below are the approved Special Committees:

- Special Committee on Centralized Pooled Collateral or PMIB Modernization
- Special Committee on Sedation Dentistry
- Special Committee on State Employee Compensation
- Special Committee on Targeted Case Management
- Special Committee on Availability and Affordable Housing
- Special Committee on Foreign Trade and Regulatory Sandboxes
- Special Committee on Medical Marijuana

In addition, the LCC voted unanimously to approve an eighth special interim committee dedicated to studying the budget process and its development. There is an interest in pursuing the development of a legislative budget separately from the governor's budget proposal. Also, there are concerns regarding the addition of budget provisions during conference committees at the end of the legislative session. Legislative leaders believe there is an opportunity through this special committee to streamline and enhance the budget process for the legislature.

FISCAL YEAR 2025 UNDERWAY

Positive June receipts helped Fiscal Year 2024 end on a positive note. June receipts were \$24.1 million, or 2.4% more than the estimate. FY 2024 ended slightly under the estimates at 99.3% (\$67,866,401).

Fiscal Year 2025 started on July 1, 2024. The July receipts represent the first estimates for FY 2025 based on the April Consensus Revenue estimate and adjusted for the tax cut package and other legislation from the Special Session. Total July receipts were \$7.7 million or 1.5% below the revised estimates.

FAREWELL TO A VALUED COLLEAGUE

Saying goodbye is never easy, especially when it's to a cherished colleague and friend like Gary Robbins. Since joining Foulston in 2018, Gary seamlessly filled the shoes of the retired Jim Maag. His familiarity with our legislative issues and policy objectives made him an instant fit.

During the past six years, Gary served as a co-editor and senior lobbyist, expanding the Kansas Legislative Insights newsletter, through which we provided our law firm members and clients with valuable insights into the legislative process. Gary vigilantly monitored the state budget, interim committees, and interacted with legislators on behalf of our clients and firm.

We all feel privileged to have worked with Gary and will miss his guidance and positivity at Foulston.

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As Gary retires from Foulston, he also leaves behind an impressive 49-year career in association management and governmental relations. Many of us at Foulston first met Gary during his tenure as the CLE Director of the KBA from 1977-1982. He later served as the Executive Director of the Kansas Optometric Association from 1982-2016. Gary's contributions to the field have been recognized with an honorary Doctor of Optometry degree from Southern College of Optometry, Executive of the Year titles from both the Kansas Society of Association Executives and the International Association of Optometric Executives, and awards from the American Optometric Association, Kansas Bar Association, and Heart of America Contact Lens Society, among others.

We wish Gary a long, fruitful, and happy retirement with heartfelt gratitude.

From Jim Rankin and your friends at Foulston.

Kansas Legislative Insights is a publication developed by the Governmental Affairs & Public Policy Law practice group of Foulston Siefkin LLP. It is designed to inform business executives, human resources and governmental relations professionals, and general counsel about current developments occurring in current Kansas legislation. Published regularly during the Kansas legislative session and periodically when the Legislature is not in session, it focuses on issues involving healthcare, insurance, public finance, taxation, financial institutions, business & economic development, energy, real estate & construction, environmental, agribusiness, employment, and workers compensation. Bill summaries are by necessity brief, however, for additional information on any issue before the Kansas Legislature, contact Foulston Siefkin's Governmental Affairs & Public Policy Law practice group leader, C. Edward Watson, II, at 316.291.9589 or cewatson@foulston.com. Learn more about the authors below:

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As a partner at Foulston Siefkin, Eddie represents clients in matters before state regulatory commissions, courts, and local governmental bodies. He has built and maintained relationships with key individuals – including lobbyists, elected and appointed officials, and staff members – that prove valuable in advancing clients' interests and issues. Drawing on his experience as a regional governmental affairs attorney for AT&T in Chicago, he helps clients navigate the maze of federal policies and agencies, advises on how processes work in Washington, and provides introductions to those who can help them accomplish their goals.

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Gary, a governmental affairs consultant to Foulston Siefkin's Governmental Affairs & Public Policy practice group, provides legislative monitoring and lobbying services for Foulston's governmental relations clients. He holds a bachelor of science degree in history and political science from Southwestern College and a master's degree in labor economics from Wichita State University. Throughout his extensive career, Gary has served as CLE Director to the Kansas Bar Association and as Executive Director of the Kansas Optometric Association.

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Eric, a governmental affairs consultant to Foulston Siefkin's Governmental Affairs & Public Policy practice group, has nearly 30 years' experience providing strategic direction and governmental relations services. As Wichita State University's governmental relations leader for 18 years, Eric developed lasting relationships at the local, state, and federal Government level around Kansas. Eric holds a doctorate in political science from the University of Kansas and a masters in public administration from Wichita State University, complementing his undergraduate business degree from Wichita State.

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