



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | AUGUST 4, 2022

August 4, 2022

AUGUST STATEWIDE PRIMARY ELECTION RESULTS

The Congressional, statewide officers, Kansas House of Representatives, and Board of Education races were overshadowed by the intense campaigning for and against the Value Them Both constitutional amendment, with both sides combining to spend more than \$10 million. The measure generated record advance voting for a non-presidential year primary election with more than 908,802 votes cast by Tuesday. One July poll showed that the constitutional amendment vote would be close with 10% of the electorate undecided. The amendment failed by a larger margin than expected (59%-41%).

Governor Laura Kelly easily won the Democratic nomination for governor with 94% of the vote. Attorney General Derek Schmidt also comfortably won the Republican nomination with more than 80% of the votes cast. On Aug. 1, State Senator Dennis Pyle filed by petition to run for governor as an independent with more than 8,800 signatures. The Secretary of State's Office must verify whether all are registered voters (5,000 valid signatures are required to be on the November ballot).

The three-way race for the Republican nomination for attorney general was won by former Secretary of State Kris Kobach with 42% of the vote. State Senator Kellie Warren finished second with 38% of the vote and federal prosecutor Tony Mattivi was third with 20%. Kansas Secretary of State Scott Schwab won the Republican nomination for Secretary of State with a 55%-45% margin over Mike Brown.

The closest statewide race was a virtual tie for state treasurer between Rep. Steven Johnson, R-Assaria, narrowly leading State Senator Caryn Tyson, R-Parker, by fewer than 400 votes. There were more than 35,000 unreturned mail ballots by the morning of Aug. 2. Mail ballots must be postmarked by Aug. 2 and received by Friday, Aug. 5, to be counted. We may not know the outcome until next week.

KANSAS HOUSE OF REPRESENTATIVES PRIMARY

Eight incumbent House members were defeated in the August primary. Seven were Republicans and one was a Democrat. Two house committee leaders were among those defeated: House Federal and State Affairs Chair Rep.

FOULSTON

ATTORNEYS AT LAW

John Barker, R-Abilene, and House Judiciary Vice Chair Rep. Bradley Ralph, R- Dodge City. The only primary race pitting two incumbent Republican legislators against each other was won by Rep. Jim Minnix, R-Scott City, who defeated Rep. Tatum Lee, R-Ness City. Three House incumbents with some legal entanglements were among those defeated: Rep. Suzi Carlson, R-Clay Center, Rep. Aaron Coleman, D-Kansas City, and Rep. Mark Samsel, R- Wellsville. A list of other defeated primary incumbents follows:

District 5 – Mark Samsel, R-Wellsville
District 37 – Aaron Coleman, D-Kansas City
District 64 – Suzi Carlson, R-Clay Center
District 70 – John Barker, R-Abilene
District 79 – Cheryl Helmer, R-Mulvane
District 118 – Tatum Lee, R-Ness City
District 119 – Brad Ralph, R-Dodge City
District 123 – John Wheeler, R-Garden City

FISCAL YEAR BEGINS ON SOLID FOOTING

July was marked by positive news related to the state budget as the 2023 Fiscal Year started on July 1. The Kansas Department of Revenue announced that Fiscal Year 2022 ended on June 30 with \$437 million in state revenue more than the estimates. Secretary of Revenue Mark Burghart noted that the higher-than-expected corporate revenue signals that corporations anticipate profits in 2022. Corporate taxes were \$806 million for Fiscal Year 2022, which was \$81 million more than the estimate and 23.6% more than last year. He also predicted more than \$500 million in the state general fund. On July 5, the Kansas Department of Revenue announced that Fiscal Year 2023 started with a record \$2 billion in the State General Fund. This number reflects tax revenue and unspent federal/state funds from FY 2022. The other positive news was a record \$969 million in the state Rainy Day fund used to cover emergencies and unforeseen expenses. It will allow the state to avoid short-term borrowing this year, which has been a frequent practice. Gov. Kelly noted that when she became governor in 2019, there was no money in the State General Fund or the Rainy Day fund.

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, 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, James P. Rankin at 785.233.3600 or jrankin@foulston.com. Learn more about the authors below:

James (Jim) P. Rankin

Co-Editor and Governmental Affairs & Public Policy Law Team Leader
785.233.3600
jrankin@foulston.com | [View Bio](#)

As a partner at Foulston Siefkin, Jim's practice focuses on employee benefits law relating to public, private, governmental, and tax-exempt organizations. A large part of his work involves Insurance Regulatory and compliance issues in many industries,

FOULSTON

ATTORNEYS AT LAW

including Healthcare. Jim has been selected by his peers for inclusion in *The Best Lawyers in America*[®] and the *Missouri & Kansas Super Lawyers*[®] list. He is the firm's representative with State Law Resources, Inc., a national network of independent law firms selected for their expertise in administrative, regulatory, and governmental relations at the state and federal level.

Gary L. Robbins

Co-Editor and Governmental Affairs Consultant
785.640.2651
garyrobbinsconsulting@gmail.com | [View bio](#)

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.

Eric L. Sexton, PhD

Contributing Author and Governmental Affairs Consultant
316.371.7553
esexton@foulston.com | [View bio](#)

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.

C. Edward Watson, II

Contributing Author and Governmental Affairs & Public Policy Law Partner
316.291.9589
cewatson@foulston.com | [View Bio](#)

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.

This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship.

PRACTICE AREAS

- Government Affairs & Public Policy Law