



KANSAS LEGISLATIVE INSIGHTS NEWSLETTER | DECEMBER 2, 2020

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SECRETARY OF STATE UPDATE ON GENERAL ELECTION

Kansas Secretary of State Scott Schwab announced a record 1,373,125 votes were cast in the general election, nearly a 71% turnout. During the last Presidential election in 2016, turnout was slightly more than 67%. More than 830,000 Kansans voted during the advanced voting period. In-person advance voters totaled 371,854, while advance-by-mail ballots were 459,229. The remaining 544,042 Kansans voted on Election Day. The Secretary of State's Office announced other records were set for the highest number of registered voters and a record number of advance-by-mail ballots (both sent and returned).

In addition, 2020 is the first year in which post-election audits have occurred in Kansas for major statewide elections under a new 2019 Kansas election law. Each county audited three races selected by the Secretary of State and at least 1% of precincts within their county. All 105 county audits matched the election numbers with only minor, explained one- or two-vote discrepancies in several instances. All lawful votes were counted, according to the Secretary of State's Office.

KANSAS STATE BOARD OF CANVASSERS CERTIFIES THE ELECTION RESULTS

On Nov. 30, the Kansas State Board of Canvassers met to certify the 2020 General Election results. On election night, three Kansas House races had fewer than a 10-vote margin before provisional and mail ballots were counted. In House District 16, Linda Featherston (D-Overland Park) was leading Rashard Young (R-Overland Park) by one vote on election night. When all the votes were counted, she won by 67 votes. In House District 48, Terry Frederick (R-Overland Park) had a nine-vote margin over Jennifer Day (D-Overland Park) on election night. The final tally reversed the result to a 66-vote victory for Day. Rep. Jason Probst (D-Hutchinson) had a six-vote lead over challenger John Whitesel (R-Hutchinson) on election night. Ultimately, the Board of Canvassers certified a 31-vote margin for Probst. Next session, Rep. Probst will be the only Democrat representing a House District in the western half of the state. The November 2020 election increased the Republican House of Representatives majority to 86.

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When the Kansas Senate convenes, there will be 14 new Senators, but the Republican-to-Democrat composition will remain 29-11. Republicans flipped two Shawnee County Democratic seats. Senate Minority Leader Anthony Hensley (D-Topeka) was defeated by Rick Kloos (R-Berryton). Sen. Hensley was the longest-serving member in the Kansas Legislature. He was first elected in 1976. Kristen O'Shea (R-Topeka) won an open seat that was represented by Gov. Laura Kelly when she was in the Senate. In Leavenworth County, Rep. Jeff Pittman (D-Leavenworth) defeated Sen. Kevin Braun (R-Kansas City). In Johnson County, Rep. Cindy Holscher (D-Overland Park) won the open seat created with the retirement of Senate Majority Leader Jim Denning.

2021 LEGISLATIVE SESSION

What will the 2021 Legislature look like in a pandemic? Several options are under consideration. On Nov. 19, 2020, the Legislative Coordinating Council (LCC) discussed a wide range of issues, including the Virtual Statehouse Project and Statehouse Coronavirus Protocols. The LCC accepted a bid from World Wide Technology to update livestreaming audio and video of every committee room, the House and Senate chambers, and conference rooms. All the new upgrades and security firewalls are to be completed by the end of December.

The outgoing LCC will meet this week to review options and recommend a plan to the new leadership. Presumably, the plan will provide rules concerning who has access to the statehouse, mask wearing, regular testing of legislators and staff, continuation of daily cleaning of rooms immediately after use, and potentially closing off galleries. Legislative Administrative Services has been working with consultants on best practices.

LEADERSHIP ELECTIONS

On Dec. 8, 2020, the new Legislature will meet to elect new leadership. The Kansas Senate will elect a new President, Majority Leader, and Minority Leader for the first time in several decades. Little change is expected in the House of Representatives leadership elections. Candidates exploring leadership positions have been quietly visiting with colleagues since the last session in many cases. There will also be orientation for the new legislators. The newly elected leadership will appoint committee chairs by the end of December, and the composition of the committees will be completed by early January. The 2021 Legislature convenes on **Jan. 11, 2021**.

REVENUE UPDATE

On Nov. 6, 2020, the Consensus Revenue Estimating Group adjusted the April state revenues projections upward by 6.6 %, which improved the challenging state budget picture for Fiscal Year 2021. The November Kansas total revenue numbers show a 1.1% increase, or \$6.0 million, over the newly revised estimates. Compared with the same month last fiscal year, this is modest growth of 4.3%, or \$22.9 million. Retail sales tax collections were down slightly from the estimate.

Kansas Legislative Insights is a publication developed by the Governmental Relations & 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 Relations & Public Policy Law practice group leader, James P. Rankin at 785.233.3600 or jrankin@foulston.com.

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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, 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 government relations at the state and federal level.

Gary, a governmental affairs consultant to Foulston Siefkin's Governmental Relations & 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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PRACTICE AREAS

- Government Affairs & Public Policy Law