

Approved

R.H. February 25, 1983
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Richard L. Harper at
Chairperson

9:00 a.m./p.m. on February 23, 1983 in room 526-S of the Capitol.

All members were present except: All Members Present

Committee staff present: Ramon Powers, Legislative Research Department
Eric Rucker, Secretary of State's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Representative Runnels, District 56, Topeka, Kansas
Bill Blankenship, Associated Students of Kansas,
Topeka, Kansas
Steve Montgomery, Department of Revenue, Topeka
Representative Cloud, District 30, Shawnee Mission, Ks.
Senator Wint Winter, District 2, Lawrence, Kansas
Attorney General Robert Stephan, Topeka, Kansas
Melody Woerman, Diocese of the Episcopal Church
John Josserand, Secretary of State's Office
Reverend Peter Casparian, Diocese of the Episcopal
Church

Due to the absence of the Chairperson, who had to attend another meeting at this time, the Election Committee was called to order by Vice-Chairperson Guldner.

Representative Crumbaker made the motion that the minutes of the meetings of February 8, 9 and 17th be approved as written. Representative Moomaw seconded. Motion carried.

At this time, Vice-Chairman Guldner called Representative Runnels to the floor to explain HB 2240, An Act relating to elections; concerning the appointment of drivers' license examiners as deputy county election officers.

Following the explanation of HB 2240, some general discussion on this bill was held. The Vice-Chairman thanked Representative Runnels, and called next as a conferee on this bill was Bill Blankenship, Associated Students of Kansas, Topeka, Kansas. Mr. Blankenship stated that ASK believes that HB 2240 would enhance participation in the electoral process, they support its passage. (Attachment 1)

Steve Montgomery was the next conferee called to the floor by Vice-Chairman Guldner. Mr. Montgomery, who is with the Department of Revenue, said that the department remains neutral. After some discussion, the hearing was closed on HB 2240.

Next up on the agenda was HB 2384. Representative Cloud was recognized here as he is the sponsor of this bill. The Representative here asked for the Attorney General to take his place as he had other commitments to meet. The Attorney General stated he wanted to commend HB 2384 to the Committee as another measure to open up government to the citizens it governs, and complimented Representative Cloud for introducing this well conceived proposal. (Attachment 2)

Representative Cloud, sponsor of HB 2384, was called to the floor by Vice-Chairman Guldner. After a brief explanation of this bill, some questioning and discussion was held. (Attachment 3)

The next conferee appearing before the Committee was Senator Wint Winter of Lawrence. The Senator appeared to testify in support of HB 2384.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 526-S, Statehouse, at 9:00 a.m. on February 23, 1983.

Melody Woerman, Diocese of the Episcopal Church, appeared before the Election Committee in support of HB 2384.

At this time, Jon Jossierand, Secretary of State's Office, appeared to testify on this bill. Mr. Jossierand stated that he and his office had worked very closely with Representative Cloud in the wording of this bill, and he agreed with the statement of the Attorney General.

The Vice-Chairman now called the Reverend Casparian, Diocese of the Episcopal Church to testify. The Reverend appeared in support of HB 2384. A letter received earlier from him had been passed to the Committee members.

Because the Committee had run over their time for the meeting room, it was announced that HB 2400 and HB 2406 would be first on the agenda for the next meeting, which is scheduled for Thursday, February 24, 1983.

It was announced by the Chairperson that a different meeting room would be made available if possible, so that the Committee could meet for a longer period of time.

The meeting was adjourned at 10:05 a.m.

(att achment 41)



ASSOCIATED STUDENTS OF KANSAS

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Washburn University Campus Organization

William L. Blankenship
Board Member

Paul A. Sterrett
Campus Director

Statement By

William L. Blankenship
Board Member
Washburn University

For The
Associated Students of Kansas
(ASK)

Before The
House Elections Committee

On
HB 2240

February 22, 1983

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INTRODUCTORY REMARKS

Mr. Chairman, members of the House Elections Committee, I would like to thank you for the opportunity to be with you today to express the views of the Associated Students of Kansas on House Bill 2240.

My name is Bill Blankenship. I am a student at Washburn University. I represent the students of Washburn as their member on the ASK Board of Directors and have the additional privilege of serving as the chairperson of that board.

ASK is the only active state student association in Kansas. It represents 83,000 students attending the seven public universities in the state.

I am here today to express ASK's support for HB2240.

STATEMENT OF SUPPORT: HB2240

Again, because ASK believes that this bill would enhance participation in the electoral process, we support its passage. It is unfortunate that maintenance of one's driver's license is too often given priority over the maintenance of one's status as a registered voter. However, it is a fact that the driver's license is an important component in a person's life.

That fact is driven home when you move, open a new checking account and try to cash a check without changing the address on your driver's license. The shopkeeper gives you a not too subtle reminder that you should remedy this fact.

However, there is no similar reminder that you should change your voter registration.

The enactment of HB2240 would compel drivers' license examiners to provide this reminder.

HB2240 would also act positively to register new arrivals to our state. Getting a new driver's license is a high priority project after one moves; registering to vote is often an afterthought. By combining these two functions into one adventure in bureaucracy, this bill could have a affirmative effect on increasing the percentage of registered voters.

CONCLUSION

ASK believes that any legitimate plan to increase voter participation is one that should be given serious and positive consideration by the Kansas Legislature. We believe that this bill is a legitimate and positive measure. Therefore, we heartily endorse its passage.

Thank you for your time and consideration. I'd be glad to answer any questions you may have.

(Attachment 2)



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ROBERT T. STEPHAN
ATTORNEY GENERAL

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TESTIMONY OF ATTORNEY GENERAL ROBERT T. STEPHAN

BEFORE THE HOUSE ELECTIONS COMMITTEE

HONORABLE RICHARD L. HARPER, CHAIRMAN

RE: House Bill No. 2384

February 23, 1983

Mr. Chairman and members of the committee:

I want to thank this committee and Representative Steve Cloud for the opportunity to testify on House Bill No. 2384. This week I have scheduled testimony before legislative committees on three bills, each dealing with openness in government. Yesterday, before the House Federal and State Affairs Committee I supported a public records bill which would greatly increase citizen access to records of public business. Tomorrow, before the same committee, I am scheduled to testify in favor of a bill to strengthen the open meetings act.

The bill before the House Elections Committee today is also a proposal to open government to its citizens, with an interesting twist. Rather than providing citizens with access to information regarding the workings of government so that those citizens can make

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informed decisions at the polls, House Bill No. 2384 provides government, through its polls, with access to the opinions and views of its citizens. It gives citizens a forum for voicing their concerns regarding important public policy proposals.

By passing all three of these bills, the 1983 Legislature can greatly bolster the public's right to access to its government. That access is the cornerstone of democracy.

This concept is not new. For years there have been those who have advocated the process of initiative and referendum in Kansas. Opponents of initiative and referendum believe the process would tie the hands of lawmakers. They believe laws enacted through this process would not take into account minority views and information not readily available to the public at large. House Bill 2384 is a unique proposal in that it is the first time I have seen a compromise position regarding this process. And it is a compromise I hope those of you who are proponents and opponents of initiative and referendum will endorse, as I do, to allow citizens access to voice their opinions in an electoral manner without tying the hands of lawmakers on those issues.

I have wrestled with the legal question of the current status of nonbinding advisory elections in Kansas as have previous attorneys general. At present there is no law which establishes a procedure for such elections. Cities and counties do have home rule powers, however, and under those powers some have considered holding nonbinding referenda. It has been our belief that they may only hold such elections under very restricted circumstances.

First, we believe such an election may not be held in conjunction with an election authorized by state law, nor may the state election machinery be used for such an election.

Second, we believe cities may not require the county election officer to conduct a nonbinding, advisory city election. The city would have to conduct the election itself.

Third, there is no provision for such elections being called for by citizen petition.

In short, today a city or county governing body can call a special advisory election on matters which have a public purpose, but cannot piggyback that election onto a general, primary, city or school election authorized by state law. Such an independent election would be expensive and would be quite inefficient.

My office was most recently involved with the legal questions surrounding the Lawrence nuclear freeze poll conducted at the time of the 1982 general election. There were many legal headaches involved in that endeavor, and the issue was finally resolved by private citizens conducting a poll at each voting place. The nuclear freeze question would have been an appropriate subject for a poll as proposed in House Bill No. 2384. This bill would provide an orderly and legal method for submitting future questions for a public expression of opinion.

I note that there is no provision in this bill for government officials to place questions on the ballot themselves and it should remain that way. I am pleased House Bill No. 2384 limits the proposal of questions to citizen petition. This process should be

one of citizens asking to make their views known rather than of government officials calling on citizens to make tough decisions for them.

Finally, I want to state a few technical suggestions regarding House Bill No. 2384. I hope you will consider placing a lid on the number of proposals that could be presented on any county, state or city ballot. I would suggest raising the necessary number of petitioners to 10 percent. I hope you will consider a provision for the costs to be paid by the city, county or state, depending on the scope of the election. Also, I hope you will make allowances for questions to be submitted on paper ballots in counties using voting machines, should there not be enough room for the proposals to be placed on the machine.

In conclusion I want to commend House Bill No. 2384 to you as another measure to open up government to the citizens it governs. And I want to compliment Representative Cloud for introducing what I believe is a very well conceived proposal.

If you have any questions I would be happy to respond.

(attachment 3)

STATE OF KANSAS

STEPHEN R. CLOUD
REPRESENTATIVE DISTRICT 10
LENEXA, MONTICELLO, GARDEN CITY
D. J. WELLS
SHAWNEE MISSION, KANSAS 66218



COMMITTEE ASSIGNMENTS
CHAIRMAN GOVERNMENTAL ORGANIZATION
MEMBER JUDICIARY
TRANSPORTATION

HOUSE OF
REPRESENTATIVES

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I APPRECIATE THIS OPPORTUNITY TO TESTIFY IN FAVOR OF HB 2384. I BELIEVE THIS PIECE OF LEGISLATION IS LONG OVERDO IN THE STATE OF KANSAS.

LET ME START OFF BY TELLING YOU WHAT HB 2384 DOES NOT DO. IT DOES NOT SET UP A MECHANISM FOR "REFERENDUM BY PETITION." I FEEL VERY STRONGLY THAT THE RESPONSIBILITY AND AUTHORITY TO AMEND THE KANSAS CONSTITUTION AND TO MAKE LAWS IN THE STATE OF KANSAS MUST CONTINUE TO RESIDE IN THE HANDS OF THE LEGISLATURE. THIS BILL DOES NOT CHANGE THAT.

THIS BILL, IF ENACTED INTO LAW, WOULD SET UP THE MECHANISM FOR THE VOTERS IN KANSAS TO COMMUNICATE THROUGH THE BALLOT BOX THEIR CONCERNS ON MATTERS OF LOCAL AND STATEWIDE PUBLIC INTEREST. THE MECHANISM DOES NOT CURRENTLY EXIST IN STATE LAW WHICH WOULD ALLOW THIS TO OCCUR. THE LACK OF THAT MECHANISM WAS EXEMPLIFIED LAST FALL WHEN THE PEOPLE IN DOUGLAS COUNTY HAD TO RESORT TO A "CARD TABLE REFERENDUM." THIS BILL WOULD ELIMINATE THE NEED FOR THAT TYPE OF ACTIVITY.

UNDER THE PROVISIONS OF THIS BILL, A MATTER OF LOCAL OR STATEWIDE PUBLIC INTEREST WOULD APPEAR ON THE GENERAL ELECTION BALLOT IF AN INDIVIDUAL OR A GROUP COULD SECURE SEVEN PERCENT OF THE REGISTERED VOTERS IN A CITY, COUNTY OR STATE. THE WORDING OF THE PETITION WOULD FIRST HAVE TO BE CLEARED BY EITHER THE LOCAL ELECTION OFFICER OR BY THE ATTORNEY GENERAL AND WOULD HAVE TO BE JUDGED IN COMPLIANCE WITH REQUIREMENTS OF K.S.A. 25-3602.

I URGE YOU ALL TO SUPPORT THIS BILL AND ALLOW THE VOTERS IN THE STATE OF KANSAS THE OPPORTUNITY TO EXPRESS THEIR VIEWS TO THEIR ELECTED OFFICIALS. I URGE YOU TO RECOMMEND HB 2384 FAVORABLE FOR PASSAGE.

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