

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Ronald R. Hein at  
Chairperson

1:30 ~~xxx~~ p.m. on February 14, 1983 in room 522-S of the Capitol.

All members were present except:  
Senator Joseph Norvell

Committee staff present:  
Raymon Powers, Research Department  
Arden Ensley, Revisor of Statutes' Office  
*Sharon Green, Committee Secretary*

Conferees appearing before the committee:  
Jon Josserand, Assistant Secretary of State  
Carol Williams, Kansas Public Disclosure Commission

The Chairman called the meeting to order.

Senator Hayden testified in favor of SB 179, saying that the main purpose of this bill was to require expenditures for travel, lodging, and food costs involved while campaigning to be reported as campaign expenditures under the Campaign Finance Act. Senator Hayden indicated that there was miscommunication between himself and the revisor, and that the bill strikes more language than he had intended. Other than clean-up amendments, Senator Hayden indicated that all deletions in the bill should be removed, except for the deletion of Section 1 (f) (2) (C).

Questions were asked and a general discussion was held.

Carol Williams stated that the Public Disclosure Commission had not met to consider SB 179, that they would be meeting on Wednesday, February 16, and that she would report back to the committee their recommendations if any.

The Chairman stated that he would hold SB 179 in committee until he has heard from Carol Williams of the Kansas Public Disclosure Commission.

Jon Josserand discussed proposals for the 1983 Legislative consideration.  
(Attachment 1)

Questions were asked and a general discussion was held.

*None* The Chairman listed two other issues which were not on the Secretary of State's list as follows: to a problem raised by Senator Eldridge when she resigned from the Senate, a bill should be introduced to provide for resignation being made to the Secretary of State's office (Attachment 2); to insure proper authority for the Kansas Public Disclosure Commission Advisory Opinion ruling that the Judicial Branch is not a state agency under the Representation Case Disclosure Statutes, that an amendment to the statutes codify the Public Disclosure Commission's policy, which is implemented by a Rule and Regulation (Attachment 3).

Motion was made by Senator Johnston to have the Senate Elections Committee introduce Proposal #1, Proposal #10, Proposal #11, and the two issues raised by the Chairman. Senator Gannon seconded the motion. The motion was adopted.

Motion was made by Senator Meyers and seconded by Senator Talkington to approve the minutes of February 8. The motion was adopted.

The meeting was adjourned by the Chairman.

MEMORANDUM

TO: Senator Ron Hein, Chairman, Senate Elections Committee  
FROM: Jon Josserand, Assistant Secretary of State  
RE: Proposals for 1983 Legislative consideration.

As you know, Senator Hein, this office meets with County Election Officers on a regular basis in election seminars across the State. Proposals for changes in state law are offered and discussed on a regular basis. The following proposals have been made by either the county election officers, our office, or occur as a result of Attorney General opinions. They constitute our recommendations for 1983 consideration.

1. Minor Party Organizations.

Last summer there was a Federal District Court case brought by the Libertarian Party of the State of Kansas to declare certain Kansas Statutes unconstitutional. The Federal District Court made it clear that the law remains unconstitutional and other groups claiming ballot access might be successful. The Libertarian Party was able to be recompensed for their legal expenses of over \$15,000. Therefore, the statutes relating to minor party organization need to be reviewed.

2. Exit polling and electioneering.

We recommend slight changes in this law to prohibit offensive conduct in the election polls on election day.

3. Mail Ballot.

This proposal would allow mail ballots to be used for non-candidate special elections. This proposal is identical to last year's proposal.

4. Precinct Committee Positions.

We recommend that precinct committee positions be extended to four year terms to be contemporaneous with other county officers. This proposal has already been introduced in the House by an individual request.

5. Advance general election filing deadline to early June.

This proposal is to advance the election timetable in order to allow for absentee voters to vote, particularly those located overseas. An individual bill has been introduced in the House on this proposal.

6. Junior College election date.

This proposal was encompassed in SB 30 which has been enacted.

*Atch. 1*

7. Re-enactment of the Presidential Preference Primary.
8. Standardization of drainage district elections.

This was Proposal No. 24 which was considered by the local government interim committee.

9. Protest petitions for bond election standardization.

This was Proposal No. 35 which was considered by the local government interim committee.

10. Multiple candidacies for local office.

Candidates are currently prohibited from running for more than one office in the August and November election. A recent attorney general opinion noted that no such prohibition exists for local offices. To make the local election statutes consistent with the county and state offices, multiple candidacies for local offices should be prohibited.

11. Vacancy in local offices.

A recent resignation of a mayor has demonstrated the timing problem of certain local election statutes. We recommend a proposal be enacted which would clarify the timing problem involved in these statutes.

STATE OF KANSAS

KANSAS PUBLIC DISCLOSURE COMMISSION

109 W. NINTH  
TOPEKA, KANSAS 66612  
PHONE: (913) 296-4219

December 20, 1982

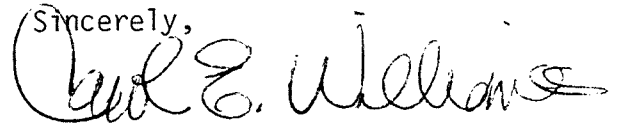
The Honorable Ron Hein  
Room 120 S  
Statehouse  
Topeka, Kansas 66612

Dear Senator Hein:

During the Joint Committee's review of the permanent regulations filed by the Kansas Public Disclosure Commission, you expressed a concern regarding K.A.R. 19-42-1. Opinion No. 79-20, not statutory language, was the basis for K.A.R. 19-42-1(a).

A copy of Opinion No. 79-20 is enclosed for your review. If we can be of further assistance or answer any additional questions feel free to contact us.

Sincerely,



Carol E. Williams  
Administrative Assistant/Auditor

CEW/jb  
Enclosure

cc: Senator Merriel Werts  
William Wolff, Legislative Research



*Kansas Governmental Ethics Commission*

The Honorable Robert G. Frey  
Frey, Smith & Schmidt  
412 N. Washington  
Liberal, Kansas 67901

109 WEST 9TH  
ROOM 504  
TOPEKA, KANSAS 66612  
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Opinion No. 79- 20

June 20, 1979

Dear Representative Frey:

This opinion is in response to your letter of June 7, 1979, in which you request an opinion from the Governmental Ethics Commission.

We note at the outset that the Commission's jurisdiction is limited in this case to the application of K.S.A. 46-215 et seq. and K.S.A. 75-4301 et seq., the latter of which does not apply here. Thus, whether some other statutory or common law system applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as a member of the state legislature. You advise us that you also engage in the private practice of law in Liberal, Kansas. You state that you have been employed by individuals to represent them concerning a claim for automobile negligence in which the defendant may well be the state of Kansas.

You note that you anticipate your representation will be in the court system and do not anticipate being involved in any actions before an administrative agency of the state.

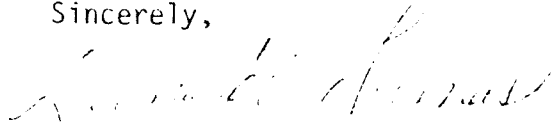
Based on this factual situation you ask what reports, if any, you are required to file concerning your employment in this matter and whether there is any conflict of interest in your representing clients in a judicial proceeding against the state during your tenure as a state legislator.

There are basically two types of reporting requirements under K.S.A. 46-215 et seq. which might relate to the situation you have described. The first of these deals with representation case disclosures and the second with the disclosure of substantial interests.

In regard to representation case disclosures, it is our opinion that the judicial branch does not constitute a "state agency" as defined by K.S.A. 46-224 and therefore the representation of a client before the judicial branch does not constitute a "representation case" as contemplated by K.S.A. 46-226. Rather, that phrase as defined in this act, is aimed primarily at appearances before the legislature and executive branch administrative agencies. Thus, it is our opinion that so long as no representation of your client is taken before an administrative agency and no legislative action is necessary, then a representation case disclosure statement need not be filed under the circumstances you have described.

Turning then to the substantial interest statement, we note pursuant to K.A.R. 19-51-2 that generally, only business interests are reportable under this section and specifically state that a fee on behalf of an individual in a personal injury action need not be reported on the substantial interests statement.

Sincerely,



Leonard O. Thomas, Chairman

By Direction of the Commission

DDP:ljh