

Approved

R.H. March 1, 1984
Date

MINUTES OF THE House COMMITTEE ON Elections

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

9:00 am a.m./p.m. on Tuesday, February 28, 1984 in room 521-S of the Capitol.

All members were present except: All Present

Committee staff present: Myrta Anderson, Legislative Research Department
Arden Ensley, Revisor
Eric Rucker, Secretary of State's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Representative Bob Frey
Representative Theo Cribbs
Representative Ruth Luzzati
Darryl G. Gray, Area Coordinator, Wichita District
Representative, Campaign and Wichita Coordinator,
Operation PUSH, Incorporated
Representative George Dean
Carla Richardson, Administrative Assistant to
Commissioner Gragg, Sedgwick County
Mary Ellen Conlee, City of Wichita
Ernie Mosher, Secretary, League of Kansas Municipalities

Chairperson Harper called the Election Committee meeting to order, and recognized Representative Bob Frey to explain HB 3068.

HB 3068, An Act relating to elections; concerning absentee voting; providing for permanent absentee voter status, was the first order of business on the agenda. After a brief explanation of the intent of this bill, a motion was made by Representative Blumenthal to report HB 3068 favorably.

Representative Justice made a substitute motion that HB 3068 be passed out of Committee favorably, and be placed on the Consent Calendar. Seconded by Representative Fox. Motion carried.

HB 2953, An Act relating to the election of members of the governing body of the city of Wichita, Kansas; providing for the division of such city into districts, by Representatives Cribbs, Dean, Francisco, Grotewiel, Helgerson, Jarchow, Luzzati, Matlack and Darrel Webb, was next on the agenda. Chairperson Harper called upon Representative Cribbs to give the committee an explanation of this bill. Representative Cribbs had furnished brochures of the cities of surrounding cities with comparable populations in which the City Commissioners are elected by district. (Attachments 1 and 2)

Representative Ruth Luzzati was next to appear before the committee asking that the committee give favorable consideration of this bill.

Chairperson Harper called upon Darryl G. Gray, Wichita, to testify before the committee on HB 2953. He requested that the committee vote in favor of this bill, thereby, voting for government for the people, by the people, and of the people. Atch. 3

Representative Dean, one of the co-sponsors of HB 2953, was next to take the floor and give the committee further input for the purpose of this bill.

The Chairperson next called upon Carla Richardson, Administrative Assistant to Don Gragg, First District Sedgwick County Commissioner, to testify on HB 2953. Testimony by Mr. Gragg had been passed to committee members prior to the beginning of the meeting. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,

room 521-S, Statehouse, at 9:00 am a.m./p.m. on Tuesday, February 28, 1984

Mary Ellen Conlee, Public Affairs Director, City of Wichita, was recognized at this point by the Chairperson. Ms. Conlee appeared before the committee in opposition to HB 2953. (Attachment 5)

Ernie Mosher, Secretary, League of Kansas Municipalities, testified before the committee in opposition to the above bill.

As there was no other questions or persons wanting to appear before the committee on HB 2953, the Chairperson closed the hearing for today.

Representative Justice made a motion to approve the minutes of the February 23 meeting. Seconded by Representative Fox. Motion carried.

The meeting adjourned at 10:20 a.m.

STATE OF KANSAS

(attachment 1)

THEO CRIBBS
SEDGWICK COUNTY
1551 NORTH MINNESOTA
WICHITA, KANSAS 67214



COMMITTEE ASSIGNMENTS
MEMBER: PUBLIC HEALTH AND WELFARE
CONSERVATION AND NATURAL
RESOURCES

TOPEKA
HOUSE OF
REPRESENTATIVES

To: Members of the House Elections Committee

From: Representative Theo Cribbs

Re: HB 2953

Mr. Chairman and members of the Elections committee:

I want to thank you for allowing me to appear before the committee on House Bill 2953, an act relating to electing members of the governing body of the City of Wichita, Kansas, providing for the dividing of the city into districts.

I have furnished you with some brochures of the cities of surrounding cities with comparable populations in which the City Commissioners are elected by district. Mr. Chairman, all I am asking is that we in the City of Wichita be allowed to elect our Commissioners by district so that all of the city will be represented. As of now we have 5 commissioners. 2 are elected from northwest, 1 from northeast, 2 from southeast and none from east. Mr. Chairman, I have other proponents who wish to testify. I think your secretary has their names. Thank you again for allowing me to come before the committee. I would ask you to please pass HB 2953 favorably.

Atch. 1

(att achment?)

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - Statehouse

Phone 296-3181

Date February 20, 1984

TO: REPRESENTATIVE THEO CRIBBS Office No. 273-W

RE: FORMS OF GOVERNMENT IN MAJOR CITIES IN THE SURROUNDING STATES

You inquired about the forms of city government utilized by cities over 100,000 population in the four surrounding states and the number of council or commission members in each city elected by district and at large. The following is the information you requested.

<u>State</u>	<u>City</u>	<u>Population*</u>	<u>Form of Government</u>	<u>No. of Council Members Elected by District and At-Large</u>
<u>Colorado</u>	Aurora	159,000	Mayor-(8-member) council-manager	4 by district 4 at-large
	Colorado Springs	215,000	Mayor-(8-member) council-manager	4 by district 4 at-large
	Denver	492,000	Mayor-(13-member) council	11 by district 2 at-large
	Lakewood	113,000	Mayor-(10-member) council-manager	All by district
	Pueblo	102,000	(7-member) council-manager	4 by district 3 at-large

Atch. 2

Representative Cribbs

- 2 -

<u>State</u>	<u>City</u>	<u>Population*</u>	<u>Form of Government</u>	<u>No. of Council Members Elected by District and At-Large</u>
<u>Missouri</u>	Independence	112,000	Mayor-(6-member) council	4 by district 2 at-large
	Kansas City	448,000	Mayor-(12-member) council -manager	6 by district 6 at-large
	St. Louis	453,000	Mayor-(30-member) Board of Aldermen	30 by district
	Springfield	133,000	Mayor-(8-member) council-manager	4 by district 4 at-large
<u>Nebraska</u>	Lincoln	172,000	Strong Mayor-(7-member) council	4 by district 3 at-large
	Omaha	314,000	Mayor-(7-member) council	7 by district
<u>Oklahoma</u>	Oklahoma City	403,000	Mayor-(8-member) council-manager	8 by district
	Tulsa	361,000	Mayor-(4-member) commission	All at-large

* Population figures are rounded. They were obtained from the 1983 Municipal Yearbook published by the International City Management Association.

I hope this information is useful.


Mike Heim
Principal Analyst

MH/sdp

Testimony by Darryl G. Gray
Area coordinator, Wichita District Representative
Campaign and Wichita coordinator, Operation PUSH, Incorporated

Kansas House Elections committee
February 28, 1984
Topeka, Kansas

Good morning, gentlemen. I sincerely appreciate the invitation by Representative Theo Cribbs to address this committee, representing many citizens of Wichita, Kansas on this very grave and vital concern of district elections.

I would first like to reassure this committee that racism is still alive and well in America, to definitely include Wichita, Kansas. And the at-large system of elections is definitely a part of that racism.

In June of 1983, the Blue Ribbon Renaissance Committee began a petition drive for district elections of the Wichita City Commission. The rationale for this drive was the fact that out of the five commissioners that presently sit on the commission, none of them represent poor people or minority communities. 12,000 signatures are required by state law to place the issue in a city ballot in a state primary or general election, at present the petitioners have obtained approximately 5,000 signatures.

Since the five commissioners are elected at large, that means that they are voted on by all of the registered voters in the city. The city of Wichita has approximately 300,000 residents and there are approximately 120,000 registered voters. With the minority population constituting only 15 percent of the population, and with only 10 to 12 percent of the voters registered, we have found it difficult and that in most cases, impossible to obtain a commission seat. We also strongly believe that racist attitudes are the major factor in the inability of minorities to obtain a seat. Other people's attitudes are keeping us from developing our abilities.

In essence, at-large elections dilute the political power of poor people and minorities in most elections. And has been historically put in the same context as gerrymandering, poll taxes, annexations, literacy tests, and grandfather clauses--meaning methods to keep poor people in their places, at the feet of the elite and the affluent.

We also believe that in most at-large elections, financial backing is a great contributor to who wins that election. In a city the size of Wichita, where the minority community does not have a considerable amount of financial resources, because of a high rate of minority unemployment, poverty, etc., it is almost impossible to find adequate financial resources to campaign throughout the city.

At-large elections in Wichita also promotes narrow-mindedness on behalf of the commission. This is a result of all of the city commissioners being products of the same section of town, the affluent; all coming from the same income level, middle to upper middle class; and four out of five coming from the same cultural background. These at-large elections do not allow for diversification of ideas and/or opinions. This type of election does not allow for the total attitudes of the entire city to be represented.

Recently a majority of the city's Citizen Participation Organization Counsel voted to place this issue on the November 1984 ballot. Nine of the city's 15 CPO councils voted to support the recommendation, four either deferred the question or took no action on it, and two councils voted against the recommendation.

According to statistics from the Secretary of State's office, 557 out of 625 cities in this state operate under the mayor-council form of government.

We prayerfully request that the House Elections committee vote in favor of House Bill 2953, thereby, voting for government for the people, by the people, and of the people.
Thank you.

(Attachment 4)

TESTIMONY ON HOUSE BILL NO. 2953

by

DON GRAGG, FIRST DISTRICT
SEDGWICK COUNTY COMMISSIONER

to

KANSAS HOUSE OF REPRESENTATIVES
COMMITTEE ON ELECTIONS

9:00 A.M. ROOM 521S

TUESDAY, FEBRUARY 28, 1984

STATE CAPITOL

TOPEKA, KANSAS

TESTIMONY FORMALLY PRESENTED BY:

CARLA RICHARDSON
ADMINISTRATIVE ASSISTANT
TO COMMISSIONER GRAGG

Atch. 4

TESTIMONY TO THE STATE LEGISLATURE

By Commissioner Gragg

I appear before this body to testify in support of House Bill No. 2953. It should be noted at the outset that this testimony is submitted by myself as one of three Sedgwick County Commissioners and does not represent any formal position of that Board. The Board has not acted to either support or oppose House Bill No. 2953.

If one examines representation provided for in the four tiers of America's federal structure, (those tiers being the national, state, county and municipal) it is immediately apparent that all but the municipal governments have chosen to adopt district legislative representation rather than at-large. Some, but not all, municipalities have followed the example of national, state, and county governments by selecting policy-making boards or councils by district.

District representation has been shown to be basic to the concept of providing a voice for all geographic and social segments of government at the national, state, and county levels. Were legislative representatives selected at-large in these governments it is doubtful that all regions, particularly less populated and financially disadvantaged areas, would have little more than nominal input into policies affecting their lives. The Founders were concerned with this fact and, when they established Congress, made provisions for one House to be comprised of individual representatives from specific geographic districts.

The Legislature in the State of Kansas also contains one House made up by district representation. Were this not the case, there is some question as to whether all but the most populous regions would have a voice in government. The urban-rural split which so frequently dominates legislative debate might, in fact, not exist... leaving the metropolitan areas to decide policy for the whole state. The same is true of counties in our state. District representation lies at the core of democratic governance, serving as one of the checks and balances in the three branches of the Republic.

Since the founding of representative government, legislative bodies have tended to encompass one of two approaches to representation. The first involves the "trusteeship"; individual representatives profess to vote their convictions as to what policies promote the public good without regard to the wishes of the constituents they represent. The second approach is that of representatives termed "delegates" who pledge to pursue policies supported by a majority of the people they represent.

The debate which has centered on the trusteeship-delegate theories of representation is academic in view of what research has shown. Rightly or wrongly, most legislators, particularly those in the House of Representatives, tend to strongly reflect the delegate theory of representation. Who can say which approach is superior? If legislators correctly vote what they perceive to be the convictions of their constituents as to what comprises the public good, they probably will remain secure

electorally. Trustees, on the other hand, are much more vulnerable because they are secure electorally only as long as their perceptions of the public good are shared by a majority of the electorate they represent.

America was founded on the belief that every segment of society should have access to participation in the governmental process. A pure trusteeship approach to representation is probably superior so long as the representatives truly know and support the public good. But whose perception of the public good is correct? All opinions as to what constitutes the public good certainly rarely coincide and are often in conflict. In this lies the flaw of at-large elections. At-large elections are often adequate in a homogeneous community... one in which cultural and socio-economic status of residents are roughly the same. This, for better or worse, is NOT the case in most nations, states, counties, and urban communities. The elements which make up America as a "Melting Pot" are not totally cohesive. Perceptions as to what constitutes the public good are as diverse as the number of groups which make up society.

It is a fact that cultural and socio-economic factors weigh heavily on where a person lives within a community as well as ones policy preferences. While the Constitution guarantees the "one man, one vote" concept, minority influences which may actually represent majority opinion in a particular geographic area, may be diluted when blended with the community as a whole.

For example, of the approximately 279,000 people living in the City of Wichita, 30,261 are black Americans. This group comprises 10.9 percent of the population of that city. This number may not appear significant if the residents of this minority group were spread equally throughout the city. Scant research would reveal, however, that the majority of these people are concentrated in a single area of town. Their electoral preferences, while having minimal impact on selection of City Commissioners in an at-large election, would be greatly strengthened if Commissioners were chosen from geographic districts.

Information provided by the Wichita-Sedgwick County Metropolitan Area Planning Department reveals that of the 139,460 residents over the age of 16 who comprise the Wichita labor force, 45,503 or 32.6 percent are employed in what is traditionally referred as "blue-collar" jobs. While it is more difficult to pinpoint the areas of the city within which they as a group typically make their homes than of black residents; traditional broad socio-economic conditions would suggest that they also tend to occupy residences within certain areas of town. Because they comprise about one-third of Wichita's working population, they could be expected to have greater electoral impact than blacks and, indeed, many people in this group are very likely black as well. If voting were done on a district basis, blue-collar workers would probably also have greater influence.

If all members of municipal governing bodies were to embrace the trusteeship approach to representation and, in fact, actually KNOW what constitutes the public good in EVERY instance, then at-large elections would pose little problem for democratic representation.

In my opinion, the issue here is do at-large elections serve to give all residents equal representation, or are the wishes of some groups diluted to the point that they may perceive their interests are not being adequately represented on the governing board? Local governing body elections based on district representation offers a greater probability that all opinions in a community will be voiced in the policy-making process. Obviously this might spawn more public debate as minority groups are physically represented on the bench. It would, however, insure that people in all geographic areas would perceive of themselves as being represented in the process. To say that at-large, non-partisan elections are fair simply because party labels are not printed on the ballot belies the fact that candidates do, in fact, have basic philosophical commitments.

District representation has operated effectively at the national, state, and county levels since their founding. District representation is normally conducive to greater responsiveness. It acknowledges the existence of a heterogeneous society, but one in which groups of similar socio-economic status tend to cluster together geographically. Whether rightly or wrongly, when officials are consistently elected from a single

geographic area some people outside that area feel that they are not receiving proper representation.

Municipal elections traditionally generate the lowest voter turnout of all elections. As individuals' inclination to vote directly corresponds to his or her sense of efficacy, people who feel that they cannot impact policy matters through the electoral process are less likely to participate than ones who feel their vote actually contributes to the outcome of an election. While legally everyone has an equal right to cast a ballot, the majority rules. The simple fact is that the heterogeneous majority in an at-large election may very well be different from a relatively homogeneous majority in individual districts. The concept of what comprises the public good may also vary in district elections from what it would be in at-large elections. According to information supplied by the Sedgwick County Election Office, a lop-sided majority of individuals on the Wichita City Commission over the last twenty-five years have resided in roughly the same geographical area when elected to the bench.

It is not for me, or any one person or group, to prescribe whether the trusteeship approach or the delegate approach is best. However, if a trusteeship is indeed superior, that approach could also be adopted by representatives from districts. A trustee can come from ANY section of town.

I consider myself a trustee, but I also represent a defined geographic district and pay close attention to the needs and desires of the people who live in that district. In geographic

districts, people may come to feel that the representative of that district is their advocate in both minor and major policy matters. They may have the perception, and in most cases justly so, that they may expect consideration of their problems and suggestions by their district's representative. They can carefully scrutinize his or her contribution to policy outcomes and evaluate the results. In my opinion, this is the true spirit of representative democracy.

Even though cities comprise relatively small geographic areas, they are none-the-less the home of a diverse, heterogeneous society. In Sedgwick County and throughout the State, many small towns of only a few thousand residents recognize this fact and hold district elections for their governing boards.

It is time that the largest city in the State of Kansas also adopt district elections. Nine members, or about half of the Sedgwick County Legislative Delegation, are co-sponsors of House Bill No. 2953. They understand the advantages of district elections. The provision in House Bill No. 2953 for a mayor elected at-large, serves as a means to check and balance representatives elected by district.

The time has come for Wichita to permit the opportunity for all residents a voice on the Board of Commissioners. I feel that district elections would go far to secure that voice.

Thank you.

(attachment #1)

Testimony Presented To The House Election Committee

by Mary Ellen Conlee, Public Affairs Director

Wichita, Kansas

February 28, 1984

The Kansas Legislature is currently considering HB 2953, a plan which would require the City of Wichita to provide for district representation in electing City Commissioners. The bill would divide the city into four "equal" districts and provide for the election of one Commissioner from each district with a mayor to be elected at-large. HB 2953 is similar to other proposals which have been presented over the last 20 years to the City Commission.

District representation can currently be adopted in the City of Wichita in three ways:

- 1) Abandon the commission-manager plan and adopt one of the "statutory" plans requiring districts.
- 2) By charter ordinance exempt the city from portions of the state law and establish a local districting plan under the current commission-manager plan.
- 3) By a petition of 10 percent of the qualified electors, a referendum may be put before the citizens of Wichita calling for district representation.

Under the first option, the Wichita commission-manager plan could now be abandoned. This would be by a majority of the electors at a regularly scheduled city or state election. The question would be submitted to the voters either by a resolution of the governing body or a petition of 10 percent of the electors. The resolution or petition must specifically identify the new form of government to be adopted.

Atch. 5

The law for abandonment of the commission-manager plan specifically limits the city to the adoption of either a mayor and commission or a mayor and council form of government (K.S.A. 12-1019, as amended). (It is noted that only the latter provides for district representation and neither allows for a city manager.) In our opinion, to adopt any other statutory plan than these two would require a second vote using the procedures of the specific adoption statute for that plan.

Under the second option, the City of Wichita can currently provide for district representation by charter ordinance. Under its Home Rule powers, the city might exempt itself from certain state laws and adopt a form of government of its own choosing. This could be as simple as adding districts to the present plan or as radical as abandoning the commission-manager plan and adopting some other form.

A charter ordinance may not be initiated by petition. It requires a two-thirds vote of the governing body and does not require a vote of the electorate unless the governing body submits it to referendum or there is a petition of 10 percent of the electors demanding a vote.

Under the third option, the City of Wichita can provide for district representation through a referendum by a petition of 10 percent of the qualified voters of the city. This option has been recently approved by the Attorney General of Kansas.

History

Since the adoption of the commission-manager plan in 1917, there have been several attempts to change or modify the City of Wichita's form of government. However, in most cases, the proposed change of government failed to either receive City Commission approval, or a petition by 10 percent of the electors at-large. During the period from 1962 to 1965, a petition seeking to change the commission-manager plan to the mayor-council plan was submitted to the City

Commission. The petition resulted in the City Commission placing the matter before the voters on a referendum. The issue was defeated by a vote of 3,446 in favor to 36,464 against. The citizens of Wichita voted 10 to 1 against changing the local form of government.

A second petition to change to the mayor-council plan, which also has district election of councilmembers, was presented in 1970. This petition was also found to be deficient and no action was taken by the City Commission on the issue.

In 1976, a City Commissioner presented a charter ordinance to modify the method of electing City Commissioners by providing for the direct election of the mayor electing two City Commissioners at-large, and four City Commissioners by district. This proposal was not considered by the City Commission because a motion calling for the consideration of this ordinance failed to receive a second.

In September of 1983, another charter ordinance calling for a change in the form of government was presented before the City Commission of Wichita. The proposal called for the five Commissioners presently elected at-large in both primary and general elections, to be elected in 1985 by geographic districts. In the primary, two candidates would be nominated by residents of the whole city. Although the ordinance received enough support from the Commission to be discussed, it did not receive 4 out of 5 votes required for passage.

Currently, petitions are being circulated in the city which seek an election calling for the council-manager form of government. The council-manager plan would divide the city into five "equal" wards, with one councilman to be elected from each ward. Although the petitions have been circulating for over 90 days, none of the petitions have yet been presented to the county election commissioner for approval.

Conclusion

Over the past twenty years, there have been at least five serious attempts to change the form of government in the City of Wichita. It should be clear by now that legal procedures for allowing a vote of the people on a change in the structure of city government already exists in Kansas law. House Bill 2953 would force the people of Wichita to change their form of government without a vote of the people or even a vote of the elected governing body -- the City Commission. Although there may be merits to district representation, the implementation of HB 2953 would lock the citizens of Wichita into a specific form of government which may not be of their choosing.

The Wichita City Commission voted 5-0 to oppose HB 2953. Just as the people of your communities can (under the parameters of Kansas statutes) change their forms of government, the Board of City Commissioners in Wichita asks you to reject 2953 and allow the people of Wichita and their governing body to make the determination about changing the form of government for themselves.