

Approved March 13, 1984
Date

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 27, 1984 in room 522-S of the Capitol.

All members were present except:

Senator Gannon
Senator Reilly
Senator Roitz

Committee staff present:

Myrta Anderson, Legislative Research Department
Arden Ensley, Revisor of Statutes' Office
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Norine Staab, Shawnee County Election Commissioner's Office
Eric Rucker, Secretary of State's Office
Janet Williams, Kansas Public Disclosure Commission
Carol Williams, Kansas Public Disclosure Commission
Jo Ann Klesath, Kansas Association of Public Employees

The Chairman called the meeting to order.

Ms. Norine Staab testified in support of SB 789, stating that on line 74, "service as a judge or clerk on an election board" should be added. (Attachment 1)

Mr. Eric Rucker testified in support of SB 789, stating that "illiterates" should be included in the bill on lines 38 and 74.

Ms. Staab also testified in support of SB 790, stating that line 39 should read "with which such voter is affiliated". (Attachment 1)

Ms. Staab testified in support of SB 791, stating that this bill would extend the provisions of K.S.A. 25-108 to include federal employees as well as municipal and state employees. (Attachment 1)

Questions were asked and a general discussion was held.

Ms. Janet Williams testified in support of SB 787, stating that the Commission has had problems with some people not accepting their notices in the certified mail, or a child accepted the notice, and that 15 days from the date it was mailed would help eliminate some of this problem.

Questions were asked and a general discussion was held.

Ms. Janet Williams testified in support of SB 805, stating that the Commission finds itself in a "catch 22" situation with regards to proving probable cause before obtaining a subpoena. Ms. Williams stated that lines 44 through 47 regarding the Commission notifying the attorney general should be deleted, as this is repetitive of existing law. She stated that the Commission seeks passage of SB 805 in the interest of the public.

Questions were asked and a general discussion was held.

Ms. Janet Williams testified in support of SB 788, stating that this is a nepotism bill. She stated that in line 60, "office" should be "officer". (Attachment 2)

Questions were asked and a general discussion was held.

Ms. Jo Ann Klesath testified in support of SB 788, stating that her association felt that it should relate to classified positions only, not unclassified. She stated that there were loopholes in the Civil Service Act, and cited instances which created morale problems.

CONTINUATION SHEET

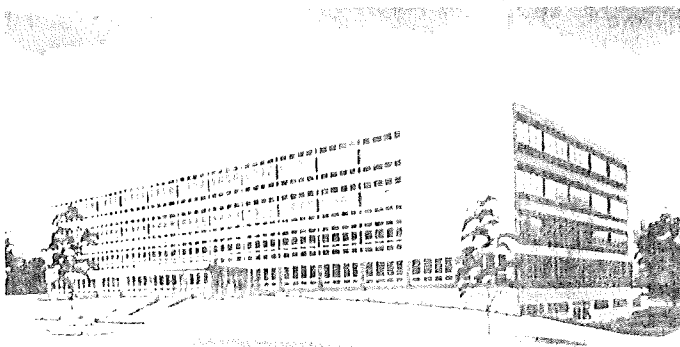
MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~a.m.~~ p.m. on February 27, 19⁸⁴.

Questions were asked and a general discussion was held.

Ms. Carol Williams testified in support of SB 792, stating that this bill changes the 5 days from receipt that a person has to comply with the registration and reporting requirements before a civil penalty is imposed to 15 days after notice is mailed. She stated that this would eliminate the many civil penalties waived by the Commission due to the persons showing good cause for not complying with the 5 day time limit. She also stated that this bill would give the Commission subpoena power to help in investigations of complaints. She also stated that the bill includes a provision to permit notification to the attorney general of violations of other criminal laws, as exists in the conflicts law. Ms. Williams stated that this bill would impose a penalty for co-mingling of funds.

Questions were asked and a general discussion was held.

The Chairman adjourned the meeting.



ATTACHMENT 1
Shawnee County
Commissioner of Elections

Mary A. Hope, Commissioner
SHAWNEE COUNTY COURT HOUSE

TOPEKA, KANSAS 66603

Phone 295-4066

February 27, 1984

Mr. Chairman and
Members of the Senate Committee on Elections

RE: SB 789, SB 790, SB 791

Senate Bill 789 -- In 1981 legislation was passed allowing board workers who were serving out of their precincts on election day to vote by absentee ballot. The absentee applications were not changed to reflect this. We believe an additional change should be made in the bill as written, however. In the Affirmation of an Elector on Behalf of an Elector, on line 74, "(service as a judge or clerk on an election board)" should be added.

Senate Bill 790 also deals with absentee voters and would require the election official to deliver to the voter the ballot of the political party with which the voter is affiliated as we do at the polling place. At present, the law requires the election official to deliver the ballot requested. Since we usually speak of "registering to vote" and "declaring a party affiliation", we believe lines 38 and 39 should read "such voter the ballot of the political party with which such voter is affiliated."

Atch. 1

Senate Bill 791 would extend the provisions of 25-108 to cover federal employees as well as municipal and state employees. At the present time, those who go to work for Members of Congress, for example, have to maintain two residences or establish a residence with a friend or relative in Kansas. With the passage of this bill they would be able to vote from their last residence in Kansas in the same manner that citizens voting under the provisions of the federal services law are able to vote.

Senate Bill 789

0074 or practice) (service as a judge or clerk on an election board)

Senate Bill 790

0038 such voter the ballot of the political party ~~requested in the~~

0039 ~~application for which such voter is registered~~ with which
such voter is affiliated.

1-9-21. Nepotism. Without specific approval by the appointing authority, no person shall be appointed, promoted, transferred, or otherwise employed in, any position in the classified service when, as a result, he or she would supervise, or receive supervision from, a member of his or her immediate family. For the purpose of this regulation, immediate family means spouse, parent, child, sister, or brother; and supervising means the authority to recommend or approve the individual's appointment, transfer, promotion, salary, evaluation, termination, or other similar personnel actions. (Authorized by K.S.A. 75-3747; effective May 1, 1979.)

74-605. Corporation commission; qualifications and oaths of members, secretary and attorney; extra employees. No person owning any bonds, stock or property in any railroad company or other common carrier or public utility, or who is in the employment of, or who is in any way or manner pecuniarily interested in, any railroad company or other common carrier or public utility, shall be eligible, except as herein-after provided, to the office of commissioner, attorney or secretary of said commission, nor shall such commissioner, attorney or secretary hold any office of profit or any position under any committee of any political party, or hold any other position of honor, profit or trust under or by virtue of any of the laws of the United States or of the state of Kansas. Said commissioners shall be qualified electors of the state, and shall not while such commissioners engage in any occupation or business inconsistent with their duties as such commissioners.

And if any member of the commission, at the time of his appointment, shall own any bonds, stock or property in any railroad company or other common carrier or public utility, or is in the employment of, or is in any way or manner pecuniarily interested in any railroad company or any common carrier or public utility, such commissioner or other appointee shall within thirty (30) days divest himself of such interest or employment, and upon his failing to do so he shall forfeit his office, and the governor shall remove such commissioner and shall appoint his successor, who shall hold until a successor is appointed and qualified.

Each of said commissioners, attorney and secretary shall be sworn, before entering upon the discharge of the same, to faithfully perform the duties of the respective offices. Said commission is authorized and empowered to employ, subject to the approval of the governor, such extra accountants, engineers, experts and special assistants as in its judgment may be necessary and proper to carry the provisions of this act into effect, and to fix their compensation; and such employees shall hold their office during the pleasure of said commission: *Provided*, That no person related by blood or marriage to any member of such commission shall be appointed or employed by said commission.

History: R.S. 1923, 74-605; L. 1967, ch. 434, § 23; July 1.

Source or prior law:

L. 1911, ch. 238, § 8; Revised, 1923.

Research and Practice Aids:

Public Service Commissions-3.

C.J.S. Public Utilities § 35.