

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Ed Roitz at
Chairperson

1:30 ~~a.m.~~ p.m. on March 20, 1984 in room 522-S of the Capitol.

All members were present except:
Senator Ronald R. Hein
Senator Leroy Hayden
Senator Ed Reilly

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

Conferees appearing before the committee:

Representative Leary Johnson
Representative John Sutter
Mr. Chris McKenzie, League of Kansas Municipalities
Ms. Jacque Oakes, Kansas Association of School Boards
Representative Harold Guldner
Ms. Norine Staub, Shawnee County Election Commissioner's Office

The Vice Chairman called the meeting to order.

Representative Leary Johnson testified in support of HB 3042, stating that he was particularly interested in lines 51 through 56. Representative Johnson stated that a candidate for an elective office could be without employment from the time such candidate files for office in June until the election, and if the candidate lost the election, he would still be out of a job. He stated that this measure would clarify the procedure of holding more than one elective, political office.

Questions were asked and a general discussion was held.

Representative John Sutter testified in support of HB 3042, stating that this measure would clarify the procedure of holding more than one elective office. Representative Sutter suggested an amendment be made to HB 3042, which would state that if the elected person receives no compensation for serving in any one office, then there is no conflict of interest, and therefore such person can serve in more than one elective office. (Attachment 1) Representative Sutter also stated that if this measure passes, it would not affect present office holders until the next election.

Questions were asked and a general discussion was held.

Mr. Chris McKenzie testified in opposition to HB 3042, stating that there is statutory law regulating incompatible elective offices (K.S.A. 25-123). He also stated that he did not oppose the amendment suggested by Representative Sutter.

Questions were asked and a general discussion was held.

Ms. Jacque Oakes testified in opposition to HB 3042, stating that she doesn't feel there has been any conflict of interest with persons holding more than one elective office, and that sometimes it is necessary in small communities.

Questions were asked and a general discussion was held.

Representative Harold Guldner testified in support of HB 2811, stating that this bill would eliminate the withdrawal from nomination unless the candidate dies or is legally incapacitated. (Attachment 2) Representative Guldner also suggested an emendment to HB 2811, which would allow nomination withdrawal if the candidate moved out of the election district. (Attachment 3)

Questions were asked and a general discussion was held.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~a.m.~~ p.m. on March 20, 1984.

Ms. Norine Staub testified in support of SB 852, stating that this bill would enable new and former residents to vote in the special presidential ballot by mail. Ms. Staub also stated that this bill would also change the period of time during which application could be made from 25 to 30 days prior to the election. (Attachment 4)

Questions were asked and a general discussion was held.

Motion was made by Senator Gannon to adjourn the meeting. Senator Talkington seconded the motion. The motion was adopted.

The Vice Chairman adjourned the meeting.

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend House Bill No. 3042 (As Amended by House Committee)

On page 1, in line 33, preceding the period by inserting "if such person receives compensation for serving in any one such office"; in line 34, after "office" by inserting "and such person receives compensation for service in either of such offices"

_____ District.

STATE OF KANSAS

ATTACHMENT 2

HAROLD GULDNER
REPRESENTATIVE, 122ND DISTRICT
GREELEY, HAMILTON, KEARNY, SCOTT,
WICHITA COUNTIES
P O BOX 648
SYRACUSE, KANSAS 67878



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN ELECTIONS
MEMBER ENERGY AND NATURAL RESOURCES
TRANSPORTATION

MR. CHAIRMAN & MEMBERS OF THE COMMITTEE

As I'm sure you know, under present Kansas law, it is permissible for an individual to withdraw his candidacy before the filing deadline. H.B. 2811 would not affect his right.

However, presently a candidate may withdraw after the filing deadline for any reason and if the party the candidate represents is left without a candidate, a district convention of the party precinct committeepeople is called upon to fill the vacancy in the party candidacy. H.B. 2811 would proclude such a withdrawal of candidacy unless the candidate dies or is legally incapacitated. A written statement would be submitted by the candidate or a legal representative acknowledging the withdrawal. Also, presently a candidate may withdraw after the primary election. The vacancy to be filled in the same manner as a vacancy in party candidacy. H.B. 2811 would limit such a withdrawal of candidacy to reasons of death or legal incapacity with the added limitation of notifying the appropriate filing office of the withdrawal within ten (10) days of the final canvass in the primary election.

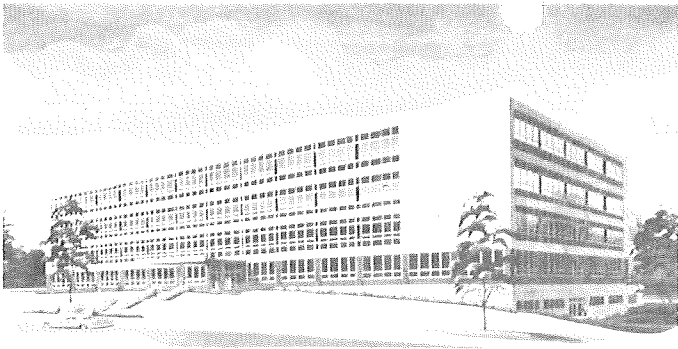
H.B. 2

HOUSE BILL 2811

Section 1. K.S.A. 25-306b is hereby amended to read as follows:

25-306b. (a) The name of any person who has been nominated by any means whatsoever for any national, state, county or township office ~~may cause his name to~~ shall not be withdrawn from nomination ~~by his~~ except if such person dies, ~~or~~ becomes legally incapacitated or moves such person's place of residence from the election district. Any such request for withdrawal shall be in writing, signed by such person's legal representative or the candidate and acknowledged before an officer qualified to take acknowledgments of deeds.

ATTACHMENT 4



Shawnee County
Commissioner of Elections

Mary F. Hope, Commissioner

SHAWNEE COUNTY COURT HOUSE

TOPEKA, KANSAS 66603

Phone 295-4066

March 20, 1984

Mr. Chairman and
Members of the Senate Committee on Elections

RE: SB 852

Our main reason for requesting this bill is to enable new and former residents to vote the Special Presidential Ballot by mail. This is important in the case of former residents who move from the state of Kansas within the 30 days preceding an election. Under Federal Law they are to be allowed to vote by absentee ballot but our current law requires them to make application in the presence of the county election officer or a deputy election officer.

This bill would also authorize the Secretary of State's office to prescribe the form for making application for the Special Presidential Ballot. In addition, it would change the period of time during which application could be made from 25 days to 30 days prior to the election. That 30-day period is the same period of time during which people moving within the state may vote from their former precinct.

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