

MINUTES OF THE House COMMITTEE ON Elections

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

9:00 am Thursday, March 21, 85 521-S
a.m./p.m. on _____, 1985 in room _____ of the Capitol.

All members were present except: Representative Holmes, excused

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

Conferees appearing before the committee:
Donald Schnacke, Individual
Ruth Wilkin, Individual
Ann Heberger, League of Women Voters of Kansas,
provided written testimony to the committee
Representative Laird (Opponent)
Carol Williams, Public Disclosure Commission
Eric Rucker, Secretary of State's Office

Chairperson Harper called the meeting to order and recognized Don Schnacke. Mr. Schnacke appeared before the committee as an individual, not on behalf of the Oil & Gas Association. A letter of written testimony was passed to committee members by Mr. Schnacke. In his letter it was stated that SB 39, which is An Act concerning judges of the district court; relating to method of selection, will have a stabilizing effect in both judicial districts with the election method and in judicial districts with the non-partisan method of selecting judges. Mr. Schnacke appeared before the committee in support of SB 39 as written, and said he believed it is in the best interest of the Kansas court system. (Attachment 1).

Ruth Wilkin, Topeka, came before the committee, giving her full support to the passage of SB 39.

Attention was now called to the letter written to the Chairman and members of the Election Committee by Ann Heberger, by Representative Runnels. Ms. Heberger was unable to attend the continued hearing of SB 39 on this day. Written testimony furnished by Ms. Heberger indicated that the League of Women Voters of Kansas, the organization which she represents, urges the support of SB 39. (Attachment 2).

Representative Douville was next to appear before the committee. The Representative drew attention to the letter written to the members of the committee by Judge Wayne H. Phillips, Wyandotte County. Representative Douville told members of the committee that he agreed to the 8 year moratorium beginning with 1984, as did the Committee of the Kansas District Judges' Association, and urged that the language change proposed by that committee be adopted. (Phillips letter - Attachment 3).

Chairperson Harper now recognized Representative Laird. The Representative appeared before the committee in opposition to SB 39.

Following a discussion period, the Chairman said final action on SB 39 would be taken on Tuesday.

Sub. SB 135, An Act concerning elections; relating to the campaign finance act and violations thereof, was next on the agenda for hearing today. At this time, Carol Williams of the Public Disclosure Commission, was recognized. Ms. Williams gave the committee a briefing of this bill, telling them that presently, the statute concerning corrupt political advertising (K.S.A. 25-2407) falls under the jurisdiction of the Attorney General's Office. Section 1 of Sub. for SB 135 amends K.S.A. 25-4156 to provide that whenever any person sells space in any newspaper, magazine, or other periodical to a candidate or to a candidate committee, party committee, or political committee, the charge made

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 House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Thursday, March 21, 1985

for the use of such space shall not exceed the charges made for comparable use of such space for other purposes. The bill also provides that intentionally charging an excessive amount for political advertising is a class A misdemeanor.

A request by Representative Justice was that the Research Department check to see if an amendment could be made to include outdoor advertising, billboards and signs into Sub. SB 135.

After a discussion period, the hearing was closed on Sub. SB 135.

SB 263, An Act concerning elections; relating to compensation of election judges and clerks, was next on the agenda. Chairperson Harper recognized Eric Rucker. It was noted that election officials report that it is getting increasingly difficult to get individuals to serve as judges and clerks on election day, and that increased compensation may help alleviate the above problem.

SB 263 amends the present statute to increase the amount of compensation of election judges and clerks where voting machines are not in use from not less than \$2.30 per hour to not less than \$3.00 per hour. Also, the bill provides an increase in the amount of compensation of election judges and clerks where voting machines are used to not less than the sum of \$40 per day.

Following a discussion of SB 263, it was decided to hold off on final action until next week, as Representative Charlton needed more time to consider and study this piece of legislation. At this time, the hearing was closed on SB 263.

SB 315, An Act concerning elections; concerning write-in candidates, was next up for hearing today. Again, Eric Rucker, of the Secretary of State's office was recognized. Mr. Rucker told the committee SB 315 would simply clarify the procedure for write-in candidates. At this time it was discussed to make an amendment to SB 315 which would include HB 2536. Following a question and answer period, the hearing was closed on SB 315.

SB 200, An Act concerning elections; relating to tie votes, was next on the agenda for hearing. The Chairperson recognized Senator Norvell, sponsor of this bill. The Senator came before the committee telling them that this bill was recommended to clarify the election procedure relating to tie votes. This bill provides that in any election for which the county board of canvassers makes the final canvass, if any two or more persons have a tie vote and if one of such persons is the incumbent officer, the incumbent officer shall be deemed nominated or elected, as the case may be. Also the bill amends K.S.A. 25-3209 to provide that if one of such pairs of candidates is an incumbent governor and a lieutenant governor, whether incumbent or not, such pair of candidates shall be deemed elected.

The hearing was closed on SB 200 after a short period of discussion.

The meeting adjourned.

(attachment 1)

DONALD P. SCHNACKE

1445 Westover Road
Topeka, Kansas 66604
(913) 273-1501

March 21, 1985

RE: SB 39
Election of Judges

TO: House Elections Committee

I was active with C.Y. "Kit" Thomas in 1974 when Shawnee County voted by a majority of 9,000 votes to retain the non-partisan selection of judges. I joined a bi-partisan effort in 1984 to defend the non-partisan selection system, in which 64% voted with an 18,000 plurality to continue the non-partisan selection of judges.

SB 39 arose from the Kansas Bar Association relating to the design of the question on the ballot found on page 2. I support this change as being in the interest of clarifying what the issue is before the electorate. SB 45 was introduced by Senator Frank Gaines (D) Augusta, and it simply extended the time from 4 years to 8 years, when the system - either partisan or non-partisan can be challenged. (Line 114, combined into SB 39).

The issue concerning this bill is not whether the election or the non-partisan method of selecting judges is better but rather whether this bill is in the best interest of the court system in all judicial districts of the state without regard to the method of judicial selection chosen by the voters.

Every judicial district in the state has had a period in excess of ten years of experience under either or both methods of selection. The voters have now had sufficient time to evaluate and determine which method is best suited for their judicial district. The judicial districts of this state are presently almost evenly divided between those with the election method and those with the non-partisan method.

It takes only a relatively small number of signatures to place this question on the ballot.

I feel that regardless of the method selected by the voters in any judicial district, the present provision of the law which permits a small group of individuals to cause this question to be placed on the ballot every four years, has a destabilizing effect on the court system and is costly and time-consuming, as well. If the experience of the 1984 campaign in Shawnee County is any guide, the entire court system might

H. Elect. 3/21/85
(attachment # 1)

SB 39
March 21, 1985

come under attack. I have every reason to believe that in our judicial district, the same relatively small group of individuals will cause this question to be placed on the ballot over and over again, every four years without regard to the margin of victory or defeat.

In the meantime, every two years, one-half of the judges are up on a retention referendum whereby all voters have an opportunity to challenge the competency of a judge. At the end of every four years all judges are reviewed by the voting public for an up or down vote by the public. Additionally, I feel judges are accountable to the public at all times. As a part of an elaborate procedure that was created when the selection of judges authority was authorized, a Commission on Judicial Qualifications (KSC Rule 602 etc.) was adopted whereby any complaining citizen can file a complaint or charge against a judge and be assured of a prompt investigation and possible disciplinary action.

With more than a decade of experience in all judicial districts of the state, I think that it is now reasonable to permit this question to be placed before the voters at no less than eight year intervals.

This bill will have a stabilizing effect in both judicial districts with the election method and in judicial districts with the non-partisan method of selecting judges. I support the bill as written and believe it in the best interest of the Kansas court system.



Donald P. Schnacke

(attachment 2)

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

March 19, 1985

STATEMENT TO THE HOUSE COMMITTEE ON ELECTIONS IN SUPPORT OF S.B. 39.

Mr. Chairman and Members of the Committee:

I am Ann Heberger speaking for the League of Women Voters of Kansas in support of the concepts as proposed in S.B. 39.

The League supports changes in the statute concerning selecting or electing of district court judges. In our opinion, the existing statute is very confusing to voters, and gives the advantage to the election system over the selection-retention system that we strongly support.

We believe that the language used to instruct voters, no matter what the issue, should be as easy to understand as possible. Even with the proposed changes, we are wondering if there is yet another way to make it more clear.

The League also supports the idea that the method of electing judges be re-submitted to voters in any Judicial District not more than once in every 8 years rather than once in every 4 years.

Voters in some Judicial Districts have already responded to this issue three times in a relatively short period. League members in Lyon, Wyandotte, Shawnee and Johnson Counties are well aware that it takes just one disgruntled lawyer or citizen to get the required number of signatures to place the issue before the voters.

It is costly in time and money especially to those of us who are interested in retaining the selection method of judges. The League also sees this as totally unfair to judges not knowing from one election (four year period) to the next what their fate is to be. Good judges, we believe, will not care to be subjected to such treatment on what could become a regular event, nor should they be asked to do so.

The League urges your support of S.B. 39.

Thank you for the opportunity to appear before you today.

H. Elect. 3/21/85
(attachment # 2)

(attachment 3)

DISTRICT COURT OF KANSAS

CHAMBERS OF
WAYNE H. PHILLIPS
JUDGE



COURT HOUSE
KANSAS CITY, KANSAS
66101

WYANDOTTE COUNTY

March 11, 1985

House of Representatives
State Capitol
Topeka, Kansas 66612

Attention: Elections Committee

In re: SB 39

Gentlemen:

In November, 1984, I was appointed Chairman of a committee of the Kansas District Judges' Association to make recommendations for changes in Article 29, K.S.A. 20-2901 on judicial selection. Senate bills 39 and 45 (now combined) were discussed. The committee unanimously opposed the wording contained in SB 39 because it appears to "lock-in" whichever election system prevails in the judicial district. The committee was generally favorable to the 8-year moratorium beginning with 1984.

At our committee meeting of March 8, 1985, the enclosed language change in SB 39 was recommended. Because the Executive Council of the Kansas District Judges' Association does not meet until April 4, 1985, I cannot state this as policy of the association.

We felt you should know our concern and critically review the method contained in SB 39 of presenting the question to the voters.

Cordially,

WAYNE H. PHILLIPS

WHP:maf

ENC: Proposed language change

H. Elect. 3/21/85
(attachment # 3)

Amend K.S.A. 20-2901(c) (1984 Supp.) to read:

(c) The proposition on the ballot at an election held pursuant to this section for the repeal of non-partisan selection shall be as follows:

"The present method of non-partisan selection of judges of the district court in this judicial district by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters shall be discontinued and there is hereby adopted in this judicial district the election of judges of the district court by the voters."

(d) The proposition on the ballot at an election held pursuant to this section for the adoption of non-partisan selection shall be as follows:

"The present method of electing judges of the district court in this judicial district shall be discontinued and there is hereby adopted in this judicial district the non-partisan method of selection of judges by the governor upon nominations by a district nominating commission and subject to retention in office by a vote of the voters."

(attachment)

Office	County	Dist.	Candidate	Votes
U.S. Representative...	Scott.....	1st...	Harold Guldner.....	1
State Senator.....	Allen.....	12th...	Harold Stapleton.....	1
State Senator.....	Woodson.....	15th...	John Vermillion.....	1
State Senator.....	Marrion.....	17th...	John Comers.....	1
State Senator.....	Marrion.....	17th...	Bill Hiebert.....	1
State Senator.....	Washington.....	23rd...	George R. Vollmer....	1
State Senator.....	Sedgwick.....	29th...	Darryl Gray.....	784
State Senator.....	Pratt.....	33rd...	Chas D. Dipman.....	1
State Senator.....	Pratt.....	33rd...	Bill Bruce.....	1
State Senator.....	Pratt.....	33rd...	Darrell Ringer.....	1
State Senator.....	Pratt.....	33rd...	Terry Jachem.....	1
State Senator.....	Pratt.....	33rd...	Russell Mills.....	1
State Senator.....	Pratt.....	33rd...	Robert Romine.....	1
State Senator.....	Pratt.....	33rd...	John Lehman.....	1
State Senator.....	Pratt.....	33rd...	Kenneth Church.....	1
State Senator.....	Pratt.....	33rd...	Dewaye Deweese.....	1
State Senator.....	Pratt.....	33rd...	Kenny Stiniett.....	1
State Senator.....	Republic.....	36th...	Robert C. Craig, Jr..	1
State Senator.....	Republic.....	36th...	Wint Winter.....	1
State Senator.....	Republic.....	36th...	Robert Blad.....	1
State Senator.....	Republic.....	36th...	Pat Paulsen.....	1
State Senator.....	Republic.....	36th...	Larry Tebow.....	1
State Senator.....	Republic.....	36th...	Ray Nelson.....	1
State Senator.....	Republic.....	36th...	Bob Arbuthnot.....	1
State Senator.....	Republic.....	36th...	Doane Sells.....	1
State Senator.....	Republic.....	36th...	John Doe.....	1
State Senator.....	Republic.....	36th...	Nancy Speigel.....	1
State Senator.....	Republic.....	36th...	Shelley Kolars.....	1
State Senator.....	Sheridan.....	40th...	Ron Ibbetson.....	1
State Senator.....	Scott.....	40th...	Ron Ibbetson.....	1
State Senator.....	Montgomery.....	7th...	Lloyd Leroy Thompson.	43
State Senator.....	Allen.....	10th...	Ralph Shaffer.....	2
State Senator.....	Allen.....	10th...	Doug Meyer.....	2
State Senator.....	Allen.....	10th...	Tom Mawell.....	1
State Senator.....	Allen.....	10th...	Donna Talkington.....	1
State Senator.....	Allen.....	10th...	Ben Middleton.....	1
State Senator.....	Allen.....	10th...	Alan Weber.....	1
State Senator.....	Allen.....	10th...	Gerald Doughty.....	2
State Senator.....	Allen.....	10th...	Sterling Barker.....	1
State Senator.....	Allen.....	10th...	C. A. Hauk.....	1
State Senator.....	Allen.....	10th...	James Broyles.....	1
State Senator.....	Allen.....	10th...	Cheryl Welch.....	1
State Senator.....	Allen.....	10th...	William P. Sullivan..	1
State Senator.....	Allen.....	10th...	Keith Hobart.....	1
State Senator.....	Allen.....	10th...	Gary McIntosh.....	1
State Senator.....	Allen.....	10th...	John Smith.....	1
State Senator.....	Allen.....	10th...	Gene Tomson.....	1

H. Elect. 3/21/85
(attachment #4)

State Senator.....Allen.....10th...J. W. Caldwell.....	1
State Senator.....Allen.....10th...Susan Hines.....	1
State Senator.....Allen.....10th...Billy Farmer.....	1
State Representative..Anderson.....12th...James Cubit.....	6
State Representative..Republic.....63rd...R. E. Arbuthnot.....	1
State Representative..Morris.....68th...Gary Floyd.....	21
State Representative..Marion.....70th...John Johnson.....	1
State Representative..Marion.....70th...Bob Woelk.....	1
State Representative..Marion.....70th...Charles Penner.....	1
State Representative..Marion.....70th...Ted Nikel.....	1
State Representative..Marion.....70th...Marlin Buckholz.....	1
State Representative..Marion.....70th...Fred Wynn.....	1
State Representative..Marion.....70th...John Crofoot.....	1
State Representative..Marion.....70th...Vernon Ayers.....	1
State Representative..Marion.....70th...Joe Schinnerer.....	3
State Representative..Marion.....70th...Jeff Freeman.....	1
State Representative..Marion.....70th...W. M. Novak.....	3
State Representative..Marion.....70th...Brent Boring.....	1
State Representative..Marion.....70th...Herb Schroeder.....	1
State Representative..Marion.....70th...Bill Foster.....	1
State Representative..Marion.....70th...Bill Meyer.....	1
State Representative..Pratt.....108th...Harold Terry.....	1
State Representative..Pratt.....108th...Bruce Benson.....	1
State Representative..Pratt.....108th...William K. Black.....	1
State Representative..Pratt.....108th...B. D. Parker.....	1
State Representative..Pratt.....108th...Carter Barker.....	1
State Representative..Pratt.....108th...James Greenleaf, Jr... 1	
State Representative..Pratt.....108th...Dan Schwartz.....	1
State Representative..Pratt.....108th...Gary Condict.....	1
State Representative..Pratt.....108th...Bill Studer.....	1
State Representative..Pratt.....108th...Earl Rosenbaum.....	1
State Representative..Pratt.....108th...Clyde Wray.....	1
State Representative..Pratt.....108th...Eric Yost.....	1
State Representative..Pratt.....108th...Richard Becker.....	1
State Representative..Pratt.....108th...Marvin Henning.....	1
State Representative..Meade.....115th...J. W. Vanderpool.....	1
State Representative..Meade.....125th...Teresa Payne.....	1
State Representative..Meade.....125th...Gary Warden.....	1
District Judge.....Sedgwick...18th Div.10	
(Unexpired).Ron Rogg.....	58
District Judge.....Glove.....23rd...Jan Weilert.....	1
Assoc. District Judge..Gray.....16th...Bob Love.....	1
Assoc. District Judge..Gray.....16th...Bernie Furigon.....	1
Assoc. District Judge..Gray.....16th...Don Good.....	1
Assoc. District Judge..Gray.....16th...Mike Doll.....	1
Assoc. District Judge..Gray.....16th...Glen I. Kurbs.....	1
Assoc. District Judge..Meade.....16th...Gerald Golden.....	2
Assoc. District Judge..Meade.....16th...Don Good.....	2
Assoc. District Judge..Meade.....16th...Vernon Dye.....	1

Assoc. District Judge..Meade.....	16th...	Dave Wilson.....	1
Assoc. District Judge..Sedgwick.....	18th		
	Pos.H (Unexpired)..	Rodney R. Peer.	58
Assoc. District Judge..Sedgwick.....	18th		
	Pos.H (Unexpired)..	Russell Crammer..	2
Dist. Magistrate Judge..Cheyenne.....	15th		
	Pos. I.....	G. M. Cadman	743
Dist. Magistrate Judge..Gray.....	16th...	Don Wright.....	14
Dist. Magistrate Judge..Gray.....	16th...	Junmae Landry.....	1
Dist. Magistrate Judge..Gray.....	16th...	Dan Cate.....	1
Dist. Magistrate Judge..Gray.....	16th...	Dale Voth.....	2
Dist. Magistrate Judge..Gray.....	16th...	Morris Johnson.....	1
Dist. Magistrate Judge..Meade.....	16th...	Ben Houyna.....	1
Dist. Magistrate Judge..Meade.....	16th...	Greg Barth.....	4
Dist. Magistrate Judge..Meade.....	16th...	Don Good.....	1
Dist. Magistrate Judge..Meade.....	16th...	Caroline Meredith.....	1
Dist. Magistrate Judge..Meade.....	16th...	Dr. P. E. Fleener.....	2
Dist. Magistrate Judge..Meade.....	16th...	WM. E. Davis.....	1
Dist. Magistrate Judge..Meade.....	16th...	Jack Sanders.....	1
Dist. Magistrate Judge..Meade.....	16th...	Phil Conway.....	1
Dist. Magistrate Judge..Rush.....	24th...	Jack Snodgrass.....	1
Dist. Magistrate Judge..Rush.....	24th...	Lee Roy Penka.....	1
Dist. Magistrate Judge..Rush.....	24th...	John Doe.....	1
Dist. Magistrate Judge..Rush.....	24th...	Charlie Jacobs.....	1
Dist. Magistrate Judge..Rush.....	24th...	Mary Lou Wheeler.....	1
Dist. Magistrate Judge..Rush.....	24th...	Paul Davenport.....	1
Dist. Magistrate Judge..Rush.....	24th...	Bennie Parker.....	1
Dist. Magistrate Judge..Rush.....	24th...	Lee Vap.....	1
Dist. Magistrate Judge..Rush.....	24th...	Wilfred Jacobs.....	2
Dist. Magistrate Judge..Rush.....	24th...	Dudley Schutte.....	1
Dist. Magistrate Judge..Rush.....	24th...	John Pokorny.....	1
Dist. Magistrate Judge..Rush.....	24th...	Oliver Beach.....	1
Dist. Magistrate Judge..Rush.....	24th...	Lance Morgan.....	1
St. Board of Education..Republic.....	6th...	Shirley Ferris.....	1
St. Board of Education..Mitchell.....	6th...	Dave Halderson.....	1
St. Board of Education..Republic.....	6th...	George Burge.....	1
St. Board of Education..Smith.....	6th...	R. Vaskerville.....	1
St. Board of Education..Smith.....	6th...	Charlene Hanson.....	1

(attached?)

Monday 3-4-85

DATE

TOPEKA CAPITAL - JOURNAL

WICHITA EAGLE - BEACON

KANSAS CITY STAR

KANSAS CITY TIMES

PITTSBURG MORNING SUN

HUTCHINSON NEWS

EMPORIA GAZETTE

PARSONS SUN

SALINA JOURNAL

HAYS DAILY NEWS

LAWRENCE JOURNAL WORLD



Editorial

THE PARSONS SUN

"Our liberty depends on freedom of the press and that cannot be limited without being lost." — Thomas Jefferson

Monday, March 4, 1985

Page 6

A poor way of deciding

A coin toss last week decided which of two candidates in Chetopa USD 505 would advance to the April general election.

The two candidates had tied in the primary.

The coin toss seems like a well, flip way to decide elections.

State law provides that ties in all but elections for governor and lieutenant governor will be decided by lot. If a tie comes in the governor's race, the Legislature will decide the winner.

In the western Kansas county of Hamilton, a coin toss was contested last fall when a recount in the sheriff's race ended in a tie.

A judge ruled that election irregularities occurred, granting the office to the incumbent, who had won with

the original count, but lost the coin toss.

The loser filed suit, contending the coin toss is inconsistent with state laws outlawing gambling. The state Supreme Court is scheduled to issue a ruling in the case this spring.

In the Chetopa case, the two candidates said they were of similar philosophies in how the school district could be improved.

However, in an election with candidates of sharply different viewpoints, deciding an election by lot seems to be a poor way of pursuing democracy.

There must be alternatives that would better serve democracy. Having a new election would be more expensive, but at least would provide the opportunity to let the voters cast the deciding ballots.

Attachment

HOUSE BILL No. 2536

By Committee on Elections

2-27

0017 AN ACT relating to elections; concerning candidates' names on
0018 ballots; amending K.S.A. 25-213, 25-613 and 25-1330 and
0019 repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 25-213 is hereby amended to read as fol-
0022 lows: 25-213. At all national and state primary elections, the
0023 national and state offices as specified for each in this section
0024 shall be printed upon the official primary election ballot for
0025 national and state offices and the county and township offices as
0026 specified for each in this section shall be printed upon the
0027 official primary election ballot for county and township offices.
0028 The official primary election ballots shall have the following
0029 heading:

0030 OFFICIAL PRIMARY ELECTION BALLOT
0031 _____ Party

0032 To vote for a person whose name is printed on the ballot make a cross or check
0033 mark in the square at the right of the person's name. To vote for a person whose
0034 name is not printed on the ballot, write the person's name in the blank space, if
0035 any is provided, and make a cross or check mark in the square to the right.

0036 The words national and state or the words county and town-
0037 ship shall appear on the line preceding the part of the form
0038 shown above.

0039 The form shown shall be followed by the names of the persons
0040 for whom nomination petitions or declarations have been filed
0041 according to law for political parties having primary elections,
0042 and for the national and state offices in the following order:
0043 United States senator, United States representative from
0044 _____ district, governor and lieutenant governor, secre-
0045 tary of state, attorney general, state treasurer, commissioner of
0046 insurance, senator _____ district, representative
0047 _____ district, district judge _____ district, asso-

0048 ciate district judge _____ district, district magistrate judge
0049 _____ district, district attorney _____ judicial dis-
0050 trict, and member state board of education _____ district.
0051 For county and township offices the form shall be followed by
0052 the names of persons for whom nomination petitions or declara-
0053 tions have been filed according to law for political parties having
0054 primary elections in the following order: commissioner
0055 _____ district, county clerk, treasurer, register of deeds,
0056 county attorney, sheriff, surveyor, township trustee, township
0057 treasurer, township clerk. When any office is not to be elected, it
0058 shall be omitted from the ballot. Other offices to be elected but
0059 not listed, shall be inserted in the proper places. For each office
0060 there shall be a statement of the number to vote for.
0061 To the right of each name there shall be printed a square.
0062 Official primary election ballots may be printed in one or more
0063 columns. The names certified by the secretary of state or county
0064 election officer shall be printed on official primary election
0065 ballots and no others. In case there are no nomination petitions
0066 or declarations on file for any particular office, the title to the
0067 office shall be printed on the ballot followed by a blank line with
0068 a square, and such title, followed by a blank line, may be printed
0069 in the list of candidates published in the official paper. No blank
0070 line shall be printed following any office where there are nomi-
0071 nation petitions or declarations on file for the office except
0072 following the offices of precinct committeeman and precinct
0073 committeewoman. Except as otherwise provided in this section,
0074 no person's name shall be printed more than once on either the
0075 official primary election ballot for national and state offices or the
0076 official primary election ballot for county and township offices.
0077 *No name that is printed on the official primary election ballot as*
0078 *a candidate of a political party shall be printed or written in as a*
0079 *candidate for any office on the official primary election ballot of*
0080 *any other political party.* If a person is a candidate for the
0081 unexpired term for an office, the person's name may be printed
0082 on the same ballot as a candidate for the next regular term for
0083 such office. The name of any candidate on the ballot may be
0084 printed on the same ballot as such candidate and also as a

0085 candidate for precinct committeeman or committeewoman. No
 0086 name that is printed on the official primary election ballot for
 0087 national and state offices shall be printed or written in elsewhere
 0088 on such ballot or on the official primary election ballot for county
 0089 and township offices except for precinct committeeman or com-
 0090 mitteewoman. No name that is printed on the official primary
 0091 election ballot for county and township offices shall be printed or
 0092 written in on the official primary election ballot for national and
 0093 state offices or elsewhere on such county and township ballot
 0094 except for precinct committeeman or committeewoman.

0095 No person shall be elected to the office of precinct commit-
 0096 teeman or precinct committeewoman where no nomination pe-
 0097 titions or declarations have been filed, unless the person re-
 0098 ceives at least five write-in votes. As a result of a primary
 0099 election, no person shall receive the nomination and no person's
 0100 name shall be printed on the official general election ballot
 0101 when no nomination petitions or declarations were filed, unless
 0102 the person receives votes equal in number to not less than 10% of
 0103 the total vote cast for all candidates for such party's nomination
 0104 for governor in the state, county or district in which the office is
 0105 sought at the primary election preceding the last general election
 0106 of governor, except that a candidate for township office may
 0107 receive the nomination and have such person's name printed on
 0108 the ballot where no nomination petitions or declarations have
 0109 been filed if such candidate receives three or more write-in
 0110 votes.

0111 Sec. 2. K.S.A. 25-613 is hereby amended to read as follows:
 0112 25-613. *Except as otherwise provided in this section, the name*
 0113 *of each candidate shall be printed on the ballot only once and no*
 0114 *name that is printed on the ballot shall be written elsewhere on*
 0115 *the ballot.* If a person is a candidate for the unexpired term for an
 0116 office such person's name may be printed on the same ballot as a
 0117 candidate of the same political party for the next regular term for
 0118 such office. Also, a person may be an independent candidate for
 0119 the unexpired term for an office and an independent candidate
 0120 for the next regular term for such office, and the person's name
 0121 may be printed for both candidacies on the same official general

0122 ballot. To the name of each candidate for a state office shall be
 0123 added the name of the city in which the candidate resides. To the
 0124 names of pairs of candidates running for governor and lieutenant
 0125 governor shall be added the name of the city in which or near
 0126 which each resides. To the name of each candidate for any
 0127 national, state, county or township offices shall be added the
 0128 person's political party or political designation in accordance
 0129 with the nomination papers of the person.

0130 Sec. 3. K.S.A. 25-1330 is hereby amended to read as follows:
 0131 25-1330. Ballots voted for any person whose name does not
 0132 appear on the machine as a nominated candidate for office are
 0133 herein referred to as write-in ballots. ~~All write-in ballots voted~~
 0134 ~~shall be deposited, written or affixed in a single receptacle or~~
 0135 ~~device and the elector may vote in or by such receptacle or~~
 0136 ~~device for one or more persons whose names do not appear upon~~
 0137 ~~the machine with or without the names of one or more persons~~
 0138 ~~whose names do so appear.~~ A write-in ballot ~~must be cast~~ *shall be*
 0139 *hand written and cast by the voter or by a person authorized by*
 0140 *K.S.A. 1984 Supp. 25-2909, and amendments thereto,* in its
 0141 appropriate place on the machine or ~~it~~ *such vote* shall be void
 0142 and not counted.

0143 Sec. 4. K.S.A. 25-213, 25-613 and 25-1330 are hereby re-
 0144 pealed.

0145 Sec. 5. This act shall take effect and be in force from and
 0146 after its publication in the statute book.

March 21, 1985

HOUSE ELECTIONS COMMITTEE

Honorable Richard Harper, Chairperson
Honorable Harold Guldner, Vice-Chairperson
Honorable Elizabeth Baker, Member
Honorable Don Crumbaker, Member
Honorable Dorothy Flottman, Member
Honorable Ben Foster, Member
Honorable Carl Holmes, Member
Honorable Phil Kline, Member
Honorable Joe Knopp, Member
Honorable Lawrence Wilbert, Member
Honorable Norman Justice, Ranking Minority Member
Honorable Gary Blumenthal, Member
Honorable Betty Jo Charlton, Member
Honorable Henry Helgerson, Member
Honorable Mary Jane Johnson, Member
Honorable Bill Roy, Jr., Member
Honorable Judith Runnels, Member

SUBJECT: Senate Bill Nos. 39 and 45.

Honorable Chairperson, Vice-Chairperson & Representative Members:

This is to formally set out the opposition of the Committee to Elect Judges to proposed Senate Bills numbered 39 and 45. We are primarily opposed to the following two provisions of those bills:

1. The proposal to extend the period of time within which the issue of appointment versus election of judges can be placed on the ballot from 4 to 8 years.
2. The proposal that any election on this issue be limited to a "yes" or "no" choice to continue the method intact at the time of the election (proposed par. [c] to No. 39).

On its face, these proposals do nothing more than further erode and limit the right of the voters throughout this state to be heard, by proper election process, with regard to the placement of county judges who sit in judgment with regard to vital matters effecting peoples' lives daily.

In 1974 the legislature carefully considered what procedure and time frame to put into motion. The legislature accepted the recommendation of many people in proposing the passage of a 4 year period and in proposing the passage of a statute allowing the voters, on each occasion when this matter is placed on the ballot, to consider both options available.

Elections Committee
March 21, 1985
Page 2

This proposed legislation is unduly restrictive, confusing, and unwarranted.

The proponents of this bill argue: When the issue of election versus appointment of judges appears on the ballot it necessarily requires judges to politick, this is undesirable, so limit the placement of this issue on the ballot to every 8 years. We respond: This argument proves entirely too much. By this thought process this issue should never be allowed to appear on the ballot. Are we really willing to allow judges to go forever unchecked?

If the voters of a given county in this state determine (because of the conduct of their county judges) that they wish to review the method of placement of judges of that county, under this proposed legislation, they will have to languish under an unwanted and intolerable condition for up to 8 long years! Do we really want to place the citizens of this state in such dire straits?

Representative Foster has suggested (in hearings held March 19) that this issue is not an issue of election versus appointment of judges. First, we must suggest that the issue of this legislation and the election versus appointment of judges issue are inseparable. If the voters of this state are not going to be allowed to even address the issue of election versus appointment but every 8 years, and if they are going to be restricted to simply approving or disapproving the system intact at the time, in effect, the voters of this state are going to be entirely ignored on this issue!

However, and more to the point, I must respectfully disagree with Representative Foster to this extent: This issue before this Committee is very much an issue of judicial conduct! This is as blatant a piece of special interest, self serving legislation as ever was proposed! This is legislation proposed in an effort, on the part of very few, to further erode the voice of the voters in stating how they want their judges placed.

And, the context in which this bill appears is crucial to this Committee's consideration of the bill.

The issue of election versus appointment was placed on the ballot in Shawnee County at the request of 7,450 voters of the county. Immediately following media coverage of the circulation of the petitions the judges of this county, with the full weight, influence and resources of the state behind them, undertook to vigorously politick against election of judges. In excess of \$50,000 was spent by those favoring appointment. Judges engaged in activity unsuited to the judiciary, including conduct intended to intimidate those attorneys favoring election of judges. The voters opted in favor of appointment.

Elections Committee
March 21, 1985
Page 3

Those favoring election announced, through the media, that they intended to give the people a chance to vote again in 4 years. Then, and only then, was the legislation proposed; and, the legislation is sponsored by and supported by the very same group favoring appointment in this past election--with judges right in the big middle!

This is not a matter for the judiciary! This is a matter for the people! Simply because judges do not want to be put to the trouble of having to spend enormous amounts of time and money (when they should not even be involving themselves) to persuade the voters to vote in favor of appointment (thereby insuring that judges do not have to go to the people every 4 years, one man/woman on his/her merits, facing the people) is not a good reason for this Committee to approve further restrictions on the voters' right and ability to provide a check on the judges who are to serve them!

Only those who favor appointment of judges favor and support this proposed legislation. Those who favor election are not appearing here whining and clamoring to avoid facing the people on the merits of election. (Now almost half the counties in this state elect judges; the people of these counties are not asking that those who would favor appointment be restricted from presenting this issue to a period of 8 years.)

The role of judges in our society is vital! The right of the voters to hold judges accountable is essential! Year by year, every time any person or group endeavors to meaningfully present this issue to the voters, judges seek to, little by little, take away any power by the voters to cause judges to answer to them!

This Committee--this legislature--has far too many truly important matters--matters which effect many people--matters far more deserving of the attention of our representatives--to spend any more time on this obviously self serving effort by some of the judges of this state to insure job security. No member of this House--no other public official--indeed, not even the President of the United States--is allowed to go unchecked for 8 long years! Against this backdrop, the inequity of requiring the voters of this State to wait so long before being allowed only to say "yes" or "no" to an existing method becomes apparent!

Please preserve the right of the people to insure unto themselves worthy judges. Please vote against Senate Bill Nos. 39 and 45.

Respectfully,


Margie J. Phelps, Co-Chairperson
COMMITTEE TO ELECT JUDGES