

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, March 26, 1985 in room 521-S of the Capitol.

All members were present except: Representative Blumenthal, excused
Representative Foster, excused
Representative Helgerson, excused

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

Conferees appearing before the committee:

Eric Rucker, Secretary of State's Office

Chairperson Harper called the meeting to order and recognized Eric Rucker, Secretary of State's Office. SB 272, An Act concerning presidential elections; relating to the eligibility to vote thereat;, was the first order of business for hearing today.

Eric Rucker gave the committee a briefing of SB 272, and told the committee that this bill was recommended by the Secretary of State's office to clarify the procedure for voting in presidential elections by new residents, former residents, and relocated residents.

Following a short discussion period, Representative Wilbert made a motion to pass SB 272 favorably from committee. Seconded by Representative Guldner. Motion carried.

SB 39, An Act concerning judges of the district court; relating to method of selection, was brought before the committee for discussion and final action. Representative Runnels passed out informational material which was supplied to her by Legislative Research regarding elections of judges or judge candidates in electing districts (including primaries) since court unification. (Attachment 1).

At this time, Representative Guldner submitted a proposed amendment to SB 39. (Attachment 2).

Representative Guldner made a motion to adopt the submitted proposed amendment to SB 39. Seconded by Representative Roy. This motion failed.

Representative Crumbaker made a motion to pass SB 39 out of committee favorably. Seconded by Representative Justice.

Representative Guldner made a substitute motion that the committee table SB 39. Seconded by Representative Flottman. This motion also failed.

Going back to the original motion made by Representative Crumbaker to pass SB 39 out of committee favorably. Seconded by Representative Justice. This motion carried by a show-of-hands vote -- 6 in favor, and 5 opposed.

Substitute for SB 135 was next on the agenda for discussion and final action. Chairperson Harper drew attention to the amendment which had been passed out to the members. (Attachment 3). This amendment would put HB 2346 into Sub. SB 135. HB 2346 exempts the filing fee for judges from the \$500 disclosure.

Representative Knopp made a motion to adopt the above amendment. Seconded by Representative Justice. Motion carried.

Moving on to SB 135, Representative Justice stated that he had requested an amendment regarding outdoor advertising be drafted. The staff representative provided two hand written amendments concerning this problem. Following a discussion, it was decided that SB 135 should be held until the next

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Tuesday, March 26,, 1985

meeting, and that the staff representative of the Revisors' office should provide the committee members typed copies of the possible amendments to SB 135 regarding outdoor advertising.

At this time, Representative Justice made a request of the staff to find out the difference in prices with relation to advertising in different areas, and that the committee would discuss this again on Thursday, along with the proposed amendments.

SB 263, relating to compensation of election judges and clerks, was next to be discussed and considered for final action. Representative Roy made a motion, at the request of the Secretary of State, to change the wording on line 35, before \$2 to add "not less than". Seconded by Representative Runnels. Motion carried.

Representative Justice made a motion to pass SB 263 out of committee favorably, as amended. Seconded by Representative Knopp. Motion carried.

SB 315, concerning write-in candidates, was next up for consideration today. Amendments were passed to committee members on this bill. The amendments would incorporate HB 2536 into SB 315. (Attachment 4).

Representative Knopp made a motion to adopt the amendments which would combine HB 2536 and SB 315. Seconded by Representative Guldner. Motion carried.

Eric Rucker was asked by the Chairperson to refresh the committee on the purpose of HB 2536. Following a discussion period, Representative Knopp told the committee he would like to offer some friendly amendments for the purpose of discussion.

Following a lengthy discussion it was moved by Representative Justice to change the wording on line 25 from "20th day" to "11th day", and on line 35 to change "10 days" to "7 days". Seconded by Representative Guldner. Motion carried.

Representative Guldner then made a motion to pass SB 315, as amended, out of committee favorably. Seconded by Representative Knopp. Motion carried.

Representative Crumbaker moved to accept the minutes of the March 19 and 21st meetings as written. Seconded by Representative Wilbert. Motion carried.

Meeting adjourned.

(attachment 1)

JUDITH C. RUNNELS
 REPRESENTATIVE, FIFTY-SIXTH DISTRICT
 SHAWNEE COUNTY
 404 WOODLAWN
 TOPEKA, KANSAS 66606



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER ELECTIONS
 ENERGY AND NATURAL RESOURCES
 FEDERAL AND STATE AFFAIRS
 LEGISLATIVE JUDICIAL AND
 CONGRESSIONAL APPORTIONMENT

March 22, 1985

TO: Rep. Ben Foster

FROM: Judith Runnels

This information supplied to me by Legislative Research Dept.

The records published by the Secretary of State show that there have been 312 elections of judges or judge candidates in electing districts (including primaries) since court unification.

Of the 45 contested races, 27 involved incumbents, and in those 27 races 9 incumbents were defeated: seven were district magistrate and two were associate district judges.

No incumbent district judge in a political process district has been turned out of office in this time; on the other hand, a district judge (R. E. Miller of Emporia, originally elected in a contested election in 1972) in a merit selection and retention district did fail to be retained during this period.

On the merit selection and retention side, besides former Judge Miller, two district magistrate judges failed to be retained in the November 1980 election. The two DMJs were Gerald Johnston, Rooks County, and Ella V. Neff, Kearny County.

S U M M A R Y

	<u>1978</u>		<u>General</u>	
<u>Primary</u>				
Total Number of Races:	56		Total Number of Races:	28
Contested:	1		Contested:	6
		<u>1980</u>		
<u>Primary</u>			<u>General</u>	
Total Number of Races:	102		Total Number of Races:	51
Contested:	13		Contested:	19
		<u>1982</u>		
<u>Primary:</u>	50		<u>General:</u>	25
Contested:	3		Contested:	3

From the Secretary of State's Printout:

	<u>1984</u>		<u>General</u>	
<u>Primary</u>				
Total Number of Races:	168		Total Number of Races:	84
Contested:	15		Contested: ,	18

H. Elect. 3/26/85
 (attachment #1)

Proposed Amendment to SB 39 (As Amended by Senate Committee)

On page 3, in line 109, by striking "when"; in line 110, by striking "is"; by striking all of line 111; in line 112, by striking all before "may"; in line 114, by striking "eight years thereafter" and inserting "four years"; in line 118, after the period, by inserting "Except that in the third judicial district, such proposition may be resubmitted to the electors not more than once every eight years. When such petition has been submitted "; also in line 118, by striking "In"; in line 119, by striking "such event";

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Elections

Recommends that Substitute for Senate Bill No. 135

"AN ACT concerning elections; relating to the campaign finance act and violations thereof; amending K.S.A. 25-4156 and repealing the existing section; also repealing K.S.A. 25-4169.

Be amended:

On page 2, by striking all of line 46 and inserting the following:

"Sec. 2. K.S.A. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than \$500, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$500 in each the primary and the general election shall file, prior to the date that the first report for such year is required to be filed, an affidavit of such intent with the secretary of state. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.

Sec. 3. K.S.A. 25-4174 is hereby amended to read as follows: 25-4174. Any candidate who has signed an affidavit pursuant to K.S.A. 25-4173, and amendments thereto, and who incurs expenses in excess of or receives contributions in excess of \$500, exclusive of such candidate's filing fee, for either the primary or the general election shall, within three days of the date when expenditures or contributions exceed \$500 such amount,

file all past due reports and shall be required to file all future reports on the dates required by K.S.A. 25-4148, and amendments thereto.

Sec. 4. K.S.A. 25-4156, 25-4169, 25-4173 and 25-4174 are hereby repealed.";

Also on page 2, in line 47, by renumbering section 3 as section 5;

In the title, in line 17, by striking "elections; relating to"; in line 18, by striking all after "act" and inserting in lieu thereof "; concerning the filing of certain reports; declaring the charging of excessive amounts for political advertising to be a class A misdemeanor; amending K.S.A. 25-4156, 25-4173 and 25-4174 and re-"; in line 19, by striking "section" and inserting "sections";

And the bill be passed as amended.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Elections

Recommends that Substitute for Senate Bill No. 135

"AN ACT concerning elections; relating to the campaign finance act and violations thereof; amending K.S.A. 25-4156 and repealing the existing section; also repealing K.S.A. 25-4169."

Be amended:

On page 1, in line 30, after "advertising", by inserting "of a state office"; in line 45, after "advertising", by inserting "of a state office"; also, in line 45, by striking "A" and inserting "C";

And the bill be passed as amended.

Chairperson

(attachment 4)

Put HB 2536 into
SB 315

CRS315pl

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Elections

Recommends that Senate Bill No. 315

"AN ACT concerning elections; concerning write-in candidates; amending K.S.A. 25-1330, 25-2903, 25-3001 and 25-3006 and repealing the existing sections."

Be amended:

On page 2, in line 46, by striking all after the period; by striking all of lines 47 to 50, inclusive; in line 51, by striking all preceding "A"; also in line 51, by striking "cast" and inserting in lieu thereof "hand written and cast by the voter or by a person authorized by K.S.A. 1984 Supp. 25-2909, and amendments thereto,";

On page 4, after line 127, by inserting two new sections to read as follows:

"Sec. 6. K.S.A. 25-213 is hereby amended to read as follows: 25-213. At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices. The official primary election ballots shall have the following heading:

OFFICIAL PRIMARY ELECTION BALLOT

_____ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the right of the

H. Elect. 3/26/85
(attachment #4)

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

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from _____ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator _____ district, representative _____ district, district judge _____ district, associate district judge _____ district, district magistrate judge _____ district, district attorney _____ judicial district, and member state board of education _____ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: commissioner _____ district, county clerk, treasurer, register of deeds, county attorney, sheriff, surveyor, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the right of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county

election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman. Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on such ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on such county and township ballot except for precinct committeeman or committeewoman.

No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than 10% of the total vote cast for all candidates for such party's nomination for governor in the state, county or district in which the office is sought at the primary election preceding the last general election of governor, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nomination petitions or declarations have been filed if such candidate receives three or more write-in votes.

Sec. 7. K.S.A. 25-613 is hereby amended to read as follows: 25-613. Except as otherwise provided in this section, the name of each candidate shall be printed on the ballot only once and no name that is printed on the ballot shall be written elsewhere on the ballot. If a person is a candidate for the unexpired term for an office such person's name may be printed on the same ballot as a candidate of the same political party for the next regular term for such office. Also, a person may be an independent candidate for the unexpired term for an office and an independent candidate for the next regular term for such office, and the person's name may be printed for both candidacies on the same official general ballot. To the name of each candidate for a state office shall be added the name of the city in which the candidate resides. To the names of pairs of candidates running for governor and lieutenant governor shall be added the name of the city in which or near which each resides. To the name of each

candidate for any national, state, county or township offices shall be added the person's political party or political designation in accordance with the nomination papers of the person.";

Also on page 4, in line 128, by striking "6. K.S.A." and inserting in lieu thereof "8. K.S.A. 25-213, 25-613,"; in line 130, by renumbering section 7 as section 9;

In the title, in line 17, by striking "concerning" where it last appears in the line and inserting in lieu thereof "relating to candidates' names on ballots and"; in line 18, after "K.S.A." by inserting "25-213, 25-613,";

And the bill be passed as amended.

Chairperson