

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 4, 1986 in room 521-S of the Capitol.

All members were present except: Representative Helgerson, Excused,
and Representative Justice, Excused

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

Conferees appearing before the committee:

Representative Harold Guldner
Representative Crowell
Wanda Coder, County Clerk, Riley County
Carl Hill, Editor & Publisher, Sedan Times-Star

Chairperson Harper called the meeting to order, and announced that since Representative Crowell was not present as of the beginning of the meeting, the committee would start with HB 2919, An Act relating to delivery of mail ballots, by Representative Guldner. Representative Guldner was unable to be present at the first hearing of this bill, due to a funeral. A letter was passed to committee members from Larry E. Scheller, Chairman, Clerk's Election Committee. At this time, the Representative called attention to this noting that the letter from the Clerk's Association was in favor of HB 2919. Following a discussion, the hearing was closed on this bill. (Attachment 1).

Representative Crowell was now recognized by the Chairperson. The Rep. came before the committee to explain HB 2984, which is An Act relating to counties; concerning the filling of vacancies in certain county offices.

Mr. Carl Hill, Editor and Publisher, Sedan Times-Star, appeared before the committee asking support of HB 2984. Mr. Hill passed a copy of his newspaper to committee members, calling attention to the editorial requesting help in getting HB 2984 in the statute books. (Attachment 2).

At this time, Wanda Coder, County Clerk, Riley County, appeared before the committee. Ms. Coder came before the committee for herself, and not for the County Clerk's office. She appeared in opposition to HB 2984. (Attachment 3) Following a discussion period, the hearing was now closed on HB 2984.

HB 2920, An Act concerning absentee ballots was next up for hearing. The Chairperson recognized Representative Guldner, author of this bill. The letter from Larry E. Scheller, was again called to the attention of the members of the committee. Mr. Scheller asked that the committee recommend passage of HB 2920 and HB 2919 on behalf of the Clerk's Association. At this time, Representative Guldner called on Mr. Thornburgh, Secretary of State's office. Mr. Thornburgh told the committee how the 3 surrounding states of Kansas handled this situation. The surrounding states contacted were Missouri, Nebraska and Oklahoma. Following discussion, the hearing was closed on HB 2920.

Representative Flottman made a motion to pass out of committee HB 2893. Seconded by Representative Foster.

Representative Blumenthal offered a substitute motion to include the youth organization of young Republicans and Democrats. Seconded by Representative Kline.

Following a discussion on the above substitute motion, Representative Baker opposed the amendment on the youth organization of young Republicans and Democrats, due to the fact that there will be a lot of opposition through the house to this amendment, and it will impede the progress of HB 2893 and the people that requested this bill really want to see it passed out.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Tuesday, March 4, 1986

On the motion to amend HB 2893 to include the youth organization of young Republicans and Democrats, with a show-of-hands vote, this motion failed.

The original motion to pass out of committee HB 2893 favorably, which was made by Representative Flottman, and seconded by Representative Foster, carried.

A motion made by Representative Crumbaker to pass SB 466 out of committee favorable, and seconded by Representative Guldner, failed by a division vote.

Representative Baker made a motion to report SB 466 adversely. Seconded by Representative Wilbert. The motion carried by a voice vote.

Representative Flottman is recorded as voting "no" on the voice vote on SB 466.

Representative Knopp made a motion that the office of the Revisor make a technical amendment to HB 2984. Seconded by Representative Wilbert. Motion carried.

It was moved by Representative Wilbert to pass out of committee HB 2984 favorably, as amended by the office of the Revisor. Seconded by Representative Knopp. Motion carried.

Representative Crumbaker made a motion to pass out of committee HB 2919, favorably. Seconded by Representative Knopp. Motion carried.

Representative Crumbaker made a motion to pass out of committee HB 2920, favorably. Seconded by Representative Kline.

Representative Knopp made a conceptual motion that the office of the Revisor make an amendment to HB 2920, on page 2, in line 53, after the period, by inserting "in all other counties, use of a numbering system on absentee ballots and ballot envelopes shall be at the discretion of the county election officer." Seconded by Representative Flottman. Motion carried.

It was moved by Representative Knopp that HB 2920, as amended, be passed out of committee favorably. Seconded by Representative Flottman. Motion carried.

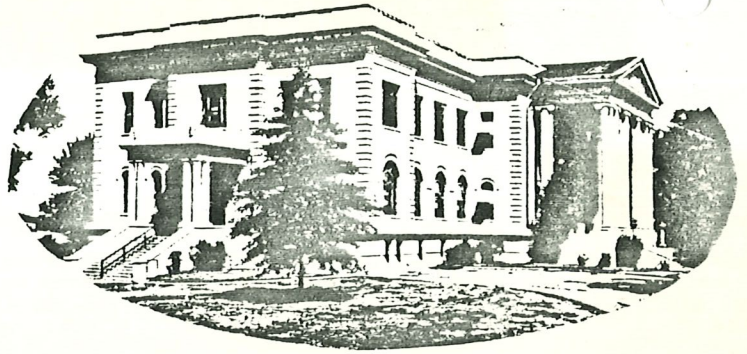
It was moved by Representative Crumbaker to accept the minutes of the February 27, 1986, meeting after a correction of a second on the vote of HB 2893 be changed from Representative Blumenthal to Representative Wilbert. Seconded by Representative Kline. Motion carried.

Meeting adjourned at 10:15 a.m.

COUNTY OF LEAVENWORTH

COURTHOUSE
4TH & WALNUT
LEAVENWORTH, KANSAS 66048
AREA CODE 913-682- 7611
EXT. 222

LARRY E. SCHELLER
County Clerk



February 26, 1986

Representative Harold Guldner
State Capital - Room 175W
Topeka, Kansas 66612

RE: H.B. 2919 and 2920

Dear Representative Guldner:

As chairman of the Kansas County Clerk's Election Committee, I am writing you to let you know how the clerks feel about these two bills.

H.B. 2919 is a "common sense" bill which should be passed. As you know it allows for a mail ballot to be returned to us by the elector or his designee. We all currently receive absentee ballots back at regular elections from spouses, sons, daughters, etc. so why not be allowed to do the same for mail ballot elections. Why trust the mail service if someone wants to hand carry the spouse's ballot back to the courthouse?

H.B. 2920 has to do with numbering absentee ballots. I have talked to several clerks and no one can give me a reason as to why we number. Carrying it one step further, no one seems to know why we number at the precincts. Seems to me like its just another step to slow down the election process. One worker has to number the ballots and another worker has to cut the numbers off before putting them into the ballot box. Does anyone know why we do this?

The Clerk's Association would recommend to the House Election Committee passage of both H.B. 2919 and 2920. Please feel free to distribute copies of this letter to the members on the election committee. If I can be of any further help, please do not hesitate to call me.

Sincerely,

Larry E. Scheller
County Clerk
Chairman, Clerk's Election Committee

LES/las

cc: Rep. Richard Harper

(attachment 1)

Opinions

"A newspaper should seek to exert its influence in the community it serves."

Change the Law

The recent happenings in the Phillipines should be a lesson to all who hold free and democratic elections near to their hearts. Finally, the will of the people won out. While Kansas is a long way from the Phillipines, and the issues greatly differ, there is an analogy to be drawn between the Phillipines' election and a situation which prompted introduction of a bill in the Kansas Legislature regarding appointment of persons to fill unexpired terms of office.

This comment should not be construed as a reflection on the type of job he is doing, Chautauqua County's sheriff now holds office by virtue of a nomination by the county Republican Central Committee and appointment by Gov. Carlin. The sheriff was never elected to office, but will maintain the position for three more years because he is filling an unexpired four-year term. Prior to that, the current sheriff's immediate predecessor filled an 18-month unexpired term, then ran for election to a full term, but declined to take office after being elected.

In other words, the people of Chautauqua County have not had a popularly elected sheriff holding office for a little more than two years, and will not have the opportunity to elect their sheriff until 1988.

If it doesn't seem fair, that is the way our man in Topeka, Rep. Rex Crowell feels about it as well. He has introduced legislation that would change the rule to allow for a person to be appointed to fill a vacancy in the offices of County Clerk, County Treasurer, Sheriff, and Register of Deeds, until the next General Election, if the vacancy occurs before May 1 of the second year of the elected person's term, or fill the unexpired term if the vacancy occurs after May 1 of that second year. Thus, an appointee would not serve much over two years before having to seek election.

Chautauqua County is not alone when it comes to having officials filling unexpired terms. In Crowell's district alone, which covers Chautauqua, Elk, Greenwood, and southern Lyon counties, there are now or soon will be three persons holding offices they were not elected to hold.

In Greenwood County, the county attorney will serve out an unexpired term due to the resignation, late last year of the person elected to the post in 1984. Because of the death earlier this month of long-time Elk County Clerk Betty Robertson, a new person, never before elected to the office, will be filling in until 1988. Then, there is our situation with the sheriff.

If Crowell's bill was now on the statute books, voters in Chautauqua and Elk counties would have the right to cast ballots for sheriff and clerk next November instead of having to wait until November, 1988.

Crowell's bill needs help getting through the Legislature. We suggest you write a note of support to him and our senator, Dan Thiessen. This is too important an issue to let go. Their addresses are: Rep. Rex Crowell, Room 431N, State Capitol, Topeka, Ks., 66612; and Sen. Dan Thiessen, Room 143N, State Capitol, Topeka, Ks., 66612.

No elected official should ever think to serve without the mandate of the people. That is where Phillipines' President Marcos failed. Likewise, the Kansas Legislature should awaken to the fact that allowing appointees to fill unexpired terms instead of allowing voters to decide the appointees' fate at the next General Election, defeats the purpose of our electoral system.

The course of the electoral process was changed in the Phillipines by the voices of the people. The needed changes in our electoral process can be accomplished through our combined voices.

jch

(attachment 2)

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THE SEDAN TIMES-STAR

Wednesday, February 26, 1986

3/4/86
Annex Elections
Attch. 2

TO: Election Committe
FROM: Wanda Coder - Riley County Clerk
RE: House Bill 2984

I oppose House Bill 2984.

If the appointment is made immediately prior to May 1 the elected official will be campaigning for office simultaneously with learning the office to which he or she has been appointed.

The present statute is working satisfactorily and I request this bill not be passed.

attachment 3