

Approved _____

Date

RLH 2-10-87

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 Thursday, February 5, 1987 in room 521-S of the Capitol.

All members were present except: Representative Foster; excused; Representative King, excused; Representative Littlejohn, excused; and, Representative Sawyer, excused.

Committee staff present: Myrta Anderson, Legislative Research Department
Nancy Ryan, Secretary of State's Office
Jill Wolters, Office of the Revisor of Statutes
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Representative Hensley
Representative Norman Justice - written testimony will
be provided the committee members on HB 2110. The
Representative is in support of HB 2110.
Nancy Ryan, Secretary of State's Office

Chairperson Harper called the meeting to order, and recognized Representative Hensley, author of HB 2110. This bill relates to the office of commissioner of elections in certain counties; concerning the appointment of the commissioner

Representative Hensley came before the committee to give them a short briefing on his bill. The committee was told that this particular piece of legislation had been introduced before the committee for the past three years. This bill makes a rather simple, but significant change in the election laws of the state. It would amend the current law and provide that the appointment of the election commissioner be made by the board of county commissioners of the county in which that particular election commissioner resides. Under current law the Secretary of State has this appointing authority. The reason that this bill is being introduced again this year, and in the past sessions, is that the Representative feels like this change is very appropriate and a necessary change. The Chair explained to the committee that Representative Justice had wanted to appear before the committee in support of HB 2110. However, a note had been handed the Chair telling him that he was tied up in Kansas City, and it was impossible for him to attend the meeting today, but that he would supply the committee written testimony in support of this bill. (Attachment 1)

The Chair now recognized Nancy Ryan from the Secretary of State's Office. Mrs. Ryan appeared before the committee in complete opposition to HB 2110. She told the committee that they felt the Secretary of States' Office was the chief elections authority, and that they have had no complaints from county commissioners, nor the voting public, and asked that this bill not be passed.

Following a lengthy discussion, a request was made to have the staff check on the population of some of the different counties. The hearing was closed on HB 2110.

HB 2133 - An Act relating to elections; allowing the county or district attorney to determine the sufficiency of the grounds for recall, was next on the agenda for hearing today. The Chair recognized Nancy Ryan, Secretary of State's office. It was called to the attention of the committee that there have been many lawsuits filed in Kansas concerning recall. Specifically, a Butler county judge made the determination that it was the county clerks' responsibility to determine the sufficiency of a recall petition. County Clerks should not bear the liability for such a decision. Therefore, the office of the Secretary of State is asking that the committee support HB 2133. A discussion period was held on this bill, and the hearing closed for today.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,
room 521-S, Statehouse, at 9:00 am a.m./p.m. on Thursday, February 5, 1987.

Jill Wolters, staff, passed out a memo with regard to HB 2131. A question had come up in a previous meeting regarding surrounding states requiring write-in candidates to file a declaration of intent. Discussion followed.

Representative Helgerson made a motion on HB 2131, which was seconded by Representative Roy. Basically, it added first-class cities to the list. He had requested staff to prepare a balloon on this, and it was not ready at the time of the meeting. Following discussion on the above motion, several members stated that they did not support the amendment. One member was opposed to both the amendment and the bill.

The above motion was withdrawn by Representative Helgerson giving the staff time to check different questions which arose on HB 2131 today.

Representative Kline made a motion that HB 2132 be passed favorably from committee and be placed on the Consent Calendar. Seconded by Representative Flottman. Motion carried.

It was moved by Representative Amos to approve the minutes of the February 3, 1987, meeting as written. Seconded by Representative Flottman. Motion carried.

The meeting adjourned by 9:45 a.m.

9:00
2/5/87

Rep. Hensley:

Rep. Justice just called me. He got tied up in Kansas City and will be unable to testify this morning in Elections. He is in support of bill concerning Election Commissioners and will be giving Chairman Harper a written statement this afternoon regarding this bill.

Pat,
Secretary to Rep. Justice

Attachment 1
House Elections
1987

NORMAN E. JUSTICE
 REPRESENTATIVE, THIRTY-FOURTH DISTRICT
 WYANDOTTE COUNTY
 506 WASHINGTON BLVD
 KANSAS CITY, KANSAS 66101-2222



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HOUSE OF
 REPRESENTATIVES

February 5, 1987

COMMITTEE ASSIGNMENTS
 MEMBER PENSIONS, INVESTMENTS AND BENEFITS
 TRANSPORTATION
 UTILITIES
 COMMERCIAL AND FINANCIAL INSTITUTIONS
 LEGISLATIVE, JUDICIAL AND
 CONGRESSIONAL APPORTIONMENT
 JOINT COMMITTEE ON SPECIAL CLAIMS
 AGAINST THE STATE
 NATIONAL CONFERENCE OF STATE LEGISLATORS
 VICE CHAIRMAN LEGISLATIVE ORGANIZATION AND
 MANAGEMENT COMMITTEE
 NATIONAL BOARD MEMBER NATIONAL BLACK
 CAUCUS OF STATE LEGISLATORS

Representative Harper:
 Members of the Elections Committee:

My Dear Colleagues,

I am writing to you concerning **House Bill No. 2110** which pertains to the Election Commissioners in the four large counties. In 101 counties of the state, the Election Officers are elected by the people that pay their salary. In the four large counties, the taxpayers have no say so whatsoever concerning their Election Officers. For hypothetical supposition, your Chief of Police, Sheriff, Superintendent of Schools, County Commissioners, were picked by the rest of the state - Governor's Office, or the Secretary of State's Office, or the Minority Leader of the House. However, you and the citizens of that community would be under their decisions, would have to pay their salaries, and, yet, have no say so whatsoever on what goes on in that office. The case in point of the suppositions is my reason for supporting HB 2110. This could happen to you.

attachment 1
House Elections