

Approved 2-11-87

Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by Senator Gordon at  
Chairperson

1:30 ~~xxx~~/p.m. on Wednesday, February 4, 1987 in room 522-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Myrta Anderson, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Phil Lowe, Secretary to Committee

Conferees appearing before the committee:

Nancy Ryan, Secretary of State's Office  
Jim Kaup, Kansas League of Municipalities  
Marjorie Van Buren, Office of the Judicial Administrator

Senator Strict moved and Senator Bond seconded the motion that the minutes of January 28 be approved. Motion carried.

Senator Hoferer requested that the committee consider introducing a bill that the Shawnee County Election Commissioner has requested regarding K.S.A. 25-702(a) which provides in part that "whenever it shall satisfactorily appear that any person has received the highest number of votes for any office, such person shall receive the certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing and conducting the election, so that the real will of the people may not be defeated by any informality of any officer." Senator Hoferer said in the case of special elections, the voters do not have the same protection and while every effort is made to avoid errors, it has been a matter of concern that through some error or omission, electors could be disenfranchised. Therefore, the election commissioner would like to request legislation extending these provisions to cover question submitted elections including bond elections as well as local referendums. (Attachment 1)

Senator Strict moved and Senator Johnston seconded the motion that the bill as requested by the Shawnee County Election Office be drafted and referred back to the committee for consideration. Motion carried.

SB 106 - Myrta Anderson of the Legislative Research Department briefed the committee on the background of the bill and said that SB 106 was recommended by the Secretary of State's Office because their office believes there is a lack of precision in the wording of the statutes which establishes residency qualifications of council member, commissions and mayors as to when residency must be established in order for a candidate to be legally qualified to hold elective city office.

Nancy Ryan of the Secretary of State's office spoke briefly and stated that their office did request this bill merely to clean up and clarify the language and said she would let Mr. Kaup from the Kansas League of Municipalities explain the bill further.

Mr. Kaup said it was a very simple bill and what this bill proposes is to set a standard rule that every one could understand as to the term "qualified elector". He said qualified elector is not a statutory defined term. Mr. Kaup said Section 8 strikes the words "within 30 days after election" and inserts "before the first

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 522-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, February 4, 19 87

regular meeting of the council in the month next following certification of the election." Mr. Kaup thought this amendment would accommodate the small cities.

The staff was requested to gather information regarding residency qualifications for all city officials, the different township officials, city, county and state and whether residency qualifications could be made more uniform and report their findings at the next regular meeting.

SB 107 - Myrta Anderson, staff member from the Research Department, said this bill was requested by the Secretary of State's office to clarify the procedure for filling the vacancy of a district court judge.

Nancy Ryan, Secretary of State's office, appeared before the committee on behalf of the bill and said that K.S.A. 25-312a is a statute that caused their office problems last summer. The statute presently provided that when a vacancy occurs in the office of district judge, the vacancy should be filled at the next general election if the election occurs more than 30 days after a vacancy. In July last summer a vacancy did occur and this occurred after the June 10th filing deadline. An Attorney General's opinion was requested and provided that each party name a candidate to be placed on the ballot. This decision prevented independent candidates from filing for the office. Mrs. Ryan stated their office would like the legislature to amend K.S.A. 25-312a to allow the vacancy to be filled in the same manner as county officer vacancies. An amendment was suggested that would strike the language in the statute "At the next general election that occurs more than 30 days after such vacancy, the office shall be filled by election for a term commencing as provided in K.S.A. 25-313, and amendments thereto.

Marjorie Van Buren representing the Judicial Administrator's office spoke briefly on SB 107 and stated their office has no problems with the bill.

Senator Martin moved to strike the language from the statute as suggested by the Secretary of State's office. Senator Reilly seconded the motion and the motion carried.

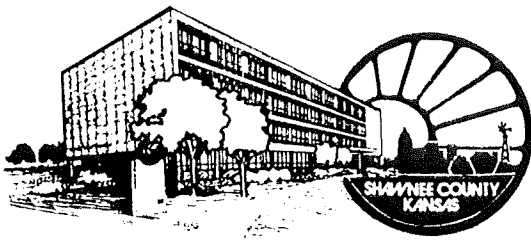
Senator Martin moved to recommend Senate Bill 107 as amended favorably for passage. Senator Hoferer seconded the motion and the motion carried.

The Chairman announced that next Wednesday, February 11, the committee would meet for the purpose of hearing from the Sedgwick County Commissioner on legislation concerning the purging of voter registration. The committee would also at that time consider SB 46, recognition of political parties. Next Thursday the committee has scheduled hearings on SB 108, SB 124 and SB 126.

The meeting was adjourned at 2:25 p.m.

Guest list appears as (Attachment 2)





## Shawnee County Commissioner of Elections

JoAnna Mitchell  
Election Commissioner  
Norine Staab  
Asst. Election Commissioner

Shawnee County Courthouse  
Room B-12 • 200 E. 7th  
Topeka, Kansas 66603  
(913) 295-4066

January 15, 1987

Senator Jeanne Hoferer  
State Capitol  
Topeka, KS 66612

*1-20-87*  
*Theresa Kiernan*  
*- Revisors Office*  
*- Third Floor*

Dear Jeanne:

As you know, the laws governing elections are many and are very detailed. Apparently it is for this reason that K.S.A. 25-702(a) for example, provides in part "... whenever it shall satisfactorily appear that any person has received the highest number of votes for any office, such person shall receive the certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing and conducting the election, so that the real will of the people may not be defeated by any informality of any officer."

In the case of special elections, the voters do not have the same protection. While we make every effort to avoid errors, it has been a matter of concern to us for some time that through some error or omission in our office, electors could be disenfranchised. Therefore, we would like to request legislation extending these provisions to cover question submitted elections including bond elections as well as local referendums.

We would appreciate hearing from you at your earliest convenience.

Thank you for any assistance you may give us in this matter.

Sincerely,

A handwritten signature in cursive script that reads "JoAnna Mitchell".

Jo Anna Mitchell  
Election Commissioner

JAM:ns