

Approved 3-18-87
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 March 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, Committee Secretary

Conferees appearing before the committee:

Carol Williams, Kansas Public Disclosure Commission

Senator Bond moved and Senator Strict seconded the motion that the minutes of February 26 be approved. Motion carried.

SB 160 - question submitted election. Senator Hoferer introduced the bill and the committee had hearings on the bill February 26. Senator Bond moved that SB 160 be amended in line 23 by striking the words "by any informality" and inserting in lieu thereof the words "technical irregularity". Senator Hoferer seconded the motion and the motion carried. Senator Hoferer suggested that the revisor review all the statutes pertaining to the filing of candidates and that those statutes also be amended in accordance so that all the statutes would be uniform. (Attachment 1)

Senator Bond moved and Senator Hoferer seconded the motion that the bill be reported back to the Senate with a favorable recommendation as amended. Motion carried.

SB 157 - relating to complaints of violations concerning campaign finance acts. The hearing on this bill was held February 25. Committee discussion centered on whether or not to give the Public Disclosure Committee the power they need to issue subpoenas or whether to give them the power they need through a judge. Senator Martin moved to amend the bill to allow for subpoena powers but that the Commission would have to go through a judge to get that subpoena and the judge would be from the district in which the complaint was cited. The Revisor pointed out that complaints from other state departments are usually filed with the Shawnee District Court. Carol Williams from the Public Disclosure Commission pointed out that their Commission has to show probable cause before the judge will issue a subpoena and without probable cause the judge will not issue a subpoena. (Attachment 2)

Senator Johnson made a conceptual motion to amend SB 157 which provides that no subpoena shall be issued without first having been submitted to and having been approved by the administrative judge of the district court of Shawnee county as a lawful exercise of the authority of the Commission granted by this act. Senator Vidricksen seconded the motion and the motion carried. Senator Hoferer moved to recommend SB 157 for passage as amended. Senator Vidricksen seconded the motion and the motion carried.

SB 252 - is a companion bill to SB 157. Senator Vidricksen moved to amend SB 252 to comply with the provisions of SB 157 as amended.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,

room 522-S, Statehouse, at 1:30 ~~xxx~~ p.m. on March 4, 1987

Senator Martin seconded the motion and the motion carried. Senator Vidricksen moved to recommend the bill for passage as amended. Senator Martin seconded the motion and the motion carried.
(Attachment 3)

SB 199 - relating to the contest of primary elections. Senator Bond suggested a proposed amendment to SB 199 on page 1, in line 23, by striking "a"; in line 24, by striking all before "in" and inserting "the administrative judge of the judicial district"; in line 26, following the period, by inserting "For the purposes of this section, only a person who actually voted at the primary election may contest such election. Any person contesting an election pursuant to this section shall file with such administrative judge a written notice specifying the facts and circumstances in support of the grounds alleged for the contest."

Senator Reilly moved and Senator Bond seconded the motion to adopt the amendment. Discussion followed as to whether the election was to include only those that originally had voted in the first election to vote in the second election or whether to open up the second election to all registered voters. Senator Reilly withdrew his original motion and moved to amend SB 199 in lines 23 and 24 by amending in "administrative judge of that district" and leave the rest of the bill as written. (Attachment 4)

Senator Strict moved to table the bill. No further action was taken.

SB 106. relates to qualification of certain city officers and was recommended by the League of Kansas Municipalities. It was the concensus of the committee that in order to hold elective city office the candidate must be a qualified elector as of the date of filing for office. Senator Bond moved to amend SB 106 by striking the words "commencement of their elective terms" and inserting the words "filing for election to such office". Senator Reilly seconded the motion and the motion carried. Senator Bond then moved to recommend the bill favorably for passage as amended. Senator Reilly seconded the motion and the motion carried.

The meeting was adjourned at 2:30 p.m.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 160

"AN ACT concerning elections; relating to question submitted elections."

Be amended:

On page 1, in line 20, preceding "Section", by inserting "New"; in line 23, by striking "informality" and inserting "technical irregularity"; following line 31, by inserting:

"Sec. 2. K.S.A. 25-702 is hereby amended to read as follows: 25-702. (a) In all elections for the choice of any officer, except the offices of governor and lieutenant governor, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to that office; and 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 technical irregularity of any officer.

(b) In all elections for the choice of governor and lieutenant governor, the pair of candidates having the highest number of votes shall be deemed to have been elected. Whenever it shall satisfactorily appear that any pair of candidates has received the highest number of votes for governor and lieutenant governor, such candidates shall receive certificates 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 technical irregularity of any officer.

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"Sec. 3. K.S.A. 25-702 is hereby repealed.";

By renumbering section 2 as section 4;

In the title, in line 17, by striking "question submitted" and inserting "irregularities in the notice and conduct of"; in line 18, before the period, by inserting "; amending K.S.A. 25-702 and repealing the existing section";

And the bill be passed as amended.

Chairperson

*Att #1
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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 157

"AN ACT concerning the campaign finance act; relating to complaints of violations; amending K.S.A. 25-4161 and repealing the existing section."

Be amended:

On page 1, in line 36, preceding the period, by inserting "in accordance with the provisions of this section. No subpoena shall be issued pursuant to this section without first having been submitted to and having been approved by the administrative judge of the district court of Shawnee county as a lawful exercise of the authority of the commission granted by this act";

And the bill be passed as amended.

Chairperson

*Attachment # 2
3-4-87
Senate Elections*

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 252

"AN ACT relating to state governmental ethics; concerning investigations of complaints by the Kansas public disclosure commission; amending K.S.A. 46-256 and repealing the existing section."

Be amended:

On page 1, in line 36, preceding the period, by inserting "in accordance with the provisions of this section. No subpoena shall be issued pursuant to this section without first having been submitted to and having been approved by the administrative judge of the district court of Shawnee county as a lawful exercise of the authority of the commission granted by this act";

And the bill be passed as amended.

Chairperson

*Attachment # 3
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Proposed Amendment to SB 199

On page 1, in line 23, by striking "a"; in line 24, by striking all before "in" and inserting "the administrative judge of the judicial district"; in line 26, following the period, by inserting "For the purposes of this section, only a person who actually voted at the primary election may contest such election. Any person contesting an election pursuant to this section shall file with such administrative judge a written notice specifying the facts and circumstances in support of the grounds alleged for the contest.";

*Attachment # 4
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3-4-87*