

Approved 4-30-89
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Don Sallee at
Chairperson

1:30 ~~am~~ p.m. on January 24, 1989 19 in room 522-S of the Capitol.

All members were present except:

All were present

Committee staff present:

Myrta Anderson, Research Department
Fred Carman, Revisor of Statutes' Office
Elizabeth Handke, Committee Secretary

Conferees appearing before the committee:

Kenneth Ciboski, Professor of Political Science, WSU
Lee Kinch, Chairman of Sedgwick County Democratic Party
Representative Elizabeth Baker
Horace Eubank
Jim Parrish, Democratic State Chairman
Roger Aeschliman, Republican State Party

Others attending: See attached list

Senator Sallee called the committee to order at 1:33 P.M.

Kenneth Ciboski, Professor of Political Science from WSU, testified as an opponent to S.B. 1 (attachment 2) and emphasized that the Presidential preference primaries, in theory, are supposed to bring the nominating process to the people, but in practice the process presents difficulties in reaching the goal of greater and more representative participation in the selection of Presidential nominees of the Republican and Democratic parties.

Lee Kinch, Chairman of Sedgwick County Democratic Party, testified in opposition to S.B. 1 (attachment 3) and stated if you value the two party system as an essential vehicle for preserving our democracy, you will oppose the proposed presidential primary.

Horace Eubank appeared as an opponent to S.B. 1 an expressed concern about the cost of the presidential preference primary (attachment 3A).

Representative Baker then read a statement from James Sheffield, Associate Professor of Political Science at WSU, which was in opposition of S.B. 1 (attachment 4). The principal thrust of his comments were to argue that primaries weaken and threaten political parties, institution which perform vital and complex political function in a way no other agency can or does.

Jim Parrish, Democratic State Chairman, appeared as a proponent for S.B. 1 and testified on administrative problems associated with conducting the caucus as opposed to the Presidential primary.

Roger Aeschliman representing Fred Logan, State Chairman of the Republican Party, read a statement as a proponent to S.B. 1 (attachment 5). It stated that the bill leaves the process of selecting delegates to the national conventions to the political parties and that is where the delegate selection process belongs.

The Chairman adjourned the meeting at 2:30.

GUEST LIST

COMMITTEE: Elections

DATE: January 24, 1989

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
JIM Parrish	700 Jackson ^{Ste 200} Topeka 66603	Democratic Party
Kevin Kelly	7373w. 107th OP	SUN Newspapers
Mark Tallman	Topeka	ASK
Michael Wolf	"	Common Cause
BOB BRADFORD	2628 SO. OLIVER #102 WEA Wichita KS 67212	WEA Prof Lodge 2000
WALT DARLING	TOPEKA	DIVISION OF BUDGET
Roger Aeschliman	244 W. 6th Topeka 66603	Kansas Republican Party
A. Polczynski	Wichita, Ks	Wichita Eagle-Beacon
Dr. Mark D. Nuss	300 W. 14 Lawrence	Int'l Sea Seller
Mike Horak	Topeka	AP
Jana Atchison	"	KPDC
Carol Williams	Topeka	KPDC
Lee Rinch	Wichita Ks	None
Elizabeth Baker		State Rep
M. Huver	Topeka	Can-Gen
Horace W. Eubank	Topeka	Watchdog Education
John Vane	"	Sec of St.
Myma Stringer	Olathe	LWD Ks.
John Reichert	Topeka	SOS
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		Attachment 1

**Statement Before Senate Election Committee
Kansas State Legislature**

**On the Question of Instituting a
Presidential Preference Primary
in Kansas**

by

**Professor Kenneth N. Ciboski
Department of Political Science
Wichita State University
January 24, 1989**

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Attachment 2

In order to evaluate the nominating process or any process of party reform, we can suggest a set of goals which most Americans would accept as desirable and important.

The following six standards appear to meet the test:

1. What will aid in preserving the two-party system?
2. What will help secure vigorous competition between the parties?
3. What will maintain some degree of cohesion and agreement within the parties?
4. What will produce candidates who have a likelihood of winning voter support?
5. What will lead to the choice of "good" individuals?
6. What will result in the acceptance of the candidates as individuals who can govern?

As a political scientist, I wish to look at the consequences of political reform and see how they measure up to empirical tests. We must separate the work of the political scientist from the activities of the political advocate. Also, to point out weaknesses in reform does not mean that one has to disagree with everything the reformers advocate. This applies to a possible reinstitution of the Presidential preference primary in Kansas.

Presidential preference primaries, in theory, are supposed to bring the nominating process to the people, but in practice the process presents difficulties in reaching the goal of greater and more representative participation in the selection of Presidential nominees of the Republican and Democratic parties.

Some of the major disadvantages of Presidential preference primaries are:

1. There can be a large number of candidates on the ballot of either party. Even with a few candidates on the ballot, the winning candidate might have a small plurality of the vote if the candidates seem equally strong. Do we want winners with 30, 35 or 40 percent of the popular vote?
2. Interested voters might move into a primary of the winning party where their votes would count for more. This has happened at the state level. As a result, the political opposition might give up, and the winning party might stagnate without opposition.

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3. There is the possibility of victories by extremist and demagogic kinds of candidates. Personalities, not parties or the qualifications of the candidates get emphasized. The familiarity of a name becomes even more important in a primary system.
4. Not all serious candidates run in primary elections. Senator Robert Dole, a candidate for President in 1980, did not choose to run in the Kansas Presidential preference primary, in 1980.
5. Most often, candidates who have great potential to win a general election are "killed off" in primaries.
6. Primaries held at different times in different parts of the country are not necessarily representative of the voters turning out for the general election.
7. The American people are complaining more and more about the costs of campaigns and the length of the campaigns. Primaries add, too, to the strenuous physical demands placed upon candidates for national office such as the Presidency. What salutary results or effects were realized from the Kansas Presidential preference primary in 1980, which cost approximately \$1,000,000? Large economic resources can enhance success in primaries.
8. The charge has been made in the past that primary voters will pick the "best" person and not a "winner" for the sake of winning. What is "best," however, is subjective.

About the only advantage I can offer to justify a primary is that an unknown candidate might be able to demonstrate a vote-getting capability that might go unnoticed by party leaderships, and party activists.

Participation and representativeness of voters in a primary are important considerations. In regard to participation, between 1968 and 1980 the number of people who took part in the parties' presidential nomination processes rose from 13 to 32 million. Over 90 percent of the increase is accounted for by primary participation, which simply indicates that when more states have primaries, more people do participate.

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The primaries outdraw the caucuses by ratios between 10 to 1 and 18 to 1. Parties, on the average, draw about one-half of a party's eligible electorate, and caucuses tend to draw about one-twentieth. The literature is clear on a general trend: a smaller proportion of the population participates in the primaries than in the general election. The general rule of thumb is that the primary turnout is about half of the general election turnout for the same office.

A question of some interest to the observers of the primary system of selecting prospective candidates for President is the representativeness of primary voters.

In general, researchers have found the following:

1. Primary voters are likely to be unrepresentative in demographic characteristics, compared to the total electorate. Specifically, the voters in the primaries are likely to be somewhat higher on the socioeconomic ladder than are party identifiers or the electorate as a whole.
2. Strong partisans turn out for the primary vote at higher rates than the weak partisans or the independents. This might result in a partisan bias in favor of the most dedicated, loyal, and active elements of each party and against the lukewarm partisans and independents.
3. There is mixed support for the notion that those who turn out in primaries are ideologically more extreme and take issue positions that are unrepresentative of the parties' mass bases and of the entire electorate. In practice this means that the Democratic primary electorate can be expected to be more liberal and the Republican primary electorate more conservative than the general electorate.

These factors can affect the nature and strategy of a campaign in a primary election.

A successful candidate in a primary election might do the following:

1. Stress themes that will appeal to the most active and loyal partisans. Conservative for Republicans and liberal for Democrats.
2. Identify the candidate's image in terms of liberal for a Democrat and conservative for a Republican.
3. Do not emphasize specific issues.

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Generally, then, the primary system of selecting Presidential candidates does not support the set of goals, which were stated at the beginning. The system which is likely to produce legitimate candidates and maintain vigorous party competition is not likely to be achieved through greater mass participation of citizens in the primary system. What strengthens political parties ultimately strengthens a democratic system and democratic values. In contrast to intense competition between parties, mass participation devices such as the direct primaries are more likely to be dominated by single issue-oriented, candidate-oriented, and ideological extremists who want to win for their positions and who care relatively less about the concerns of broader constituencies and the political positions they might represent.

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THE CASE AGAINST THE PRESIDENTIAL PRIMARY

By. E. L. Lee Kinch

Since the mid-1790s, our political parties have played a central role in preserving democratic values. From building coalitions, formulating and articulating policy agendas, recruiting and electing candidates to implement its policy agenda to providing a vehicle by which government is held accountable and by providing coherence in the administration of government, the parties have played a critical role, albeit insufficiently noted, in preserving and protecting our democracy.

Several well-intentioned reforms have, however, led to the decline of the political party by eroding its role of nominating its candidates. The direct primary is one such reform. It is expensive, divisive and has robbed the party organization of its capacity to nominate candidates that appeal to and unite all of the disparate factions of the party. The loss of that capacity has eroded the party's ability to build and maintain its coalitions.

As the role of the parties in nominating and electing its candidates has declined, political campaigns have concomitantly become candidate-centered. These historic responsibilities of the party organization have been usurped by political consultants, political action committees and the media, none of whom are dedicated primarily to the preservation of democratic values.

The proponents of the presidential primary celebrate it as a democratic vehicle that increases voter participation, vests the decision to nominate in the people rather than "party big-wigs," and somehow builds the political parties.

While the presidential primary unquestionably increases voter participation, the studies of such notable political scientists as V. O. Key, Jr., document the fact that state primary electorates are not representative of the state electorate. Voters on the lower end of the socioeconomic scale, for example, are disproportionately missing from primary electorates. Interestingly, those who participate in presidential primaries possess the same socioeconomic qualities of those who participate in the caucus and convention system of nomination, namely, the affluent and the well educated. The two party system has paid a terrible price for the transparency of increased voter participation.

The proliferation of the presidential primary, rather than building the parties, has weakened the influence of state and local party leaders with respect to the choice of presidential delegates and has increased the influence of the media. Free and favorable publicity in the news media is likely to be more useful in influencing a primary electorate than the influence of a party leader.

The direct primary unquestionably has altered

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the distribution of power within the party. When one speaks of party control of nominations, one means control of the party organization, and any weakening of that control obviously weakens the organization and enhances the power of the party candidates and the party in government. The inability of the party organization in the United States to control the party in government begins with its failure to control its nominations. The direct primary undercuts the ability of the party organization to recruit those partisans who share its goals and accept its discipline.

With the increased role of television, media image-building and the need for funds to pay for it have come to dominate campaigns, particularly primary campaigns where party labels do not function to guide voter choice. It would be the supreme irony if, in their quest to free the electoral process from control of party bosses, the reformers were to vest that control in the hands of an even more invisible and unresponsive group of "bosses", i.e., - media consultants and the special interests who are the most likely to finance political campaigns.

The case against the presidential primary, in summary, is impressive:

They consume an enormous amount of time, energy
and money before the presidential
campaign has ever begun.

They place a tremendous premium on campaign

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strategy and candidate image-making rather than on the kinds of leadership abilities required by the presidency.

Their importance may frequently be distorted out of all perspective. In the circus of publicity surrounding the primaries, candidates and voters alike often fail to assess them dispassionately. The nation's first and most influential primary, indeed, is held in a state that has less than one-half of 1% of the nation's population.

The presidential primaries frequently result in internal divisions in state party organizations, in divided delegates at the national conventions, and in delegates not representative of the party organization and leadership in the state. As in the case of other primaries, they take an important party process out of the control of the party organization

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and accordingly weaken them.

Finally, they frequently promote the candidate on the extreme, e.g. George Wallace, as well as fragmentation within the party and frustrate the nomination of consensus candidates.

If you value the two party system as an essential vehicle for preserving our democracy, you will oppose the proposed presidential primary. Thank you.

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To: Legislative Election Committees

From: Horace W. Eubank, retired, speech arts, Topeka

Having participated in elections since my first vote for Wendell Wilkie, I see no reason for a Kansas media presidential primary which may even impede the election process, a system established in the days of the horse and buggy; many people were driven from the polls by the unending, monotonous, and shaky premises.

This past year is such a good example of the waste of time and money on the local level and especially on the national level--\$90 million for the two presidential candidates; think of the time elected officials were off the job, chasing votes in Iowa or New Hampshire; it is really an event created by and for the media, especially electronic.

To solve this anachronistic custom, I offer these potential solutions:

1. Income tax credit for voting
2. Mandatory voting(look at the poor participation in 1988 and 1984)
3. Voting on Sunday--common in many countries
4. Cut and control election time
 - A. Primary on Labor Day or the first Tuesday of September
 - B. Look at the British system(six weeks)
5. Control costs--\$1 million spent in 1980 was silly and would have provided many scholarships for needy students. Few candidates came to Kansas, the record shows that
6. Eliminate presidential primaries across the nation; There are better ways to ensure voter turn out
7. Why should Kansas follow like a sheep?
8. It is time for Kansas to set an example nationally, update its priorities, forget the presidential primary, and get on with the business of governing.
9. Not one of my relatives in 15 counties support the presidential primary.

Thank you for your kind considerations.

Horace Eubank
 Elections
 Topeka
 January 24, 1989
 attachment 3A

Testimony of

James F. Sheffield, Jr.
Associate Professor of Political Science
Wichita State University

to

SENATE ELECTION COMMITTEE

regarding

Presidential Preferential Primary

January 24, 1989

Thank you for the opportunity to appear and comment on the proposal to provide for a presidential preferential primary in Kansas. Let me say at the outset that these are private views, and they should not be considered to represent those of my university, its administration, faculty, staff, or student body.

The principal thrust of my comments will be to argue that primaries weaken and threaten political parties, institutions which perform vital and complex political functions in a way no other agency can or does. If we succeed in eliminating parties from our system, we will have to invent a replacement or suffer the consequences of these tasks performed inadequately by other agencies. The major problem is that such agencies will be far less accountable to the public as a whole and thus, from the systemic viewpoint, perform these tasks less well.

Political parties exist to win elections and to govern. In a large, complex, diverse society such as ours, those are crucial and difficult tasks. If a specific party performs well, it is rewarded with additional opportunities to serve. If it does not, opposition parties have their chance. The competition between these parties serves as a constraining and policing mechanism; a party knows that if it fails to win or to govern well, it will be replaced.

How do these two goals translate into party functions? At this point we can see three categories of party responsibilities which are included: to select policy makers, to represent interests of constituent elements of the party, and to manage government. The first of these involves the recruitment, training, and designation of party nominees in the contest for various public offices. The trick is to merge personal ambitions of would-be candidates, interests and tastes of voters, and the party's need to be victorious in the selection of nominees. The second category involves the recruitment of members, their education and mobilization, their merger into a majoritarian coalition which can be successful in elections and in subsequent policy making, and

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their use of access to government that party provides. The third category involves the development of responses to issues, the sifting of alternative solutions to problems, the generation of public support for selected policy options, the coordination of government activity both vertically and horizontally so that policy implementation will be successful.

Primaries inhibit party activity in each of these areas and thus debilitate parties.

As to the selection of candidates: Primaries are candidate-centered. Parties are not, and often cannot, be involved organizationally in primary contests, the party leadership is thus excluded from providing cues to voters about the qualities of the candidates. Having obtained delegates, or the nomination, candidates owe little or nothing to the party leadership. At the national level, therefore, our conventions have become bodies of enthusiastic candidate supporters with agendas that may or may not correspond to the positions of the party and of interest group representatives who have their special narrow concerns, but little broad vision. These conventions are no longer serious meetings of party leaders wherein complex negotiations over candidacies and platforms are conducted.

Second, I am not suggesting that primaries eliminate elites from the selection of nominees, but rather that we have changed elites. Now they principally come from the ranks of interest groups and the media. They are not representative in the sense of trying to identify what the electorate as a whole wants, but they are constrained by popular fashion. Moreover, they are not accountable to anyone outside the narrow groups from which they come.

Third, primaries do not test the capacity of candidates to govern. They are good for evaluating a candidate's ability to obtain popular support, but that is not the same as performing the tasks of governance. Candidate appeal is no longer moderated by the peer judgment that was once integral to nominations when parties were stronger.

As to the second category of function, representing interests, primaries destroy the need for voters to see parties as organizations within which to become active. By simply going to the polls on primary day, the voter fulfills any civic duty he/she may have without regard to the party itself. The party is not viewed as essential or responsible, and each contest is conducted within a vacuum. Voters are discouraged, that is, from further political activity. Also, the voter appeals made by candidates are for the purpose of gaining attention for themselves; any coalitional efforts by party leaders would be discouraged as detracting from and obscuring individual candidacies.

Finally, as to managing government, the primary system encourages candidates to appeal to the new and different as a means

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of distinguishing themselves from the opposition. This encourages government of short-term fad and piecework, rather than government of moderation, conciliation, and coordination. The president whose chief constituency is public opinion has few bridges to Congress or to the states and little means to build them. Government is not managed, it wanders about, and the crucible of public policy making ceases to work in any comprehensible fashion.

Why worry about political parties? Because no better mechanism has been devised to nominate candidates, and because when they function properly, they link voters and the governing process in reliable fashion. Since their futures as organizations are at stake, they take that linkage function seriously. Caucuses mobilize the public and encourage citizens to engage in other party activities that contribute to the quality and success of government. They are preferable to primaries as means of achieving that within a political party system.

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January 24, 1989

TESTIMONY OF STATE REPUBLICAN CHAIRMAN FRED LOGAN
DELIVERED TO THE SENATE COMMITTEE ON ELECTIONS
WITH RESPECT TO SENATE BILL NO. 1

Fred J. Logan, Jr.
State Chairman
Mary Alice Lair
Vice Chairman
Duane Nightingale
Treasurer
Janet Boisseau
Secretary

Mr. Chairman and distinguished members of the Senate Committee on Elections:

Catherine E. Whitaker
Executive Director

I regret that I cannot personally be with you today as you deliberate Senate Bill No. 1. I did want to make my support of the bill very clear.

I am pleased to endorse this bill. It is a good proposal and I urge its passage.

I want to again emphasize that as I make this endorsement I speak only for myself and not for the Executive Committee or the State Committee of the Kansas Republican Party. There is disagreement on the issue of a presidential preference primary within both parties and testimony in opposition was presented by members of both parties to the interim committee which studied the issue.

Nevertheless, I believe Senate Bill No. 1 is good legislation. It corrects the problems raised by the Johnston bill. Unlike the Johnston bill, Senate Bill No. 1 leaves the process of selecting delegates to the national conventions to the political parties. That is where the delegate selection process belongs. It also leaves the debate over the rules for selecting those delegates to the political parties. That is where that debate belongs.

As I said in my interim committee testimony, legislatures in a number of states have made the mistake of attempting to establish rules for the delegate selection process in the legislation. That leads to disgruntlement, pressure to do away with a primary (witness what is happening now in Missouri), and constant legislative tinkering with the process.

The important point is to establish a presidential preference primary and to give Kansans an opportunity to vote for the candidate of their choice. Senate Bill No. 1 does that. I believe that a presidential preference primary will promote increased voter registrations and, just as importantly, it will lead to increased affiliations by voters with political parties. The committee should assure itself that Senate Bill No. 1 would establish a closed primary in which only voters who are registered in a political party may participate in that party's primary.

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Logan testimony on Senate Bill No. 1, page 2

I am fairly confident that there is no problem in that regard because the language of Senate Bill No. 1 establishing a presidential preference primary is similar to the language of the legislation which established the 1980 presidential preference primary.

I want to note that my able Democratic counterpart, Jim Parrish, and I agreed at the interim committee hearing that the primary should be a closed one and that delegate selection rules should be left to the political parties.

I do want to make clear that my position on the timing of a presidential preference primary has not changed. I would favor a primary established in conjunction with other farm states. I believe that this would generate more interest among the candidates on agricultural issues and would be more likely to attract candidates into the state. I have previously suggested holding the primary on the same date as the South Dakota primary, in late February, or on the same date as the Nebraska primary, in the first week of May. I still support those dates.

I also support moving all primaries back to the early May date but realize that that is a separate public policy issue which probably should not be injected into the present debate.

In short, in the interest of moving this process along, and in the interest of compromise, I believe that Senate Bill No. 1 is excellent legislation and I support it. I would suggest one "clean-up" amendment as follows to Section 2.(c), line 46: this line should read, "adopted by the state committees of the political parties. The number of" ... If that amendment is included, there will be no confusion about whether the national committee or the state committee is to adopt the rules. I know that the intent is to have the state committees adopt the rules and that is as it should be.

I want to express my regrets once again for being unable to personally appear at this hearing. I did want to emphasize my endorsement of Senate Bill No. 1 and I wanted to personally commend Senator Bond and each co-sponsor of the bill for so thoughtfully coming up with this legislation.

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