

Approved 2-6-89 Date

MINUTES OF THE Senate COMMITTEE ON Elections

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

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

All members were present except:

Senator Janis Lee

Committee staff present:

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

Conferees appearing before the committee:

Senator Richard Bond  
Bill Graves, Secretary of State  
Senator Michael Johnston  
Joe Scranton, Kansas Democratic Party  
Mark Tallman, Associated Students of Kansas  
Richard Friedeman, Republican State Committee Member

Others attending: see attached list (attachment 1)

Senator Sallee called the committee to order at 1:34 P.M.

Senator Richard Bond testified as proponent on S.B. 1 (attachment 2). He stated that this bill still leaves the party machinery and organization a great deal of responsibility and flexibility, but the Presidential Primary will let every Kansas voter participate in the process to nominate the person to hold our nation's highest office.

Bill Graves, Secretary of State appeared as a proponent on S.B. 1 (attachment 3). He testified a presidential primary opens the electoral process to hundreds of thousands of Kansans who want to have a say in choosing our nation's president, but don't want to spend three separate Saturdays jumping through caucus hoops.

Senator Michael Johnston also appeared as a proponent of S.B. 1 (attachment 4). He testified the primary system is more democratic, invites participation as opposed to a limited, closed caucus system.

Joe Scranton, Kansas Democratic Party, appeared as a proponent on S.B. 1 (attachment 5). One point he made was that primary elections are used to select party candidates for every other relative office in Kansas except President.

Mark Tallman, Legislative Director of Associated Students of Kansas testified as a proponent of S.B. 1 (attachment 6). He stated that because the election of a President is usually the most visible campaign in the public eye, we believe heightened student involvement in this area will broaden student interest into other areas.

Richard Friedeman testified as an opponent on S.B. 1 (attachment 7). He felt primaries weaken parties. They may, in some temporary way, lengthen the list at the courthouse, but they rob the organized party of its most significant opportunity to have an impact.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,  
room 522-S Statehouse, at 1:30 ~~xxx~~ p.m. on January 30, 1989

The Chairman had a bill request from a Shawnee County Commissioner in which local candidates, both city and county, raise a lot of money and they should report like Senator's do. It was noted they only report at the end of the year. Senator Bond made a motion to introduce this legislation and Senator Yost seconded. Before a vote was taken Senator Kerr suggested that Eric Rucker put this request in writing for the committee. Senator Bond withdrew his motion to introduce the legislation and Senator Yost withdrew his second.

Senator Reilly made a motion the minutes of January 23 and 24 be approved. Senator Martin seconded the motion. Motion carried.

The meeting was adjourned at 2:24 P.M.



STATE OF KANSAS

RICHARD L. BOND  
SENATOR, EIGHTH DISTRICT  
JOHNSON COUNTY  
9823 NALL  
OVERLAND PARK, KANSAS 66207



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
VICE CHAIRMAN: PUBLIC HEALTH AND WELFARE  
MEMBER: ELECTIONS  
FEDERAL AND STATE AFFAIRS  
LEGISLATIVE AND CONGRESSIONAL  
APPORTIONMENT  
TRANSPORTATION AND UTILITIES

The purpose of Senate Bill 1 is to place into Kansas law a Presidential Preference Primary on the first Tuesday of April in 1992 and every fourth year thereafter.

Senate Bill 1 has simplified previous legislation and legislative attempts that spoke to delegate selection, apportionment of votes, and voting procedure. This bill leaves to party rules of each party the manner of delegate selection. It is a very simple bill that has been reviewed by the Secretary of State and party officials.

The current party caucus system has clearly discouraged participation in the presidential selection process.

The recent caucus experience of 1988 was a disaster in many counties. People at several caucuses stood in line for hours or left in disgust without being able to participate in the presidential selection process. I think it was important to experience the 1988 caucus system because, until 1988, many Kansans were not convinced that the expense for a Presidential Primary was worthwhile.

This bill still leaves the party machinery and organization a great deal of responsibility and flexibility, but the Presidential Primary will let every Kansas voter participate in the process to nominate the person to hold our nation's highest office.

Kansans deserve to have their preferences recorded in the traditional polling method that most other states provide. I believe a primary does not dilute party strength but may, in fact, enhance party responsibility and viability.

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attachment 2

Bill Graves  
Secretary of State



2nd Floor, State Capitol  
Topeka, KS 66612-1594  
(913) 296-2236

## STATE OF KANSAS

SENATE ELECTIONS COMMITTEE  
January 30, 1989

Testimony of  
Secretary of State Bill Graves

Mr. Chairman, committee members:

I'm appearing today in support of efforts to increase public participation in democracy.

Political parties have come and gone, but the citizens right to vote will always be with us.

With that in mind, I urge you to give Kansans the opportunity to vote in a presidential primary.

The people of Kansas want that chance - they said so in 1980 with record participation in the state's first and only presidential primary. And they've said so since in numerous public opinion polls.

I believe the people of Kansas deserve the opportunity that only a primary presents. The current caucus system offends our spirit of Democracy and exists only because of a few short-sighted party regulars who fear the loss of control of the political party system.

The antiquated, cumbersome caucus process requires some people to travel hundreds of miles, on many different dates, only to wait several hours to vote. The caucus is an obstacle not an opportunity.

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attachment 3

The purpose of an election is NOT to test the fortitude and determination of voters, but to discern the will of the majority.

Your job and mine is to adopt and administer laws that are in the best interest of all Kansans, not just a handful of Republican and Democratic doomsayers who resist change.

Yet we don't even come close. About 50,000 people - both Republicans and Democrats - participated in caucuses in 1988. That compares to more than 479,000 Kansans who voted in the presidential primary in 1980.

50,000 or 500,000 - the choice seems obvious.

Yet last week in testimony before this committee persons who are opposed to the presidential primary said that the primary weakens political parties and implied that, despite its problems, the caucus is preferable.

But I wonder, are the political parties in trouble in states that have had primaries for many years? Are they crumbling? Is the string that holds the Kansas Republican and Democratic parties together the presidential caucus system? If so, how? What is so incredibly important about the caucus that a political party cannot survive without it every four years?

Opponents to the primary say that the voters who go to the polls in primaries are not informed. Yet we have primaries in every other political race without a negative result. Opponents say that with a primary the political parties can no longer help select the best

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candidates. But what better opportunity is there for the parties to educate and inform all of the voters of the state than in a highly visible primary election?

What takes place around the conduct of a caucus that sets it apart from a primary? It is education? Is it media? Is it organization?

It's control. In Kansas in 1988 the Republican Party delivered a unanimous slate for favorite son Bob Dole. Like many Kansans, I hoped that Senator Dole would be president. But I don't believe for a minute that he was the unanimous choice of Kansas Republicans. Pat Robertson, Jack Kemp and George Bush were all legitimate candidates with followers in Kansas.

A presidential primary opens the electoral process to hundreds of thousands of Kansans who want to have a say in choosing our nation's president, but don't want to spend three separate Saturdays jumping through caucus hoops.

My office estimates that the cost of a presidential primary in 1992 would be about \$1.2. I believe that we must ask ourselves what price do we attach to public participation in the democratic process?

At any price, I urge you to re-establish the presidential preference primary in Kansas.

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POINTS IN OPPOSITION  
TO  
PRESIDENTIAL PREFERENCE PRIMARY AND RESPONSES

Some of the testimony in opposition to holding a primary in April 1992 (SB 1 and SB 76) in committee hearings were:

1. Primaries weaken and threaten political parties: A Presidential Preference Primary would no more threaten or weaken political parties than do local and statewide primaries. In fact, the opposite may actually be true, if political party affiliation by voters indicates the relative success of parties to convince voters to identify party preference as opposed to proclaiming themselves as "Independents." More voters choose to affiliate than not, indicating a desire to be known, at least privately, as a Democrat or a Republican. Political parties, if well organized, are in a position to recruit, convince, and gain strength from the electorate. Caucuses are at best confusing, require personal time and expense, and are more of a closed, elitist approach to selecting the party's candidate.

2. Political parties exist to win elections and govern: Rather, political parties exist to provide a basic identity and philosophy to which people may choose to subscribe. It is the candidate that wins election- the party provides organization and support for the candidate. Parties do not govern - individuals from several parties run for office and govern in many ways

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attachment 4



not dependent on party. If parties were to govern, the electorate would be electing parties, not individuals. We have observed over and over that voters will cross over to vote for a particular candidate, not a party. If it is true that parties recruit, educate, and foster development of potential candidates, the primary serves as the best way for electors to choose from the field.

3. The media (especially T.V.) will have too much impact: Whether or not we have a primary, the media and especially television will continue to report on elections and candidates in whatever way they feel appropriate. In a related manner, a candidate who wants to bypass the party and caucus system and who can "buy" an appealing media image will still have to stand the review of the party he/she claims to represent. A case in reverse is the 1960 John F. Kennedy campaign which won the primaries but was threatened by a "party boss" candidate, Lyndon Johnson, at the 1960 nominating convention.
4. Primaries take the place of dedicated, informed, party leaders: This reasoning insults the intelligence of the general electorate to sort through all of the primary or caucus hyperbole to help nominate candidates for whom it is the same electorate's responsibility to choose in November.
5. Primaries do not test the capacity of candidates to govern: This presumes that parties are best able to

judge a candidate's capacity to govern by a candidate's success in lining up party factions/elements for support. Instead, the caucus approach favors a peer review and peer approval process sometimes fraught with acrimony.

6. The primary system encourages candidates to appeal to the new and different as a means of appearing different from the opposition, instead of being moderate, conciliatory, and coordinated: This is really the main concern of parties in that if parties are not able to thrive in the modern world of T.V., public preference through polls or primaries, or cannot define what the party is and thus convince voters to affiliate, then parties may indeed be threatened by the onset of the 21st century and the evolution of politics. Since their futures as parties are at stake with or without primaries, parties need to adapt to continue providing valuable links between citizens and politicians and government in general.
7. Primaries are too expensive and divisive: Certainly, caucuses are divisive, too. Primaries can be expensive unless efforts are made to tie them in with existing regular elections. One could make an argument that caucuses deprive a dedicated party member who does not have time or money to participate in a caucus from participating in the convention nominating process.

There can be too large a number of candidates on the

ballot: Since there must be a winnowing of candidates, or at least an assignment of delegates proportionate to state support, the general electorate is no less qualified to assign delegates and are free of pressure from political bosses. Again, the general electorate is ultimately responsible for the final selection of a president - why should the electorate not be responsible for determining delegate proportions to the nominating convention?

9. The primary voters will choose the "best" persons and not a "winner" for the sake of winning: What is "best" is purely subjective - if primary voters make their choice in April, will they not also make their "best" choice in November?

Some positive points for a primary:

1. Statistics show increased participation over caucuses.
2. If tied to other elections, more participation in those elections.
3. If voter registration is allowed at the same time, perhaps more registrations.
4. The Kansas caucus is virtually ignored nationally; 36 primaries now exist.
5. The primary system is more democratic, invites participation as opposed to a limited, closed caucus system.

# KANSAS DEMOCRATS ON THE MOVE . . .

Jim Parrish, State Chair

Alma Webster, Executive Director

January 30, 1989

TESTIMONY OF STATE DEMOCRATIC CHAIRMAN JIM PARRISH  
DELIVERED TO THE SENATE COMMITTEE ON ELECTIONS  
CONCERNING SENATE BILL NO. 1.

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

I thank you for the opportunity to make remarks at your meeting on January 24, and I would like to submit this written testimony to elaborate on those remarks.

I strongly support passage of Senate Bill 1 and urge you to report it favorably to the floor of the Senate. I support the Presidential primary for the following reasons:

1. Over 10 times as many Kansans will participate in a Presidential primary than participate in the caucus system. 479,316 people participated in the 1980 Presidential primary compared to fewer than 40,000 participating in the 1988 Presidential caucuses.

2. By its nature, the caucus system excludes many who would like to participate in the nominating process. The Democratic local caucuses are held on a countywide basis except in the four large counties where state senate district conventions are held. The caucuses are scheduled for a Saturday afternoon and require the personal attendance of the caucus participant at the caucus site for the duration of the caucus, most of which last from two to four hours. Automatically excluded are those required to work on Saturday afternoon or those with family responsibilities which wouldn't allow for that great a time commitment. A primary would enable workers to vote before or after their work shift and those with other conflicts to vote at any time during the day at their convenience.

A countywide caucus requires travel from all parts of the county to the one caucus site, adding to the time required of the participant and adding a not inconsequential personal travel expense for the participant. A primary would allow each voter to vote in his or her own neighborhood and require little or no travel expense to get to the poll.

The senate district caucuses in the four large counties create a different set of possible ways to exclude participants. Party rules require that no one be allowed to participate if he or she has not arrived at the caucus site by the time the caucus begins. If a voter initially shows up at the wrong senate district caucus site, he or she probably won't be able to travel to the correct site in time to

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**Kansas Democratic State Committee**  
P.O. Box 1914, Topeka, KS 66601-1914 • (913) 234-0425

participate even though the voter was willing to make the time commitment to attend the caucus.

A caucus system is inherently more difficult to publicize than a primary election.

Even the very word "caucus" sounds foreign to the average voter and connotes a bygone day of smoke-filled rooms and not-so-savory political wheelings and dealings, all images which discourage rather than encourage voter participation.

3. Primary elections are used to select party candidates for every other elective office in Kansas except President. Voters are familiar with primaries, having chosen their candidates in that way ever since they started to vote. It is impossible to justify to those voters why candidates for the most important office in the country should be chosen in a more cumbersome, tedious manner.

4. A Presidential primary not only doesn't erode the role of political parties but actually enhances their importance by encouraging thousands of Kansans to affiliate with the party of their choice. While there is some merit in the arguments of this bill's opponents that a caucus system strengthens the political party system by helping to identify party activists and donors, I believe that we have to balance that identification of party activists against the increased affiliation with the party by thousands of primary voters.

5. Caucus results frequently do not reflect the Presidential preferences of the actual membership of a political party. A dedicated group of candidate supporters willing to undergo the rigors of the caucus system can greatly schew the results of the caucuses so that those results don't reflect the candidate preferences of the party members in that caucus area.

6. The caucus system creates an expensive, time-consuming, administrative nightmare for a political party apparatus that relies almost wholly on volunteer workers. A Presidential primary system functions smoothly because it uses the same bi-partisan machinery which runs all elections. However, the caucus system must rely on hundreds of volunteer caucus organizers who have to be trained to set up the caucus site, publicize it as best they can, interpret and use a myriad of rules and regulations contained in pages and pages of required caucus procedures, perform dozens of sophisticated mathematical calculations designed to ensure fairness, and attempt to maintain order among a group of caucus participants who don't understand why the process has to be so cumbersome.

At the state level, the caucus system creates an astronomical expense in staff time and administrative

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expenses. In 1988, the process went something like this: First the rules had to be drafted, cleared with national authorities, publicized and adopted. Then mock caucuses were held across the state to teach the rules to the volunteers who would be organizing the local caucuses. Hundreds of phone calls were made to make sure that each caucus was being properly organized. On local caucus day, problem calls were fielded at state headquarters, and each caucus site had to be contacted to obtain statewide results.

Then came congressional district caucuses with the same problems. Additionally, groups who lost at the local level found "ambiguities" in the original rules or in how those rules were interpreted by any number of local volunteer caucus chairs. Each question and challenge had to be dealt with. The district caucuses were then held.

Finally, a state caucus selected the remainder of the delegates. But even then, the "ambiguities" continued to be raised and had to be dealt with. By the end of the process, the Kansas Democratic Party had expended thousands of dollars, thousands of staff hours, and thousands of volunteer hours. No group was completely happy with the final results, and undoubtedly some current and future party donors were so disenchanted with the process that we will lose their future financial support on top of the actual, out-of-pocket expenses for the party in 1988.

All of that process could have been eliminated by a Presidential primary, and the party could have spent its time and money more wisely by promoting involvement in that primary and recruiting new activists from the newly-affiliated Democrats brought into the party by the primary.

7. A complicated caucus system designed to fairly reflect the wishes of caucus participants at local, district and state levels of delegate selection is prone to error, ambiguities and intraparty disagreement. As illustrated in various paragraphs above, a cumbersome process administered mostly by volunteers leaves itself wide open to errors and ambiguities. The resolution of whatever problems arise inevitably leads to someone being unhappy. On the other hand, a primary produces clear cut results -- the will of the people. Even the losers in a primary know that they lost because the voters chose someone else, not because someone miscalculated a percentage. And while the losers may be unhappy, they won't blame the party or the process for their unhappiness, and they will be much less likely to forsake the process in the future.

I could tell you many more real and possible "horror" stories to further elaborate my reasons for support of a Presidential primary, but I would conclude by pointing out that there are dozens of good reasons to replace our caucus system with a primary, and I cannot think of one persuasive reason to leave the caucus system in place. I urge you to favorably report Senate Bill 1 to the floor of the Senate.

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1973



1988

## ASSOCIATED STUDENTS OF KANSAS

*15 Years In The Student Interest*

TO: Senate Committee on Elections  
FROM: Mark Taliman, Legislative Director  
DATE: January 24, 1989  
  
RE: Testimony on SB 1 - Presidential Preference Primary

### Position

ASK supports the establishment of a Presidential primary election in Kansas.

As an organization of student government associations, ASK is mainly concerned with issues in higher education. However, a central tenet of our organization has always been that students should participate in the decision-making process that affects them, which necessarily includes the political process. Indeed, ASK to a large extent emerged in response to the Twenty-Second Amendment to the U.S. Constitution, guaranteeing 18-year-olds the right to vote.

We support the establishment of a Presidential primary election for one reason: we believe it would encourage students to be more involved in the process of choosing a President than the current caucus method. Although some students participate in the caucuses, many more do not for a variety of reasons. A primary is easier to understand, more direct and more convenient.

Because the election of a President is usually the most visible campaign in the public eye, we believe heightened student involvement in this area will broaden student interest into other areas. As a result, we believe this proposal will increase electoral participation by an important part of the public.

Thank you for your consideration.

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attachment 6

**Suite 407 • Capitol Tower • 400 S.W. 8th St. • Topeka, Ks. 66603 • (913) 354-1394**

***The Student Governments of the Regents Institutions***

Emporia State University • Fort Hays State University • Kansas College of Technology • Kansas State University • Pittsburg State University • University of Kansas • Wichita State University

Richard L. Friedeman  
Member, Republican State Committee  
Great Bend, Kansas

THE KANSAS PRESIDENTIAL PRIMARY -  
BAD FOR THE PARTY  
BAD FOR THE SYSTEM

1. If we are to have a 2 party system, the grassroots of the 2 parties must have something to do; something of substance, something that amounts to more than merely serving candidates chosen for us by others. Exerting such influence as we can over the caucuses is about the only thing the local parties do of a policy-determinative nature. Take this away, and about the only thing left of substance is replacing legislators who die or resign in mid-term. This just isn't enough to maintain an active political party.

2. Primary proponents say that the party is enriched when unaffiliated voters declare their party at a primary.\*\*\* Their argument is that there are more Republicans and Democrats in the world after a presidential primary. They think a political party is a list of voters kept at the courthouse. While the size of each party's list is significant insofar as its strength relative to the other party, it is largely irrelevant to the strength of the 2 party system. To me, a political party is not so much a list kept at the courthouse as it is an organization of precinct people, college Republicans, party volunteers, and county chairmen, who are involved in the business of promoting the party, with varying degrees of commitment, and with a degree of influence commensurate with their work and commitment.

Primaries weaken parties. They may, in some temporary way, lengthen the list at the courthouse, but they rob the organized party of its most significant opportunity to have an impact.

It also robs local parties of a recruitment tool. Frequently, people first become active because of the excitement of a presidential campaign. With every caucus in Barton County, my home, we pick up a number of new people who remain active in the party. If the caucus is robbed of its substance, these people will have no reason to get active in the first place.

Office holders who seek the help of party voters at election time, should be loath to let the party atrophy.

3. One argument that is never made for the presidential primary is that it results in the selection of better candidates. Primary voters, faced with a large field of unknown candidates early in the season, are not as well suited to select from that field as are party

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\*\*\* Of course, many, if not most, of these would declare a party anyway at the next "August Primary".



people and caucus participants who are more involved in the system and acquainted with the candidates. Persons who attend the caucus meeting often become publicly identified with their candidates in their communities, they are responsible for those candidates, and are therefore more responsible in their choice. Party people are forced to live with their choice, and make it with greater care. I believe in giving local party people, who have a stake in maintaining the good name and integrity of their organization, a large role in picking their standard bearer.

4. A primary focuses on candidates, to the exclusion of ideas and bodies of opinion. Depending on the party and on the year, it is often unclear which of a group of candidates representing any one general position will have the best chance of capturing the nomination. The caucus-convention system permits us to elect like-minded representatives at any level, who then have the flexibility to effect the desired result. Forcing a choice to be expressed in terms of personalities in the early stages of the process is not good for the process, or the party, or the country. The over-emphasis on personalities happens too often with caucuses, but it always happens with primaries.

Of course, no second choices are recorded at the primary ballot box. A primary makes impossible any kind of strategic voting so as to settle upon a satisfactory choice, which may not be the first choice of most voters. Compromise and cooperation have no place in a primary system. There is no mechanism for it.

5. Primary proponents argue that a primary would bring more campaign activity to Kansas. The 1980 presidential primary would indicate otherwise. We received almost no attention from the candidates and media. There may have been more advertising purchased, but not much more.

Even if we could, by passing a primary bill, experience more campaign hullabaloo earlier, is there any ordinary citizen left in our state, at this moment, who actually believes that we need more presidential campaign hullabaloo? - Or, that the Kansas legislature should spend good money so we can experience it?