

Approved 3-6-89  
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 February 27, 1989, 19   in room 529-S of the Capitol.

All members were present except:

All members were present

Committee staff present:

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

Conferees appearing before the committee:

Richard Mason, Executive Director Kansas Trial Lawyers Association  
Ron Smith, Kansas Bar Association  
Ron Thornburgh, Secretary of State Office  
Rita Noll, Assistant Attorney General

Others attending: see attached list (attachment 1)

The meeting was called to order by Chairman Sallee at 1:38 P.M.

Richard Mason, Executive Director of Kansas Trial Lawyers Association appeared before the committee as an opponent of SCR 1613 (attachment 2). He briefly summarized what they consider to be the shortcomings of the Resolution which are:

1. It would be appropriate to schedule ANY constitutional amendment on an election date with the greatest possible number of voters expressing their opinion.

2. It seems to be presumptuous that the Legislature would agree to an expedited vote on a proposed constitutional amendment that hasn't even been formally scheduled for hearings yet.

3. Only a minority of lawmakers believe a constitutional amendment is the FIRST action that should be taken to address the medical malpractice insurance problems. The vast majority describe it as a LAST RESORT.

4. The deadline for acting on SCR 1613 as introduced has already passed. Even a June 5 vote would not allow sufficient time for the people of Kansas to become informed about what SCR 1610 would mean to them.

5. The people do not want a different constitution but want to keep doctors in their home towns. A revised state constitution won't keep doctors from moving; lower insurance rates MIGHT. Senator Martin mentioned people might be more interested in rolling insurance rates back rather than having Torte Reform.

Ron Smith, Kansas Bar Association, appeared before the committee and stated that if major changes are to be made as SCR 1610 would do, the people are going to need time to have the various interest groups make their case. The vote to amend the Constitution should be done in the general election where there would be more voter participation.

Having no one else speak on the SCR 1613, Senator Sallee declared the hearings on SCR 1613 were concluded.

Senator Montgomery appeared before the committee concerning S.B. 294. He stated his concern about lines 59 and 60 which read - "The county election officers shall make such appointments public

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections

room 529-S, Statehouse, at 1:30 ~~AM~~/p.m. on February 27, 1989, 19  

immediately upon receipt thereof. His main concern was about the word public and asked for clarification from the Secretary of State office. Ron Thornburgh replied in order to make a record public it is only necessary to file the document in the office of the county clerk.

Ron Thornburgh, Secretary of State office, appeared before the committee as a proponent of S.B. 294 (attachment 3) but addressed Sec. 6 of the bill. He stated that Sec. 6 of the bill pertains to the request made by the office of the Secretary of State. We are asking that any time a convention is to be called to fill a vacancy, that the chairman be required to call the meeting within 10 days of receipt of the notice. Because several committees were very hesitant to fill vacancies, we were unable to print ballots or proceed with the election preparation.

Rita Noll from the Attorney General's office appeared as a proponent of S.B. 294 (attachment 4). She stated the Attorney General is of the opinion that, as the Kansas statutes currently read, a convention of a county central political committee cannot be held to fill a vacancy until a vacancy actually exists. S.B. 294 prevents problems from occurring as it provides in Section 11 that a party convention may be held to fill a vacancy before the vacancy actually occurs. In addition, lines 73-74 of Sec. 4 provide that a chairperson is to call a convention "within 10 days of receipt of notice that a vacancy has occurred or will occur . . . ." We ask that other sections in the bill be amended to contain identical language:

- Sec. 5 (K.S.A. 25-3902a) line 150, "notice that a vacancy has occurred or will occur"
- Sec. 6 (K.S.A. 25-3904) lines 246-47, "notice ~~of the~~ that a vacancy has occurred or will occur"
- Sec. 7 (K.S.A. 25-3904a) line 306, "notice ~~of the~~ that a vacancy has occurred or will occur"
- Sec. 8 (K.S.A. 25-3905) line 381, "notice ~~of~~ that a vacancy has occurred or will occur"
- Sec. 9 (K.S.A. 25-3906) line 416, "notice ~~of~~ that a vacancy has occurred or will occur"

Senator Reilly made a motion to adopt the amendments recommended by the Attorney General's office and the Secretary of State office. Senator Johnston seconded the motion. Motion carried. Senator Lee made a motion to recommend the bill favorably as amended. Senator Reilly seconded the motion. The motion carried.

Ron Thornburgh appeared before the committee as a proponent of S.B. 307 (attachment 5). He stated the office of the Secretary of State would like to propose the attached amendment (attachment 6). This amendment would further specify when and how a candidates city of residence is to be placed on the ballot. A question was raised about what a candidate would do if they lived closer to a Nebraska city than a Kansas city. Another question was raised concerning who would make the decision as to what the nearest city was. Also another question was raised about the possibility of a candidate living closer to a city that was not in his district. Mr. Thornburgh stated the intention of the amendment was to have candidates declare where they live. A comment was made concerning the possibility of having the city name removed from the ballot completely. Senator Reilly made a motion to adopt the language the Secretary of State office recommended and insert the word Kansas to read " or, if the candidate does not reside within a city, the name of the nearest Kansas city" and also to make reference to the district. Senator Yost made a substitute motion to remove the city name from the ballot completely. Senator Kerr seconded the

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections

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Motion. Senator Johnston spoke against the substitute motion. A vote was taken with 3 for and 3 against. The chairman voted in favor and the motion carried. Senator Reilly made a motion to recommend the bill adversely. Senator Martin seconded the motion. Discussion was held concerning taking the names off the ballot. Senator Reilly withdrew his motion. Senator Martin withdrew his second. Senator Yost made a motion to pass the bill favorably as amended. Senator Bond seconded the motion. A show of hands was taken with 4 for and 2 against. The motion carried.

Senator Yost made a motion the minutes of February 20 and 21 be approved. Senator Reilly seconded the motion. Motion carried.

The Chairman adjourned the meeting at 2:23 P.M.



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# KANSAS TRIAL LAWYERS ASSOCIATION

Jayhawk Tower, 700 S.W. Jackson, Suite 706, Topeka, Kansas 66603  
 (913) 232-7756

## TESTIMONY of the KANSAS TRIAL LAWYERS ASSOCIATION

IN OPPOSITION TO SENATE CONCURRENT RESOLUTION 1613

February 27, 1989

Richard Mason, Executive Director

Mr. Chairman and members of the Senate Elections Committee, my name is Richard Mason, Executive Director of the Kansas Trial Lawyers Association.

We oppose SCR 1613 and urge this Committee to reject it.

Let me briefly summarize what we consider to be the obvious shortcomings of this Resolution....

1. We all know that voters would turn out in smaller numbers for a spring, off-year election, than they would for a general election in even numbered years. Surely it is appropriate to schedule ANY constitutional amendment on an election date with the greatest possible number of voters expressing their opinion.
2. It seems to us presumptuous that the Legislature would agree to an expedited vote on a proposed constitutional amendment that hasn't even been formally scheduled for hearings yet. SCR 1610 almost surely will be amended during the legislative process. No one knows what it will look like, nor even if it will pass the Legislature. With SCR 1613, you are asked to "buy a pig in a poke".
3. This Resolution does at least acknowledge one of the faults with the other Resolution, SCR 1610. SCR 1610 will take at least 5 years to have any chance to affect liability insurance premiums.

Only a minority of lawmakers believe a constitutional amendment is the FIRST action that should be taken to address the medical malpractice insurance problems. The vast majority describe it as a LAST RESORT.

Elections  
 February 27, 1989  
 Attachment 2

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 GENE E. SCHROEDER, Topeka  
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 JAMES R. SHELAR, Overland Park  
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 T. MICHAEL WILSON, Wichita  
 W. FREDRICK ZIMMERMAN, Kansas City  
 JAMES B. ZONGKER, Wichita

4. The deadline for acting on SCR 1613 as introduced has already passed. An April 4 vote is impossible and we believe an issue of this magnitude should not be rushed to the point of effectively cutting off debate. Even a June 5 vote would not allow sufficient time for the people of Kansas to become informed about what SCR 1610 would mean to them.
5. The PEOPLE are demanding a constitutional amendment. ...that's what the special interests pushing SCR 1610 tell you. And that's what the form letters you've started to receive tell you, too.

But what do the people REALLY want? A different constitution? We think not. They want to keep doctors in their home towns. And the doctors keep saying they'll leave if they don't see some moderation in their liability insurance bills. A revised state constitution won't keep doctors from moving; lower insurance rates MIGHT.

We want to point out to this Committee that SCR 1610 doesn't ever use the word "insurance". It is NOT "a constitutional amendment to lower doctors' insurance premiums". But we suspect that your constituents think it is. And that, we believe, is the fallacy of SCR 1610.

Before agreeing to rush a constitutional amendment to a vote of the people, we invite you to ask the only groups that really know the answers to tell you what will happen if it passes.

Ask the insurance industry to tell you when and how much SCR 1610 will cause them to lower rates for doctors. Then, ask the medical industry's lobbyists to tell you how many doctors will stay in Kansas as a result.

Until these questions are answered, SCR 1610 is premature and SCR 1613 is even more so.

Thank you for the opportunity to comment on this Resolution.

*Elections*  
2-27-89  
2-1

Bill Graves  
Secretary of State



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

## STATE OF KANSAS

Testimony of Ron Thornburgh  
February 27, 1989

SB 294

Thank you Mr. Chairman and members of the committee.

As you may recall, SB 294 is a conglomeration of bill requests by Senator Montgomery, the office of the Attorney General, and the office of the Secretary of State. All requests are valid, and we encourage their passage.

Section 6 of the bill pertains to the request made by the office of the Secretary of State. We are asking that any time a convention is to be called to fill a vacancy, that the chairman be required to call the meeting within 10 days of receipt of the notice.

In the last election, we had several candidates withdraw following the primary election, thus leaving us without a candidate in that position until the committee made the appointment. Because several committees were very hesitant to fill vacancies, we were unable to print ballots or proceed with the election preparations.

In order to correct this problem and several others addressed by SB 294, I urge your favorable approval of this bill.

Thank you.

Elections  
February 27, 1989  
Attachment 3



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

Senate Committee on Elections  
Senate Bill No. 294

Testimony Presented By  
Rita L. Noll  
Assistant Attorney General  
February 27, 1989

Mr. Chairman and Members of the Committee:

On behalf of Attorney General Stephan, I am here today to testify in favor of Senate Bill No. 294.

The Attorney General is of the opinion that, as the Kansas statutes currently read, a convention of a county central political committee cannot be held to fill a vacancy until a vacancy actually exists. In many instances, it is known weeks or months in advance that a vacancy will occur on a certain date. The fact that a convention to fill the vacancy cannot be held until the vacancy actually exists causes problems for local government in many cases. For example, delay in appointing a successor to an office hinders the transition and flow of operations in county offices.

Senate Bill No. 294 prevents problems from occurring as it provides in Section 11 that a party convention may be held to fill a vacancy before the vacancy actually occurs.

Elections  
February 27, 1989  
Attachment 4



In addition, lines 73-74 of Sec. 4 provide that a chairperson is to call a convention "within 10 days of receipt of notice that a vacancy has occurred or will occur. . . ." We ask that other sections in the bill be amended to contain identical language:

- § 5 (K.S.A. 25-3902a) line 150, "notice that a vacancy has occurred or will occur"
- § 6 (K.S.A. 25-3904) lines 246-47, "notice of ~~the~~ that a vacancy has occurred or will occur"
- § 7 (K.S.A. 25-3904a) line 306, "notice of ~~the~~ that a vacancy has occurred or will occur"
- § 8 (K.S.A. 25-3905) line 381, "notice of that a vacancy has occurred or will occur"
- § 9 (K.S.A. 25-3906) line 416, "notice of that a vacancy has occurred or will occur"

The Attorney General supports the amendments in S.B. 294 requested by Senator Montgomery and the Secretary of State's office.

*Collection*  
*2-27-89*  
*4-1*

Bill Graves  
Secretary of State



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

## STATE OF KANSAS

Testimony of Ron Thornburgh  
Senate Elections Committee  
February 27, 1989

SB 307

Thank you Mr. Chairman and members of the committee.

SB 307 is simply a bill designed to clean up language regarding nomination petitions and declarations of intention to become a candidate.

The office of the Secretary of State would like to propose the attached amendment. This amendment would further specify when and how a candidates city of residence is to be placed on the ballot. In the last election, we had several instances where a candidate did not live in a city, and had to choose which city they wanted to place on the ballot. This has especially led to problems in the urban areas where a person does not live in the urban area but is included in a mailing address.

I ask that you recommend SB 307 favorably for passage with the proposed amendment.

Thank you.

Elections  
February 27, 1989  
Attachment 5

or, if the candidate does not reside within a city, the name of the nearest city.

**25-613.** Candidates' names on ballots; party designation; city of residence; name on ballot more than once, when. Except as otherwise provided in this section, the name of each candidate shall be printed on the ballot only once and no name that is printed on the ballot shall be written elsewhere on the ballot. If a person is a candidate for the unexpired term for an office such person's name may be printed on the same ballot as a candidate of the same political party for the next regular term for such office. Also, a person may be an independent candidate for the unexpired term for an office and an independent candidate for the next regular term for such office, and the person's name may be printed for both candidacies on the same official general ballot. To the name of each candidate for a state office shall be added the name of the city in which the candidate resides. To the names of pairs of candidates running for governor and lieutenant governor shall be added the name of the city in which or near which each resides. To the name of each candidate for any national, state, county or township offices shall be added the person's political party or political designation in accordance with the nomination papers of the person.