

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 March 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 Carmen, Revisor of Statutes' Office
Elizabeth Handke, Committee Secretary

Conferees appearing before the committee:

Ron Thornburgh, Secretary of State Office
Douglas Merritt, Libertarian
Harriet Lang, Kansas Association of Broadcasters

Others attending: see attached list (attachment 1)

The meeting was called to order by Chairman Sallee at 1:39 P.M.

Ron Thornburgh, Secretary of State Office, appeared before the committee in support of H.B. 2393 (attachment 2). He listed four main points in favor of the bill which are:

1. HB 2393 requires all retention judges to file for retention no later than the day before the primary election. Currently, they do not have to file until 60 days prior to the general election, causing delays in ballot preparation and distribution.

2. HB 2393 prohibits filing for office both as a partisan candidate for the primary election and again as an independent candidate for the general election. Several potential candidates have inquired about this procedure as a way of guaranteeing ballot status for the general election.

3. HB 2393 gives the Secretary of State authority to prescribe the form for declarations of intention to become a candidate. Several of the statutory forms currently in use are inconsistent thereby causing some confusion.

4. Lastly, HB 2393 requires the Secretary of State to send a copy of all candidate petitions filed in the office to the county election officer of the county in which the petitions were circulated. This will allow for more precise verification of petitions by our office.

Senator Sallee concluded the hearings on HB 2393. Senator Bond made a motion to recommend the bill favorably. Senator Kerr seconded the motion. The motion carried.

Ron Thornburgh, Secretary of State Office, again appeared before the committee in support of H.B. 2428 (attachment 3). He stated that in this bill they are asking that several statutes regarding an independent candidate's nomination be changed. He listed three changes:

1. We are asking to raise the number of signatures necessary for an independent candidate to obtain ballot status for a state-wide office.

2. We are asking that the petition requirements for district candidates be lowered from 5% of the total vote for the office of the Secretary of State in such district to 3% of the total vote for the

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections
room 529-S, Statehouse, at 1:30 ~~xx~~ xx m./p.m. on March 27, 1989, 19

office of Secretary of State in such district.

3. Because this bill would, in some instance, increase the number of signatures required on petitions, we are also asking that the time in which to circulate nomination petitions be extended to 180 days.

A question was raised concerning how much does this bill raise the threshold. Ron replied that for state-wide independent candidates, as it stands now, signature requirements are 2,500 and it would be raised to 1% of the vote for the Office of Secretary of State, based on last election, which would be 7,990. Another question was raised about keeping the 2,500 figure the same and lower the other to threshold. Ron replied that they don't feel 2,500 signatures are appropriate for state-wide office. He also stated that they are raising signature requirements for 5 state-wide offices and lowering the signature requirements for approximately 2,000 district offices.

Douglas Merritt, Libertarian Party, appeared as a opponent of H.B. 2428 (attachment 4). Mr. Merritt stated that the Secretary of State had two options: he could either raise the 2,500 figure, as he did, or lower the requirements for district offices. Mr. Merritt also felt that the legislature has built barriers so the small parties aren't allowed to participate.

Harriet Lang, Kansas Association of Broadcasters, appeared before the committee in support of H.B. 2418 with a suggested amendment for the bill (attachment 5). Senator Johnston made a motion to accept the amendment. Senator Reilly seconded the motion. The motion carried. Senator Johnston made a motion to recommend H.B. 2418 favorably. Senator Bond seconded the motion. The motion carried.

The Senators began discussion on H.B. 2428. Senator Martin made a motion that in state-wide races the number of signatures, to get a name on the ballot, remain at 2,500 and in district races the number of signatures needed would be graduated down proportionately. Senator Rock seconded the motion. Discussion was held and a comment was made that if the number of signatures to get a name on the ballot get too low the process could be confusing and a dangerous thing to do. Senator Martin replied he would like to see a bigger ballot and more openness in government. Senator Kerr made a substitute motion to pass H.B. 2428. Senator Bond seconded the motion. After a voice vote there was a call for division and the vote was 2 yes and 3 no votes. The motion failed. No action was taken on Senator Martin's motion.

Senator Reilly made a motion to approve the minutes of March 20 and 21. Senator Bond seconded the motion. The motion carried.

Chairman Sallee adjourned the meeting at 2:25 P.M.

Bill Graves
Secretary of State



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

STATE OF KANSAS

Testimony of Ron Thornburgh
House Elections Committee
February 21, 1989

HB 2393

Thank you Mr. Chairman and members of the committee.

The Secretary of State's office asked for introduction of HB 2393 in order to clean up several items in the statutes regarding filing for public office.

1. HB 2393 requires all retention judges to file for retention no later than the day before the primary election. Currently, they do not have to file until 60 days prior to the general election, causing delays in ballot preparation and distribution.
2. HB 2393 prohibits filing for office both as a partisan candidate for the primary election and again as an independent candidate for the general election. Several potential candidates have inquired about this procedure as a way of guaranteeing ballot status for the general election.
3. HB 2393 gives the Secretary of State authority to prescribe the form for declarations of intention to become a candidate. Several of the statutory forms currently in use are inconsistent thereby causing some confusion.
4. Lastly, HB 2393 requires the Secretary of State to send a copy of all candidate petitions filed in the office to the county election officer of the county in which the petitions were circulated. This will allow for more precise verification of petitions by our office.

I ask for your support on HB 2393 and that you recommend it favorably for passage.

March 27, 1989
Elections
Attachment 2

Bill Graves
Secretary of State



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

STATE OF KANSAS

Testimony of Ron E. Thornburgh
House elections committee
February 28, 1989

HB 2428

In this bill we are asking that several statutes regarding an independent candidate's nomination be changed.

1 - We are asking to raise the number of signatures necessary for an independent candidate to obtain ballot status for a state-wide office. In 1971, in *Jenness v. Fortson*, the United States Supreme Court upheld a requirement that independent candidates demonstrate substantial support in the community by securing supporting signatures amounting to 5% of the total registered voters to obtain ballot access. As you can see, on line 27, we are only asking for 1% of the actual votes for the office of Secretary of State at the last general election. Today, this would require 7,990 signatures.

In the case of the *Libertarian Party of Oregon v. Roberts*, the court stated "To be sure, candidates must demonstrate, through their ability to secure votes at the primary election, that they enjoy a modicum of support in order to advance to the general election." Partisan candidates do not have access to the general election unless they are nominated by their party. We are asking that statewide independent candidates show similar nominating support in order to advance directly to the general election with their nomination petitions.

The state has a compelling interest in preserving the electoral process. Avoiding voter confusion and frivolous candidacies are important reasons to restrict ballot access.

2 - We are asking that the petition requirements for district candidates be lowered from 5% of the total vote for the office of the Secretary of State in such district to 3% of the total vote for the office of Secretary of State in such district. No candidate for a district office should be forced to show support beyond that for which a candidate for a state-wide office should show.

3 - Because this bill would, in some instances, increase the number of signatures required on petitions, we are also asking that the time in which to circulate nomination petitions be extended to 180 days.

March 27, 1989
Elections
Attachment 3

KSA 25-303. Independent nominations; requirements; number of signers. (as amended by SB 501 effective March --, 1988) This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in April. All nominations other than party nominations shall be independent nominations. Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 2,500 qualified voters of the state for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

Independent nominations of candidates for offices to be filled by the voters of a county, district or other division less than a state may be made by nomination petitions signed by not less than 5% of the qualified voters of such county, district or other division voting for secretary of state at the last preceding general election for each candidate, and in no case to exceed 2,500 or] be signed by less than 25 voters of such county, district or division, for each candidate.

Independent nominations of candidates for office to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post office address. All signers of each separate nominations petition shall reside in the same county and election district of the office sought. The affidavit of a qualified elector who resides in such county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator, to the effect that the circulator personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote. No such nomination paper shall contain the name of a candidate for governor without the same such paper containing the name of a candidate for lieutenant governor, and if it does shall be void. No person shall join in nominating more than one person for the same office, and if this is done, the name shall not be counted on any certificate.

March 27, 1989
Elections
Attachment 4

HOUSE BILL No. 2418

By Committee on Elections

2-15

March 27, 1989
Elections
Attachment 5

16 AN ACT concerning supplemental notice of state and subdivision
17 matters by radio and television broadcast.

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. Any official of the state or any of its political subdi-
21 visions who is required by law to publish any notice required by
22 law may supplement publication thereof by radio or television broad-
23 cast, or both, when such official determines the public interest will
24 be served thereby, except that the time, place and nature of such
25 notice ~~only~~ shall be read or shown, and no reference shall be made
26 to ~~any person by name, who is at the time of notice a candidate for~~
27 ~~political office~~, and no such person shall be seen or heard in the
28 broadcast.

29 Sec. 2. (a) Each radio or television station broadcasting any legal
30 notice or notice of event shall for a period of six months subsequent
31 to such broadcast retain at its office a copy or transcription of the
32 text of the notice as actually broadcast which shall be available for
33 public inspection.

34 (b) Proof of broadcast of legal notice or notice of event by radio
35 or television shall be by affidavit of the manager, an assistant manager
36 or a program director of the station broadcasting the same.

37 Sec. 3. (a) The secretary of state shall [may] supplement pub-
38 lication of legal notice of proposed constitutional amendments by
39 radio and television broadcast as provided under section 1, at such
40 times and with such frequency as determined suitable by the sec-
41 retary of state during the week immediately preceding the election
at which the proposition is to be submitted.

42 ~~(b) Failure to broadcast notices provided for in subsection (a) at~~
43 ~~any station or in a particular geographic location of the state, shall~~
44

the broadcast of legal advertisements concerning
question submitted elections, only

an unbiased summary of the resolution or question

such official

45 ~~in no way affect the validity of such notice or legal advertisement~~
46 ~~and shall not subject any such notice or advertisement to legal attack~~
47 ~~upon such grounds.~~

48 Sec. 4. (a) The charges made for legal advertisements on broad-
49 cast shall not exceed the comparable rate charged by the station to
50 commercial customers.

51 (b) Any contract rates or volume discounts given to commercial
52 customers by the station shall be available to persons or political
53 subdivisions causing broadcast of legal advertisements, under the
54 same terms and conditions as for commercial advertisements.

55 (c) As used in this section, "legal advertisement" and "political
56 subdivision" have the meanings provided in K.S.A. 28-137b and
57 amendments thereto.

58 Sec. 5. This act shall take effect and be in force from and after
59 its publication in the Kansas register.

Actions
3-27-89
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