

Approved \_\_\_\_\_

2-20-90

Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

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

1:30 ~~xxx~~ p.m. on February 12, 1990 in room 529-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Pat Mah, Legislative Research Department  
Ardan Ensley, Revisor of Statutes Office  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Senator Phil Martin  
Senator Ed Reilly  
Michael Woolf, Common Cause/Kansas  
Karen France, Kansas Association of Realtors  
Jim Edwards, Director of Chamber and Association Relations, Kansas Chamber  
of Commerce and Industry  
Bill Curtis, Assistant Executive Director, Kansas Association of School  
Boards

Others attending: See attached list

The meeting was called to order by Chairman Don Sallee shortly after 1:30 p.m.

The Committee's attention was called to the letter addressed to the President of the Senate, "Bud" Burke from Bill Graves, Secretary of State which noted H.R. 2190 mandating various voter registration reforms had been adopted by the United States House of Representatives. Secretary Graves questioned whether Kansas should be taking stronger initiatives on this issue rather than waiting for federal mandates. (Attachment 1)

Senator Kerr, with a second by Senator Bond, moved adoption of the minutes of February 5 and 6, 1990. The motion carried.

Senator Martin, a co-sponsor of SCR-1635 appeared before the Committee noting this resolution would allow the electorate to originate, by petition initiatives which could be voted on by the people.

Senator Reilly presented testimony concerning SCR-1635. (Attachment 2) It was noted that initiative is a procedure for voters to propose state laws or state constitutional amendments by petition and enact them by a direct vote of the majority of the electorate. It was further noted that through initiative, referendum, and recall, people can control their government.

Michael Woolf, Common Cause, Kansas, appeared in support of SCR-1635 noting it would allow the origination of constitutional amendments by petition of qualified voters and would be an additional way of providing Kansas citizens with a responsive state government. (Attachment 3)

Karen France, Kansas Association of Realtors, appeared in support of SCR-1635 stating the people feel they should have the right to propose their own amendments to the constitution. It was also noted the concept of the right of initiative is not a new one but perhaps it is an idea whose time has come in Kansas. (Attachment 4)

Discussion centered around what type of methodology would be used for a constitutional amendment that would resolve this question to the

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS,  
room 529-S, Statehouse, at 1:30 ~~a.m.~~ p.m. on February 12, 1990

satisfaction of the realtors or other groups and Ms. France noted it would come down to the people who chose to vote. A member of the committee suggested that a proposed amendment satisfactory to all would be welcomed and Ms. France noted work was being done but presently nothing had been completed.

Jim Edwards, Kansas Chamber of Commerce and Industry appeared in opposition to SCR-1635. Mr. Edwards stated that the theory of initiative giving the "common person" access to government is faulty because the process is most generally used by single-issue and special interest groups. Other known shortcomings are waste of money, the energy necessary to combat unsound proposals or issues repeatedly submitted, no opportunity for amendment or compromise and it could result in authorizing greater expenditures without raising revenues as well as undermining the responsibility of the legislature. (Attachment 5)

Bill Curtis, Kansas Association of School Boards, appeared in opposition to SCR-1635 and quoted the organization's policy statement which reads "KASB believes that the adoption of a constitutional amendment providing for initiative for amending the state constitution is not in the best interest of the people of Kansas." It was noted this rationale was developed because of the present procedure and the opportunities it presents for discussion and debate before the proposal appears on the ballot. (Attachment 6)

The meeting adjourned at 2:35 p.m.

GUEST LIST

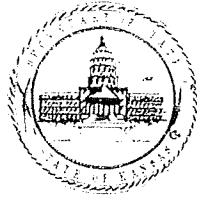
SENATE ELECTIONS COMMITTEE

DATE February 12, 1990

(PLEASE PRINT)  
NAME AND ADDRESS

ORGANIZATION

NAME AND ADDRESS	ORGANIZATION
Jim Edwards Topoka	KCCI
Michael Woolf Topoka	Common Cause
Elgia Stevenson Grattan	Election Commissioner
Jerry Council Law	KGE
Karen France Topoka	KAR
Alan Morgan Topoka	Bourner's office
Jim Ludwig Topoka	KPL
Bill Curtis Topoka	Ks. Assoc. of School Bds.
Marilyn Chapman Sedgewick Co.	Election Commissioner
Rebecca Borsosyan Topoka	SOS
TREVA POTTER TOPEKA	PEOPLES NAT. GAS
Woody Woodman HCA	KCPH



Bill Graves  
Secretary of State

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

## STATE OF KANSAS

February 7, 1990

The Honorable Paul "Bud" Burke  
President of Senate  
Room 359-E, Capitol  
Topeka, Kansas 66612

Dear President Burke:

Yesterday more than two-thirds of the members of the United States House of Representatives adopted H.R. 2190, mandating various voter registration reforms. Representatives Slattery, Glickman and Meyers voted in favor of the bill and Representatives Roberts and Whittaker voted no. An amendment offered by Representative Roberts failed.

Senate support does not appear to be as strong for wholesale federal preemption of voter registration laws and President Bush has many reservations. The Senate may proceed with S. 874 or deal directly with H.R. 2190. However, they are expected to take some action on the issue.

I am informing you of this only to give you an opportunity to consider if we should be taking stronger initiatives rather than waiting for federal mandates.

Tomorrow I plan to appear in the House Elections Committee and testify in support of H.B. 2819 reducing the length of time that the registration books are closed prior to an election and H.B. 2820 permitting mail ballots in school and city candidate elections.

My staff will continue to remain abreast of Congressional activities and I will keep you informed.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Graves".

BILL GRAVES  
Secretary of State

BG:md

cc: The Honorable Fred Kerr, Majority Leader  
The Honorable Don Sallee, Chairman of the Senate Election Committee

Senate Elections  
2-12-90  
Attachment 1

REMARKS OF FEBRUARY 12, 1990, TO SENATE ELECTIONS COMMITTEE  
BY SENATOR EDWARD F. REILLY, JR.

REFERENCE SCR 1635

DEAR MR. CHAIRMAN AND MEMBERS OF THE SENATE ELECTIONS COMMITTEE:

THE PROCESS OF INITIATIVE IS SOMETIMES, I BELIEVE, CONFUSED BY NOT ONLY WE AS LEGISLATORS BUT BY THOSE WHO SUPPORT OR OPPOSE IT. INITIATIVE IS A PROCEDURE FOR VOTERS TO PROPOSE STATE LAWS OR STATE CONSTITUTIONAL AMENDMENTS BY PETITION AND ENACT THEM BY A DIRECT VOTE OF THE MAJORITY OF THE ELECTORATE. TWENTY-ONE STATES HAVE INITIATIVE PROVISIONS FOR STATE LEGISLATION, AND 17 STATES HAVE INITIATIVE PROVISIONS FOR STATE CONSTITUTIONAL AMENDMENTS.

INITIATIVE PROVISIONS OF ONE KIND OR ANOTHER ARE FOUND IN THE CONSTITUTIONS OF TWENTY-THREE STATES. IN FIFTEEN OF THESE STATES ARE PERMITTED TO AMEND THE STATE CONSTITUTION OR MAKE STATE LAWS BY INITIATIVE. IN TWO STATES THE INITIATIVE MAY BE USED ONLY TO AMEND THE CONSTITUTION. THE THE REMAINING SIX, INITIATIVE MAY BE EMPLOYED ONLY TO MAKE LAWS. INITIATIVE PROVISIONS ARE OFTEN CLASSIFIED AND REFERRED TO AS INDIRECT OR DIRECT. IN AN INDIRECT INITIATIVE, A PROPOSED LAW IS FIRST SENT TO THE LEGISLATURE TO GIVE IT A CHANCE TO PASS THE MEASURE. IT IS PUT ON THE BALLOT BUT ONLY IF THE LEGISLATURE REFUSES (AS THE ILLINOIS INITIATIVE PROPOSED.) IN A DIRECT INITIATIVE, THE PROPOSED LAW IS PUT ON THE BALLOT IF ENOUGH VALID SIGNATURES ARE GATHERED WITHOUT BEING SENT TO THE LEGISLATURE. STATE CONSTITUTIONS MAY BE AMENDED BY THE INITIATIVE PROCEDURE IN SEVENTEEN STATES: ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, FLORIDA, ILLINOIS, MASSACHUSETTS, MICHIGAN, MISSOURI, MONTANA, NEBRASKA, NEVADA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, SOUTH DAKOTA.

THERE ARE TWENTY-ONE STATES WHICH PERMIT VOTERS TO USE THE INITIATIVE PROCEDURE TO ENACT STATE LAWS. DIRECT INITIATIVES ARE

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Attachment 2

FOUND IN THIRTEEN OF THESE STATES: ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, IDAHO, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, OKLAHOMA, OREGON, AND WYOMING. INDIRECT INITIATIVES ARE AVAILABLE IN SIX STATES: MAINE, MASSACHUSETTS, MICHIGAN, NEVADA, OHIO, AND SOUTH DAKOTA. IN THE REMAINING TWO STATES, UTAH AND WASHINGTON, BOTH DIRECT AND INDIRECT PROCEDURES ARE PERMITTED.

PROCEDURAL DETAILS CONCERNING HOW THE INITIATIVE IS USED VARY CONSIDERABLY IN LENGTH AND DETAIL. MOST CONTAIN SIX BASIC FEATURES, HOWEVER.

- (1) THE NUMBER OF SIGNATURES REQUIRED ON INITIATIVE PETITIONS
- (2) THE DEADLINE FOR FILING PETITIONS
- (3) THE VOTE TOTAL REQUIRED TO ADOPT A PROPOSAL
- (4) THE EFFECTIVE DATE OF APPROVED MEASURES
- (5) THE METHOD FOR REPEALING OR AMENDING A MEASURE ADOPTED BY INITIATIVE
- (6) RESTRICTIONS CONCERNING PROPOSED SUBJECT MATTER

A STUDY BY THE ILLINOIS LEGISLATIVE COUNCIL INDICATES THAT INITIATIVES ARE USED TO PROPOSE AND ADOPT MORE LAWS THAN CONSTITUTIONAL AMENDMENTS. A TOTAL OF 727 LAWS AND 562 CONSTITUTIONAL AMENDMENTS HAVE BEEN ON THE BALLOT SINCE THE INITIATIVE BECAME AVAILABLE IN 1898. OVER THE YEARS VOTERS HAVE APPROVED SLIGHTLY OVER ONE-THIRD OF THE INITIATIVE PROPOSALS WITH REMARKABLE CONSISTENCY. THEY ADOPTED 280 (38%) OF THE PROPOSED STATUTES AND 198 (35%) OF THE CONSTITUTIONAL AMENDMENT PROPOSALS.

THE DIRECT INITIATIVE IS USED MORE FREQUENTLY THAN THE INDIRECT METHOD.

WHAT ARE SOME OF THE PROS AND CONS? WELL, THE PROPONENTS OF THE INITIATIVE BASE THEIR SUPPORT ON THE BELIEF THAT VOTERS SHOULD BE ABLE TO BYPASS THE LEGISLATURE AND GOVERNOR AND MAKE LAWS THEMSELVES

BECAUSE LOBBYISTS AND PUBLIC OFFICIALS OFTEN REJECT MEASURES THE VOTERS WANT OR SHAPE PUBLIC POLICY TO BENEFIT THEMSELVES. PROPONENTS BELIEVE THAT GIVEN THE CHANCE, VOTERS WILL PROPOSE INNOVATIVE MEASURES TO SOLVE PUBLIC POLICY PROBLEMS, CAREFULLY STUDY THE MERITS OF THOSE PROPOSALS, AND EAGERLY GO TO THE POLLS TO ADOPT OR REJECT THEM.

OPPONENTS, ON THE OTHER HAND, SAY IT IS GENERALLY NOT "THE PEOPLE" WHO USE THE INITIATIVE, BUT WELL-FINANCED SPECIAL INTEREST GROUPS WHO REDUCE COMPLEX PROBLEMS TO SLOGANS WITH WHICH THEY BOMBARD VOTERS BY RADIO AND TELEVISION IN HOPES THAT THEIR PET PROJECT WILL BECOME PUBLIC POLICY. CRITICS SAY THAT MOST INITIATIVE PROPOSALS ARE TOO COMPLEX TO DECIDE IN A "YES" OR "NO" MANNER AND CONTEND THAT LAWS SHOULD BE MADE WITH THE DELIBERATION, COMPROMISE, AND ATTENTION TO DETAIL THE LEGISLATIVE PROCESS WAS DESIGNED TO PROVIDE. INSTEAD OF LAWS BEING SHAPED IN OPEN COMMITTEE MEETINGS, DURING FLOOR DEBATES, AND WITH GUBERNATORIAL APPROVAL, THEY FEAR THAT TOO MANY STATUTES WILL BE CONCEIVED IN THE BACK ROOMS OF SPECIAL INTEREST OFFICES AND WILL BE DIFFICULT OR IMPOSSIBLE TO AMEND AFTER PASSAGE.

THE RATHER INFREQUENT USE OF THE INITIATIVE IN STATES WHERE IT IS ALLOWED SUGGESTS THAT NEITHER THE HOPES OF ITS SUPPORTERS NOR THE FEARS OF ITS OPPONENTS ARE COMPLETELY JUSTIFIED. IN STATES WHERE NUMEROUS INITIATED PROPOSITIONS ARE CIRCULATED, ESPECIALLY CALIFORNIA, THERE IS SOME EVIDENCE THAT THE PUBLIC HAS DEVELOPED PSYCHOLOGICAL RESISTANCE TO INITIATIVES. HOWEVER, THEY MAY BE USEFUL AS A SAFETY VALVE ALLOWING THE PUBLIC TO EXPRESS DISSATISFACTION WITH EXISTING CONDITIONS. PROBABLY THE BASIC QUESTION IN EVALUATING THE MERITS OF THE INITIATIVE IS WHETHER THIS ADVANTAGE IS OUTWEIGHED BY THE PROSPECT OF HAVING TO FIGHT, IN THE MASS MEDIA ON A REGULAR BASIS, OTHER PROPOSITIONS THAT ARE ILL-CONCEIVED OR UNFAIR ALTHOUGH ATTRACTIVE ON THE SURFACE.

2-6

WHAT ARE THE PUBLIC ATTITUDES ABOUT LEGISLATURES AND INITIATIVES? PROponents OF THE INITIATIVE FREQUENTLY POINT TO THE HIGH PUBLIC SUPPORT AS MEASURED BY PUBLIC OPINION POLLS. THESE POLLS FIND THAT BETWEEN 70 AND 75% OF THOSE POLLED FAVOR THE IDEA OF ALLOWING THE VOTERS TO DECIDE ISSUES OF PUBLIC POLICY. MOST PEOPLE APPEAR TO AGREE WITH THE PRIMARY CONTENTIONS OF BOTH PROponents AND OPPONENTS OF THE INITIATIVE. ON THE ONE HAND, THEY OVERWHELMINGLY AGREE WITH PROponents THAT CITIZENS SHOULD BE ABLE TO MAKE LAWS DIRECTLY; THAT WHEN REPRESENTATIVES ARE AFRAID TO OFFEND SOME GROUPS, THE PUBLIC SHOULD BE ALLOWED TO DECIDE THEMSELVES; AND THAT IF PEOPLE VOTED ON ISSUES, THEY WOULD BE MORE LIKELY TO PARTICIPATE IN GOVERNMENT AND POLITICS. ON THE OTHER HAND, THEY ALSO AGREE WITH OPPONENTS THAT THE PUBLIC IS ILL-SUITED TO CAST AN INFORMED BALLOT, THAT SPECIAL INTERESTS WILL GAIN POWER BY SPENDING MONEY TO PROMOTE THEIR SIDE OF AN ISSUE, AND THAT THE JOB OF MAKING LAWS SHOULD BE LEFT TO A FEW.

IN SUM, MOST CITIZENS, HOWEVER, ARE SUPPORTIVE OF THE GENERAL IDEA OF THE INITIATIVE PROCESS, BY VIRTUE OF THE POPULARITY POLLS. INITIATIVE PROCESS HAS SIGNIFICANTLY INFLUENCED STATE LEGISLATURES IN SEVERAL WAYS. IT HAS PLAYED AN IMPORTANT ROLE IN SETTING THE LEGISLATIVE AGENDA, EITHER BY ELEVATING SOME ISSUES OR BY GIVING LEGISLATORS AN EXCUSE TO AVOID ACTING ON OTHERS.

I AM CONVINCED THAT FELLOW CITIZENS HAVE TO HAVE THEIR CONFIDENCE REINSTILLED IN GOVERNMENT AT ALL LEVELS. THE DECLINE IN THE PRESTIGE OF SOME GOVERNING BODIES IN THE LAST HALF OF THE NINETEENTH CENTURY WAS ACCOMPANIED BY A DECLINE IN FAITH IN REPRESENTATIVE DEMOCRACY. AS A CONSEQUENCE MANY REFORMERS PROPOSED WHAT WERE THEN CONSIDERED RADICAL SOLUTIONS. THE IDEA OF PERMITTING ELECTORATE TO VOTE ON CONSTITUTIONS AND AMENDMENTS DATED ALMOST FROM THE BEGINNINGS OF



STATE GOVERNMENT AND REFERENDUMS ON BOND ISSUES WERE ALSO ESTABLISHED AT AN EARLY DATE. ONE WAY TO HAVE A CHECK ON GOVERNMENT, A CHECK AND BALANCE IF YOU WILL, THROUGH THE INITIATIVE AND/OR REFERENDUM WAS DEVICES STRENGTHENING POPULAR CONTROL OVER GOVERNMENT BY GIVING VOTERS CONTROL OVER THEIR OWN DESTINY WHICH COULD SERVE AS A MEANS OF REQUIRING GREATER ALERTNESS, HONESTY, AND RESPONSIVENESS ON THE PART OF ALL WHO SERVE THEM.

THE PROCESS OF CHANGING PUBLIC ATTITUDES TOWARD THE LEGISLATIVE PROCESS IS NOT EASY, BUT IT IS CRUCIAL IF LEGISLATURES ARE TO PERFORM THEIR SHARE OF GOVERNING IN THE YEARS AHEAD. HOW WE ARE COVERED IN THE PRESS IS A CENTRAL ELEMENT IN DETERMINING WHAT THE PUBLIC THINKS OF THOSE OF US WHO SERVE AND THE LEGISLATIVE PROCESS. TO AN EXTENT LEGISLATURES ARE THEIR OWN WORST ENEMIES, DESIGNED TO EXPOSE THIER OWN WEAKNESSES AND FILLED WITH PEOPLE TOO QUICK TO BLAME REPORTERS FOR THE NEGATIVE COVERAGE WE RECEIVE. WE HAVE IT WITHIN OUR POWER TO DO SOMETHING TO RESTORE THOSE IMAGES, HOWEVER, AND IN MY HUMBLE OPINION, ONE WAY IS TO INDICATE OUR COMMITMENT AND DESIRE TO PERMIT THE VOTERS TO PERFORM SOME OF THE FUNCTIONS THAT ARE TRADITIONALLY RESERVED FOR ELECTED REPRESENTATIVES. I THINK IT WAS PUT BETTER THAN I CAN PUT IT TODAY BY ROBERT M. LAFOLLETTE, A LEADING MIDWEST PROGRESSIVE WHO WROTE:

"FOR YEARS THE AMERICAN PEOPLE HAVE BEEN ENGAGED IN A TERRIFIC STRUGGLE WITH THE ALLIED FORCES OF ORGANIZED WEALTH AND POLITICAL CORRUPTION. . .THE PEOPLE MUST HAVE IN RESERVE NEW WEAPONS FOR EVERY EMERGENCY, IF THEY ARE TO REGAIN AND PRESERVE CONTROL OF THEIR GOVERNMENTS . . .THROUGH THE INITIATIVE, REFERENDUM, AND RECALL THE PEOPLE IN ANY EMERGENCY CAN ABSOLUTELY CONTROL. THE INITIATIVE AND REFERENDUM MAKE IT POSSIBLE FOR THEM TO DEMAND A DIRECT VOTE AND REPEAL BAD LAWS WHICH HAVE BEEN ENACTED OR TO ENACT BY DIRECT VOTE GOOD MEASURES

WHICH THEIR REPRESENTATIVES REFUSE TO CONSIDER."

DIFFICULT TIMES LIE AHEAD FOR OUR STATE. BY HAVING THE COURAGE TO MEET THOSE CHALLENGES AND TIMES, WE WILL GROW WISER, STRONGER, MORE DURABLE, AND HOPEFULLY MORE SENSITIVE TO THE NEEDS OF OUR FELLOW KANSANS. THERE IS NO REASON WHY THEY SHOULD NOT BE PART OF THIS PROCESS THROUGH OUR ENCOURAGING THEM TO BE EVEN GREATER PARTICIPANTS IN THE PROCESS OF REPRESENTATIVE GOVERNMENT.

SCR 1635 IS A BEGINNING AND THIS RECOGNITION THAT WE HAVE FAITH AND CONFIDENCE IN THOSE WHO HAVE ELECTED US TO LIKEWISE BECOME EVEN MORE INFORMED AND MORE COMMITTED TO THE FUTURE OF THEIR STATE.



**COMMON CAUSE / KANSAS**

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

February 12, 1990

Statement in Support of Senate Concurrent Resolution 1635  
Presented to the Senate Committee on Elections  
by Michael Woolf, Executive Director

Mr. Chairman and Members of the Committee:

Common Cause/Kansas rises in support of SCR 1635 which would allow the origination of constitutional amendments by petition of qualified voters.

Common Cause supports this proposal as an additional way of providing Kansas citizens with a responsive state government.

Common Cause polls its members every two years. In 1988 we asked our members if we should support "A change in the Kansas Constitution to permit voters to directly initiate future amendments to the constitution by a petition process." 73% agreed or strongly agreed with that statement while only 27% disagreed or strongly disagreed.

We therefore support this proposal and ask the committee to pass it out favorably.

*Senate Elections  
February 12, 1990  
Attachment 3*



Executive Offices:  
3644 S. W. Burlingame Road  
Topeka, Kansas 66611  
Telephone 913/267-3610

TO: THE SENATE ELECTIONS COMMITTEE  
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS  
DATE: FEBRUARY 12, 1990  
SUBJECT: SCR 1635

Thank you Mr. Chairman and members of this committee. I appreciate the opportunity to testify before you today. On behalf of the Kansas Association of REALTORS®, I appear today to support SCR 1635.

Of the hundreds of people we have talked to across the state about the property tax problem, one common thing we heard from the people was they were shocked to find out the people did not have the right to propose their own amendment to the constitution.

They found it hard to understand that the people had to first, convince the legislature that created this property tax amendment to admit they had made a mistake. Then they had to wait for the legislators to agree to some sort of alternative to the amendment by 2/3 vote in each house. Then they had to wait until either a primary or general election or perhaps a special election if the legislators would grant it. One gentleman's comments sum up the overall reaction: "They are afraid we might have a better idea, or maybe they are just afraid of us!"

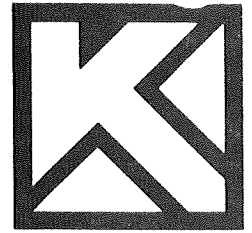
The concept of the right of initiative is not a new one. But perhaps it is an idea whose time has come in Kansas. The people are asking for more and

more control over their government. While this property tax issue might have brought it to a head for some people, it is a feeling which has been brewing for a long time.

Some may tell you that this is a dangerous thing, that you, as legislators, will lose control of the lawmaking function of this state. If it is dangerous to let the people bring proposals to the ballot which the citizens feel have not been handled by their elected officials; if it is dangerous to let the people vote on issues brought to the ballot directly by the people; then perhaps the real danger here is forgetting what democracy is all about. We may be in danger of forgetting this is a government of, by and for the people.

We are willing to trust the government to the people. We hope that you are also willing to trust them.

# LEGISLATIVE TESTIMONY



## Kansas Chamber of Commerce and Industry

500 Bank IV Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321

A consolidation of the  
Kansas State Chamber  
of Commerce,  
Associated Industries  
of Kansas,  
Kansas Retail Council

SCR 1635

February 12, 1990

### KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the  
Senate Elections Committee

by

Jim Edwards  
Director of Chamber and Association Relations

Mr. Chairman and members of the Committee:

My name is Jim Edwards, director of chamber and association relations for the Kansas Chamber of Commerce and Industry. I appreciate the opportunity to appear before you today to express KCCI's opposition to SCR 1635, a resolution which proposes to amend the Kansas Constitution to permit constitutional change through the use of initiative petition.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

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Popular initiative had its origin in the late 19th and early 20th centuries. It began in South Dakota in 1898, due to a basic distrust of its legislature and spread rapidly to 19 other states and the District of Columbia in the next 20 years. In fact since 1918, only four other states adopted initiative as a means to propose statutes or propose amendments to their constitutions. Of these 23 states authorizing the use of initiative, 16 allow its use for both statute and constitutional change, five for statute only and two for amendments only.

Persons supporting the initiative process often cite the following reasons for having initiative: 1) increased voter participation; 2) it gives to the "common person" access to government; 3) provides for a better educated voter; and, 4) insures honesty in government. In the case of voter participation, the total vote count for a submitted issue is usually lower than the total vote count for a candidate race on the same ballot. An interesting point is that in the 1986 Kansas General Election, 840,605 votes were cast for Governor while the largest ballot question of liquor-by-the-drink received only 815,151 votes. The theory that this gives the "common person" access to government is faulty because the process, is most generally used by single-issue, special interest groups. When you talk about educating the voter, results show that voters will educate themselves on issues they are interested in.

In addition to this voter response problem, the initiative process has other shortcomings. It: 1) wastes money and energy required to combat unsound proposals or issues repeatedly submitted; 2) offers no opportunity for amendment or compromise; 3) can result in authorizing greater expenditures without raising revenues; and, most importantly, 4) undermines the responsibility of the legislature. Imagine for instance, what the potential for disaster would be this year in the area of property taxes if the thorough and deliberate legislative process were bypassed. In our representative form of government, you are elected to represent the people.

We strongly urge you to defeat any efforts to promote further action on this issue.

Thank you for the opportunity to appear before you today and I would stand for questions.





Testimony on SCR 1635  
before the  
Senate Elections Committee

by

Bill Curtis, Assistant Executive Director  
Kansas Association of School Boards

February 12, 1990

Mr. Chairman and members of the Committee, we appreciate the opportunity to express the views of the Kansas Association of School Boards. SCR 1635 would permit voters of Kansas to place proposals on the ballot, through a petition process, to amend the constitution of this state.

KASB has a policy statement which reads "KASB believes that the adoption of a constitutional amendment providing for initiative for amending the state constitution is not in the best interest of the people of Kansas." Obviously, therefore, KASB opposes SCR 1635. The rationale for this policy was developed because of the present procedure and the opportunities it presents for discussion and debate before the proposal appears on the ballot. The initiative process is also expensive as it generally promotes a great deal of campaigning through radio, television, and newspapers.

We thank the committee for its time and attention. We would urge that SCR 1635 not be reported favorably.

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2-12-90  
Attachment 6