

Approved 4-9-91  
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Chairman Tom Sawyer at  
Chairperson

9:05 a.m./p.m. on Tuesday, April 2nd, 1991 in room 521-S of the Capitol.

All members were present except:

Committee staff present:

Pat Mah, Research  
Arden Ensley, Revisor  
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Michael Woolf, Common Cause  
Craig Barbee, Emporia

The House Elections Committee was called to order by Chairman Tom Sawyer at 9:05 a.m. on Tuesday, April 2nd, 1991.

The Chair continued hearings on SB 86, defining substantial interest and compensation.

Michael Woolf, Common Cause, was the first conferee to appear before the committee. He spoke in opposition to this bill, stating that public officials and employees should continue to disclose all organizations in which they hold a substantial interest and should also be prohibited from making government contracts with organizations that they are closely associated with. (Attachment 1)

The next to appear was Craig Barbee, a citizen from Emporia, Kansas. He also spoke in opposition to SB 86. He testified that there are 3 problems with allowing the amendments that would affect the Chamber of Commerce. These are: 1) accountability, 2) conflict of interest and 3) open meetings law. He stated there had been problems in his city with Chamber members also serving as city commissioners.

Following each testimony the conferees stood for questions by the committee.

The next bill before the committee was SB 325, concerning areas to be served by the same voting place. The Chair opened the floor for discussion. Representative Jones made a motion to pass SB 325 favorably, seconded by Representative Scott.

Representative Cates offered a substitute motion that would raise the number of ballots required to be in a ballot box before counting could begin from 25 to 100. This was seconded by Representative Love. Following discussion by the committee Representative Love withdrew his second and Representative Cates withdrew his amendment.

Representative Cates offered a new amendment which would require 50 ballots be in the ballot box before counting could begin, seconded by Representative Love and the motion carried.

Representative McKechnie offered an amendment which would say, on line 19, "less than 20 registered voters casting ballots in the previous general election for Governor". There was no second to this amendment.

Representative McKechnie made a motion to pass SB 325, as amended, seconded by Representative Stephens and the motion carried.

HB 2599 was next on the agenda for discussion and final action.

Representative Parkinson made a motion to pass HB 2599 as amended, seconded by Representative Stephens.

CONTINUATION SHEET

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room 521, Statehouse, at 9:05 a.m./p.m. on Tuesday, April 2nd, 1921.

Representative Baker made a substitute motion that the committee adopt the recommendations of the Kansas Bar Association and include all three lists when selecting jurors, putting back into the bill the voter registration records of the county. This was seconded by Representative Shallenburger. The motion failed.

Question was called for on the original motion to pass HB 2599 as amended and the motion carried.

The Chair opened discussion on SB 83, concerning removal of names from registration books and party affiliation lists.

The Secretary of State's office had made the recommendation that HB 2326 be amended into this bill in place of Section 1. Representative Thompson made a motion to pass this amendment, seconded by Representative Shallenburger. Motion passed.

Representative McKechnie made a motion to pass SB 83, as amended, seconded by Representative Stephens and the motion carried.

The next bill to come before the committee was SB 84, concerning the appointment of judges and clerks of election boards.

Representative McKechnie made a motion to pass this bill adversely, seconded by Representative Jones and the motion fails.

Representative Love offered an amendment which would prohibit more than one sixteen or seventeen year old at one polling place and in case of a tie vote on a challenged ballot, they would be the one abstaining from voting, seconded by Representative Wells.

Representative Shallenburger requested this amendment be divided. A vote was taken on the first section which would limit the number of sixteen or seventeen year olds at one polling place and the motion carried. The second section requires that they abstain from voting in the event of a tie vote on a challenged ballot and the motion carried.

Representative Cates offered an amendment which would state that you must be a full time student before you could serve on an election board and must carry at least a 2.0 grade average, seconded by Representative Cozine and the motion carried.

Representative Jones made a motion that before a student could serve on the election board they must present a signed agreement by the parent on a form to be provided by the Office of the Secretary of State, seconded by Representative Thompson.

Representative Parkinson offered a substitute motion to table SB 84, seconded by Representative Baker and the motion carried.

The next bill presented for discussion and final action was HB 2151, concerning the office of election commissioner in certain counties.

Representative McKechnie made a motion to pass HB 2151 as amended, seconded by Representative Stephens and the motion passed.

HB 2570 was next on the agenda, concerning recall of local officers.

Representative Parkinson made a motion to table this bill, seconded by Representative Baker.

Representative Love offered a substitute motion which would change the number of signatures required for a recall petition from the current law of 40% to 25%, seconded by Representative McKechnie and the motion fails.

Representative Shallenburger offered a substitute motion to report HB 2570 adversely, seconded by Representative King and the motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections,  
room 521-S, Statehouse, at 9:05 a.m./p.m. on Tuesday, April 2nd, 1991

Representative Macy made a motion to place SB 128, concerning the Kansas Public Disclosure Commission membership, on the Consent Calendar, seconded by Representative Stephens and the motion passed.

The Chair next called for discussion and final action on SB 85, concerning withdrawal of a person's name from nomination.

Representative Baker offered a conceptual amendment which would state that the election commissioner not accept for write-in candidate the name of a candidate if that name had already been filed as a write-in candidate. Following discussion by the committee it was recommended by the Chair that she research this amendment and discuss it with the Revisor as to the wording and present it as an amendment on the House floor. Representative Baker withdrew her amendment.

Representative Shallenburger offered an amendment which would prohibit a candidate from being a registered voter with a party affiliation and becoming a write-in candidate of another party or as an independent, seconded by Representative Jones.

Following discussion by the committee, Representative Jones withdrew his second and Representative Shallenburger recommended this bill be included in an interim study.

Representative McKechnie made a motion that SB 85 be placed on the Consent Calendar, seconded by Representative Macy and the motion carried.

The Chair announced that a meeting would be held this week and he would make the announcement from the House floor as to the day and time.

The House Elections Committee was adjourned at 10:30 a.m.





**COMMON CAUSE / KANSAS**

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

April 1, 1991

Statement in Opposition to Senate Bill 86  
Presented to the House Elections Committee  
by Michael Woolf, Executive Director

Mr. Chairman, members of the Committee, Common Cause/Kansas rises in opposition to S.B. 86.

This proposal would allow local government employees and officers to prepare and make contracts with non-profit organizations in which they hold a substantial interest. These non-profits include:

Religious, charitable, and educational organizations (501(c)(3)),  
Civic, social, and employee organizations (501(c)(4)),  
Pleasure and recreational clubs (501(c)(7)),  
Fraternal societies that provide insurance (501(c)(8)),  
Domestic fraternal societies, lodges (501(c)(10)),  
War veterans organizations, auxiliaries (501(c)(19)).

Non-profit organizations fight just as hard for government contracts and grants as for-profit corporations. One of these non-profit organizations should not be given an advantage in seeking these contracts over other non-profits simply because a city council member or county commissioner is on that non-profit's board of directors. The public needs to be certain that all government contracts are based on their value to the public. "Connections" within local government should not be a factor.

Public officials and employees should serve all of the people and all interests equally. They should not give favorable treatment to organizations in which they are involved.

It is the belief of Common Cause/Kansas that the current laws should not be changed. Public officials and employees should continue to disclose all organizations in which they hold a substantial interest and should also be prohibited from making government contracts with organizations that they are closely associated with.