

Approved 2-5-91
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at
Chairperson

1:30 ~~xxxx~~/p.m. on January 29, 1991 in room 529-S of the Capitol.

All members were present ~~xxxx~~ or excused.

Committee staff present:

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

Conferees appearing before the committee:

Ron Thornburgh, Office of the Secretary of State
Carol Williams, Public Disclosure Commission

Others attending: See attached list

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

Ron Thornburgh, Office of the Secretary of State, appeared to request introduction of legislation concerning change of name. A person changing their name would be allowed to complete an affidavit and vote. The name would then be removed from the rolls and a new voter registration sent to the voter. This will keep registration data up to date and will prevent the loss of voting privileges due to name change.

Staff suggested combining this change with the one on "Purging" that was previously requested since the same statute would be involved.

Senator Lee, with a second from Senator Bond, moved to accept this request. The motion carried.

Carol Williams, Public Disclosure Commission, called attention to Part II, Recommendations, in the Annual Report and Recommendations of the Kansas Public Disclosure Commission, noting three separate issues were not being addressed by the Select Commission on Ethics and wished the Senate Elections Committee to introduce a bill dealing with Part II, 1 (b).

Ms. Williams noted the Disclosure Commission would like to introduce a bill that once a conflict is found to exist in the service of one of it's members that said commissioner should be precluded from serving any further on the Commission. The change would involve striking "Members shall serve until their successors are appointed and qualified."

Senator Reilly, with a second by Senator Bond, moved to accept the request for bill introduction. The motion carried.

Staff noted statutes provide a framework within which to operate and deal with all types of election contests but those in the House of Representatives and the Senate. The only question to be tried by the court in a legislative election is the question of the number of legally cast votes each candidate to the contested office received.

Staff noted the statute reads "In the absence of rules in either house to the contrary, the Select Committee will be appointed consisting of 3 members of each party. They will meet, determine and make recommendations to the House or the Senate with regard to which person will be seated."

The question arose whether the proceedings were an appellate process, that is, to reconsider the matter on the basis of findings of the court, or whether the committee should start the process from the very beginning.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S Statehouse, at 1:30 ~~xxx~~ p.m. on January 29, 1991.

Numerous hours were spent by the committee attempting to define rules of procedure for itself and to determine the role of the committee as the Constitution allows each house to make that decision. The committee noted on various occasions the statute does not provide enough guidelines. It is not known how additional guidelines may be provided since ultimately the house will make that determination. Early court cases have held this decision cannot be delegated to any other body.

Attorneys went back to the very beginning and reconsidered all the decisions of the court, the basis on which those decisions were made and then formulated recommendations of their own.

In this particular case, the only question involved was how many valid ballots were cast for each person. The Court decided and the Select Commission reconsidered all of the ballots in question and the House of Representatives will go over them again.

Staff noted the procedure works very well for contest of offices other than the House and Senate. The Constitutional question makes it difficult to determine the role of the contestees, their attorneys and also the committee.

Staff noted members who served on the Select Committee will suggest they again be appointed to look into this matter as some kind of a review committee because of the fact they have been through this. They might have suggestions regarding changes in the law that would fit the Constitution and also be a little more practical.

Staff told committee members the ballots in question fell into the following categories:

1. Ballots which were defaced, mutilated or torn
2. Ballots where a voting box had been clipped at the time the identifying number was clipped off
3. Absentee ballots not received on time

Discussion noted that a judge could possibly destroy votes in the clipping process.

The meeting adjourned at 2:12 p m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE January 29, 1991

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Teresa F. Lechman 152 - E Capital Bldg.

Division of Budget

Craig Grant Topoka

H-NEA

Ren Theisen "

SOS

Jann Atchison "

KPDC

Carol Williams "

KPDC

Quka Wetzel "

Intern. for Sen. Lee