

Approved 2-25-91  
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 February 19, 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, Office of the Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Ron Thornburgh, Office of the Secretary of State

Others attending: See attached list.

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

Ron Thornburgh appeared before the committee to request a bill concerning presidential preference primaries. The bill would remove the requirement of publishing the notice of the primary three times thereby saving \$60,000 to \$70,000 in publication costs. Secondly, as the state picks up the cost for presidential preference primaries, any cost overrun would be prorated to the counties, thereby encouraging cost curtailment.

Senator Brady made the motion to introduce the bill. Senator Lee seconded the motion and the motion carried.

SB-86 - relating to governmental ethics in local governmental subdivisions; defining substantial interest and compensation.

Senate Bill-86 concerns elected officials participating in certain organizations and some officials certain activities could be in violation of the "substantial interest" provisions of the law. Section 4 of the bill sets out those organizations to which an individual can belong and not be considered to have "substantial interest".

The first amendment includes those 501(c)(6) organizations such as chambers of commerce, convention and tourism bureaus. A second amendment, line 29, page 2 suggests compensation means "reasonable reimbursement" for expenses. A third amendment would make the changes effective upon publication in the register in order to quickly clarify what people are presently doing.

Discussion noted this bill would prohibit serving on not-for-profit boards that have any kind of relationship with the city. It could relate to funding or zoning and one could not vote on budgetary problems if any part went to charity. These things are presently being done.

Jim Kaup, General Counsel, League of Kansas Municipalities, told the committee his organization's original testimony noted substantial interest starts at the \$2,000 level. The amendment states reasonable expenses are not considered compensation. Mr. Kaup noted that if this issue caused difficulty it could be stricken and the Public Disclosure Commission could be requested to define "compensation". A spokesperson for the Commission noted they had always defined "compensation" as "trading for work" such as a salaried position. She noted the bill would not prohibit anyone from serving on any type of board. It prohibits them as a city or county official from voting on any monies going to those boards.

A member noted that according to an opinion received from the Public Disclosure Commission, legislators are different from local officials.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-§Statehouse, at 1:30 ~~xxxx~~p.m. on February 19, 1991

Further discussion noted a difficulty exists when a person has an interest in a given charitable entity and runs for office for the specific purpose of advancing benefits for that entity. The point was made that in rural communities a few individuals represent the majority of leadership. Rural areas handle their budgets as an entire unit and assembling the budget is a critical issue.

It was suggested there were ways of clarifying the existing law without broadening the law to this extent.

Senator Bond moved to add (c)(6) which relates to chambers of commerce to the list of organizations. The motion died for lack of a second.

Senator Bond moved, with a second from Senator Rock, to put "reasonable" before expenses and the changes to be in effect upon being published in the Kansas Register. The motion carried.

Senator Bond moved, with a second from Senator Lee, to pass out SB-86 favorable as amended. The motion carried.

Senator Bond made the motion to approve the minutes of February 11 and 12, 1991. Senator Lee seconded the motion and the motion carried.

SB-238 - Concerning city elections; filing of petitions or statements of candidacy by candidates.

Ron Thornburgh noted the bill was requested by a Johnson County Commissioner and the Elections Committee. The bill would change current law for people filing for city offices by petitions. The bill would: (1) Use the number, of registered voters rather than the number who voted in the last election; (2) Candidates in third class cities will have to obtain signatures equal to 10 percent of the number of registered voters or 25 voters, whichever is less, second class cities would need one percent or 50 voters signing the petition and first class cities, one percent of registered voters or 100 voters, whichever is less. The key is whichever is less.

Mr. Thornburgh noted that poor election turn-outs reduce the number of those voting in that election. The use of the number of registered voters, which would be easier to obtain, rather than those voting in the last election, would require a person to expend considerable effort to obtain a place on the ballot.

SB-239 - Relating to drainage districts; concerning the electin of directors.

This bill changes the filing deadline for those people seeking office in a drainage district and will make the deadline consistant with city and school election deadlines.

SB-240 - Concerning election boards.

This bill changes the number of workers on the board from allowing odd numbers to 3 or more. The 5th person usually has no specific duties. The bill provides, in the instance of a tie vote, the supervising judge removing themselves from that particular election with the remaining board members deciding how that ballot was to be counted. It was noted a cap on the number serving was unnecessary due to restricted budgets.

SB-241 - Concerning canvasses by the county board of canvassers.

This bill clarifies language the county board of canvassers and the Friday meeting date which occasionally falls on a holiday. This bill would allow them to meet the Monday following the holiday.

SB-242 - Concerning deputy or assistant election commissioners.

CONTINUATION SHEET

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This bill would provide in those counties with populations over 200,000 where statutes provide for 2 assistants, the ability to appoint one assistant as a chief deputy, thus providing a clear chain of command.

SB-243 - Concerning expenses of elections.

Under current law an election allowing every qualified citizen of the county an opportunity to go to the polling place, the county is responsible for paying the direct cost of the election. Under SB-243 the expense of any election which is not county wide, such as a school board election or city election, the entity holding the election would be responsible for the cost of such an election. The bill does not specify what basis would be used for division of cost.

Jim Kaup, Kansas League of Municipalities told the committee that the League did not have a position on this bill and noted it could work to more of a disadvantage for small units of government. The thought was expressed that the present method provides more incentive to hold down costs.

The meeting adjourned at 2:24 p.m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE February 19, 1991

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Michael Wolff Tapeka

Common Cause / KS

REBECCA BOSSEMEYER "

SOS

Rev. Hornberg C "

"

Emilia J. Retzler "

Interim

Jim Kamp

League of KS Municipalities