

Approved 4-1-91  
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 March 26, 1991 in room 529-S of the Capitol.

All members were present ~~except~~ 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:

John W. Koepke, Executive Director, Kansas Association of School Boards  
Jim Kaup, General Counsel, League of Kansas Municipalities  
Ron Thornburgh, Office of the Secretary of State  
Others attending: See attached list.

HB-2070 - Amending the mail ballot election act; concerning school district bond elections.

John W. Koepke, Kansas Association of School Boards, appeared before the committee in support of HB-2070 noting the bill had been introduced in the House of Representatives at the request of the Kansas Association of School Boards. The bill would insure the ability of local boards of education to determine when mail ballot elections will be used for bond issue elections. (Attachment 1)

In answer to questions Mr. Koepke noted the school boards presently had the authority to conduct mail ballot elections but the discretion to permit such mail ballot elections rests with the County Clerk or the County Election Commissioner. Further questioning noted this was an exception only for school boards and only in the limited circumstances of bond issues.

Jim Kaup, General Counsel, League of Kansas Municipalities, appeared in support of HB-2070 and also proposed an amendment which would include governing bodies of cities for the issuance of bonds. (Attachment 2)

Mr. Kaup was asked whether there was any objection to opening the amendment up to everybody since the cost is charged back to the entity who holds the election. He was also asked whether this amendment had been offered to the House and he noted it had not since the bill had been developed late in the session and they were reluctant to cause it any additional problems.

Ron Thornburgh, Office of the Secretary of State appeared and presented written testimony. (Attachment 3) Mr. Thornburgh told the committee the Office of the Secretary of State had previously opposed such legislation that would limit the County Election Officers authority to conduct elections. However, a compromise was reached which would allow the school board to call an election by mail with the County Election Officer and the school board setting a mutually agreeable date for the election.

Mr. Thornburgh noted that he had checked with several county clerks attending the committee meeting and they had indicated no opposition to making the bill applicable to other entities who were allowed to use mail ballots. He then suggested changing the wording of the amendment presented by the Secretary of State to read "to a date mutually agreed upon by the governing body calling the election and the County Election Officer."

Senator Bond moved the amendment "on a date mutually agreed upon by the governing body calling the election and the County Election Officer." Senator Reilly seconded the motion and the motion carried.

The meeting adjourned at 2:15 p.m. The committee will meet April 1, 1991.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE March 26, 1991

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

John Kaye  
Michael Wood  
Ron Thornburg  
Jana Atchison

KASB  
CC/KS  
SOS  
KPDC

KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

Testimony on H.B. 2070  
before the  
Senate Committee on Elections

by

John W. Koepke, Executive Director  
Kansas Association of School Boards

March 25, 1991

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you on behalf of the member boards of education of the Kansas Association of School Boards in support of H.B. 2070. House Bill 2070 was introduced by the House at our request in order to insure that local boards of education have the ability to determine when mail ballot elections will be used for bond issue elections.

School boards have been utilizing mail ballot elections in many counties for a number of years for bond issues. Regardless of the outcome of these elections, one universal trait has emerged when using mail ballot elections. Voter turnout is significantly higher when using mail ballots than it is in conventional election procedures. Unfortunately, under present statutes, some county election officers have refused to hold mail ballot elections even when requested to do so by a local school board.

Senate Elections  
March 26, 1991  
Attachment 1

We believe that this alternate method of election should be available to all of our members, since the cost of these elections must be borne by the school board. A bill similar to H.B. 2070 was passed by the Kansas House of Representatives in 1990, but failed to be considered in the Senate due to a time problem.

Since the measure passed the House this year, we have worked with the Secretary of State and the Legislative Committee of the Kansas County Clerks Association to find a mutually acceptable way to address this issue and we would support the amendment to the bill which will be presented to you by the Secretary of State. With that amendment, we would urge your favorable consideration of H.B. 2070 and I would be happy to attempt to answer any questions.



**League  
of Kansas  
Municipalities**

**Municipal  
Legislative  
Testimony**

**PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186**

TO: Senate Committee on Elections  
FROM: Jim Kaup, League General Counsel  
RE: HB 2070--Mail Ballot Elections  
DATE: March 26, 1991

The League supports HB 2070, relating to mail ballot elections as to bond issues. We think it is such a good bill that we propose the attached amendment to make the bill applicable to city bond issues.

We not aware of any instance where a county election officer has refused a city request to hold a mail ballot bond election. However, specifying that a school governing body can order a school bond mail election to be held as HB 2070 does, leaves an implication that a city bond election should not normally be subject to a mail ballot--on the grounds that the mentioning of one (the school) may imply the exclusion of the other (the city).

Sometime in the future, this Committee may want to further open up city and school governing body discretion as to what purposes mail ballot elections may be applied. This is particularly true as to referendums on local option taxes, tax lid and budget restrictions, and similar finance and revenue questions. April elections, when and where held, are sometimes held too early, and the August primary in even-numbered years too late, to fit in with the budget preparation process. We are not suggesting such a change at this time, but think the matter is worth future study.

*Senate Elections  
March 26, 1991  
Attachment 2*

HOUSE BILL No. 2070

By Committee on Elections

1-29

9 AN ACT concerning elections; amending the mail ballot election act;  
10 concerning school district bond elections; amending K.S.A. 25-  
11 432 and repealing the existing section.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 25-432 is hereby amended to read as follows:  
15 25-432. An election shall not be conducted under this act unless:

16 (a) The county election officer responsible for the conduct of the  
17 election authorizes the use of mailed ballots for the election *or the*  
18 *board of education of a school district* ~~makes a determination that~~ or governing body of a city  
19 ~~an election by mailed ballots shall be held for authorizing any bond~~  
20 ~~issue that the school district wishes to issue~~ and requests that an on the issuance of bonds  
21 election for such purposes be held within 90 days of the date of  
22 such request; and

23 (b) the secretary of state approves a written plan for conduct of  
24 the election, which shall include a written timetable for the conduct  
25 of the election, submitted by the county election officer; and

26 (c) the election is nonpartisan; and

27 (d) the election is not one at which any candidate is elected,  
28 retained or recalled; and

29 (e) the election is not held on the same date as another election  
30 in which the qualified electors of that subdivision of government are  
31 eligible to cast ballots; and

32 (f) the election is a question submitted election at which all of  
33 the qualified electors of one of the following subdivisions of gov-  
34 ernment are the only electors eligible to vote:

35 (1) Counties;

36 (2) cities;

37 (3) school districts, except in an election held pursuant to K.S.A.  
38 72-7302 *et seq.*, and amendments thereto;

39 (4) townships;

40 (5) benefit districts as organized under K.S.A. 31-301, and  
41 amendments thereto;

42 (6) cemetery districts as organized under K.S.A. 15-1013 or 17-  
43 1330, and amendments thereto;

Bill Graves  
Secretary of State



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

## STATE OF KANSAS

TESTIMONY OF RON THORNBURGH  
SENATE ELECTIONS COMMITTEE  
MARCH 25, 1991

House Bill 2070

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

As you may be well aware, our office has, in the past, always been opposed to legislation to limit the County Election Officers authority to conduct elections, including House Bill 2070. However, we are happy to report that a compromise has been reached between the Kansas Association of School Boards and the County Clerks Association on House Bill 2070.

As this proposal now reads, the school board would have the authority to call an election by mail and the County Election Officer would have to conduct the election within 90 days. In the compromise agreed to by both groups, the school board has the authority to call an election by mail, but they must contact the County Election Officer to set a mutually agreeable date for the election. This allows the schools to have a mail ballot whenever they deem it necessary and also allows the County Election Officer the flexibility to adequately plan and prepare for the election.

Thank you. We ask that you amend the bill as proposed and pass the bill favorably.

Senate Elections  
March 26, 1991  
Attachment 3

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20 issue that the school district wishes to issue and requests that an  
21 election for such purposes be held within 90 days of the date of  
22 such request; and

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