

Approved 1-28-92
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 January 23, 1992 in room 529-S of the Capitol.

All members were present: ~~xxxxx~~

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:

Senator Ken Francisco
Marilyn K. Chapman, Commissioner of Elections, Sedgwick County
Ron Thornburgh, Assistant Secretary of State

Others attending: See attached list.

The meeting was called to order by Chairman Sallee at 3:37 p.m.

SB-486 - Relating to the recall of elected public officials.

Senator Ken Francisco appeared before the committee in support of SB-486 calling attention to a letter from the office of the Assistant Secretary of State concerning proposed legislation to allow Wichita to include the recall election of school board member Darrel Thorpe with the Presidential Preference Primary. (Attachment 1)

Marilyn K. Chapman, Commissioner of Elections, appeared before the committee and presented written testimony in support of SB-486 noting that allowing flexibility in setting election dates would result in saving tax dollars. She stated that the statutes are very restrictive concerning recall elections and it seemed prudent, when another election was going to be held a few days later, to combine them and save voters a second trip to the polls as well as saving taxpayers' money. (Attachment 2)

Ron Thornburgh, Assistant Secretary of State, told the committee this legislation was greatly needed to save approximately \$100,000 for the Wichita School District. The bill, however, is not restricted to the Wichita situation. The bill would allow any recall election to be conducted with any special election within 120 days of the date of the certification of the recall petition, thereby allowing continued savings for units of government forced to conduct a recall election. (Attachment 3)

Senator Yost told committee members he would like to submit an amendment to the bill dealing with establishing proof of an accusation made to bring about a recall election. Senator Yost told the committee that if they were not comfortable in amending SB-486 he would request introduction of a new bill. Following discussion Senator Yost withdrew his amendment.

Senator Martin moved to pass SB-486 out favorably. Senator Reilly seconded the motion and the motion carried.

Senator Yost requested introduction of a bill conceptually to cover recall of local officials. Senator Martin seconded the motion and the motion carried.

The chairman called for any other business with none forthcoming. He then announced that the committee would work toward dealing with bills carried over from the 1991 Session on Tuesday, January 28 at 1:30 p.m.

The meeting adjourned at 3:57 p.m. 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.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE January 23, 1992

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Ken Hornburg
Ken Francisco
Heley Pedigo
Shane D. Pusley
Bill
Andy Hoch
Rebecca Bossemeyer TOPEKA
Juella Lane

SOS
Sedgwick County Delegation
Legislative Intern
Shawnee Council Election
Sedgwick County Delegation
Legislative Intern
SOS
SOS



Ron Thornburgh
Assistant Secretary of State

STATE OF KANSAS

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

January 10, 1991

The Honorable Tom Sawyer
House Majority Leader
3rd floor, State Capitol
Topeka, Kansas 66612

Dear Representative Sawyer:

Attached is a draft copy of our proposed legislation to allow Wichita to include the recall election of school board member Darrel Thorpe with the Presidential Preference Primary. Our draft amends KSA 25-4328 to include the following phrase:

"If a primary, general, or special election at which all or some of the residents of the district are entitled to vote, is held more than 90 days, but not more than 120 days, after the date notification is given that the petition was properly filed, the recall election may be held on the date of the primary, general or special election."

Thus, under the proposed version:

- 1 - If no other election is being held within 120 days, a special recall election must be held within 60 to 90 days;
- 2 - If a primary or general election is within 60 or 90 days, the recall must be conducted with the primary or general;
- 3 - If a primary, general or any other special election is held between 90 and 120 days, the recall may be held in conjunction with the scheduled election or may be held as a separate recall election between 60 and 90 days.

This new alternative would give the local election officer the option of delaying the election for as much as 120 days if the public is willing to wait for the scheduled primary, general or special election. However, most recall elections are very volatile issues and the public may not be willing to wait a full 120 days.

Senate Elections
01-23-92
Attachment 1



SEDGWICK COUNTY, KANSAS

COMMISSIONER OF ELECTIONS

Marilyn Chapman

COUNTY COURTHOUSE • 510 NORTH MAIN • WICHITA, KANSAS 67203-3798 • TELEPHONE (316) 268-7101

TO: Senator Don Sallee, Chairman
Senate Elections Committee

FROM: Marilyn K. Chapman, Commissioner of Elections

DATE: January 22, 1992

SUBJECT: SB 486

Thank you for allowing me to appear before you in support of this bill.

Allowing flexibility in setting election dates is very important. This bill allows flexibility. The statutes are very restrictive in stating that recall elections must be held within a certain length of time. But if voters are going to the polls only a few days later for another election, this bill would allow the two to be combined. It gives the county election officer the option of deciding whether a special election should be held, or whether it would be prudent to combine two elections on the same date.

Taxpayers have just awakened to the fact that elections cost money. This bill provides an effective method of reducing election costs, IF combining two elections does not jeopardize the integrity of either election. It only makes sense to be able to schedule elections on a single date if other considerations might make them fall thirty days or less apart.

In a time when costs continue to rise, and more demand is being put on each tax dollar, it is imperative that we look at every means available to us to spend our money prudently. Senate Bill 486 gives us one of those means.

I urge you to pass this bill favorably and expediently.

Senate Elections
01-23-92
Attachment 2



Ron Thornburgh
Assistant Secretary of State

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

JANUARY 23, 1991

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

I appear today in support of Senate Bill 486.

This legislation is greatly needed to save approximately \$100,000 for the Wichita School District. However, it has been drafted in such a way as to not be restricted to only the current situation in Wichita. The bill will allow any recall election to be conducted with any special election within 120 days of the date of the certification of the recall petition, thus allowing continued savings for units of government forced to conduct a recall election.

In addition to asking for your approval of SB 486 I am also going one step further and asking for you to move the legislation very quickly. If SB 486 is not passed, the latest date at which the Wichita School District recall election can be conducted is March 10, 1992. Should the Sedgwick County election commissioner have to conduct the election on that day, she must start processing the election no later than February 1, 1992.

Thank you Mr. Chairman. I again ask for your favorable and quick consideration of SB 486.

Senate Elections
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Attachment 3