

Approved 3-2-92 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 February 24, 1992 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 Smith, Kansas Bar Association  
Ron Thornburgh, Assistant Secretary of State

Others attending: See attached list.

The meeting was called to order shortly after 1:30 p.m. by the chairman.

A request was made for introduction of a bill which would establish a commission of legislators who would have the ability to review compacts with the Indian tribes when the legislature was not in session. This commission would involve the Governor.

Senator Bond moved, with a second by Senator Reilly to introduce the bill. The motion carried.

Ron Smith, Kansas Bar Association, brought to the attention of the committee, a problem concerning an inconsistency in lobbying laws dealing with the reporting of indirect lobbying expenses, called the "allocation rule" set forth in rules and regulations.

Ron Thornburgh, Assistant Secretary of State, appeared noting he had been asked to provide the latest possible date the Senate could act concerning re-districting. This date would involve two issues: (1) The new districts were needed 3 weeks prior to the deadline or May 20, 1992. (2) Constitutionally, the maximum of 85 days were needed, during which time the supreme court, attorney general and legislature needed to draw boundaries correctly. He further noted the worst possible scenario was the bill needed to be out of the legislature by March 6. (Attachments 1 & 2)

Mr. Thornburgh told committee members that the courts have been very stringent concerning candidates' access to ballots. Should the full amount of time not be available, correspondingly, the number of signatures required on petitions would be reduced. The court has ruled two methods of obtaining a position on the ballot must be available, either by paying a filing fee or petitions.

SB-713 - Reapportionment of congressional and state senatorial and representative districts; determining when legislature shall be deemed to have failed to act and imposing certain duties upon legislative leaders if legislative districts are reapportioned by the courts.

Senator Yost noted that SB-713 did not set a target date to finish but would deal with the subject when a solution fails to be reached. Should the bill not reach the governor by April 1 it would go directly to the courts, bypassing the Attorney General, thereby saving 30 days if maps were available.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS,  
room 529-S, Statehouse, at 1:30 ~~xxxx~~/p.m. on February 24, 1992.

It was noted that if no maps drawn are agreed upon by the April 1st deadline it would leave an open scenario for the courts.

The suggestion was made to introduce clean-up legislation concerning K.S.A. 25-904 dealing with campaign finance and K.S.A. 25-1122 dealing with absentee voting.

Senator Lee moved, with a second from Senator Bond to introduce such legislation. The motion carried.

Senator Reilly moved, with a second from Senator Martin, to approve the minutes of February 10, 11 and 12. The motion carried.

The meeting adjourned at 2:15 p.m. and will convene February 25, 1992 at 1:30 p.m.



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Bill Graves  
Secretary of State

## STATE OF KANSAS

\*\* M E M O R A N D U M \*\*

TO: Senate Elections Committee  
From: Ron Thornburgh  
Date: February 24, 1992

Re: Senate Re-districting

You have asked for the last possible date for the Senate to re-district and still conduct the 1992 elections.

Administratively, our office would be able to conduct the elections if the districts are FINAL at any point more than three weeks prior to the filing deadline on June 10, 1992. In the three weeks prior to the election we would calculate the correct number of petition signatures required for ballot access for each district in the state and candidates would be allowed a minimal amount of time to pass nomination petitions.

We will need legislation this session to reduce the number of signatures required for ballot access in direct proportion to the reduction of the number of days allowed to pass nomination petitions. Ballot access for non-incumbents has become a very serious issue with the courts. We must insure that because we have reduced the opportunity to pass petitions, we must also reduce the number of signatures required for ballot access.

The Kansas Constitution requires a maximum 85 day period following publication of the new districts in the Kansas Register in which the legislature and the Supreme Court can work out any differences. Eighty-five days prior to the June 10, 1992 filing deadline is March 17, 1992. (Please keep in mind this does not include the three weeks to allow us to prepare for the filing deadline.) This is obviously a worst case scenario. However, IF the entire 85 days were necessary, the last day to pass a bill for the Governor's signature would be March 6, 1992. The last for the for Governor to sign the bill to be published in the Kansas Register would be March 16, 1992. The bill would then be published March 19, 1992.

This date is not absolute because we are basing it on a worst case scenario. If the Attorney General, the Supreme Court, or the Legislature were to expedite any portion of the review process, the whole calendar changes.

SENATE ELECTIONS  
02-24-92  
Attachment 1

## Article 10.—APPORTIONMENT OF THE LEGISLATURE

### Revisor's Note:

The 1974 proposition to revise this article replaces sections 1 and 2 which appeared under this article prior to the revision.

This article was formerly entitled "Apportionment."

### Cross References to Related Sections:

Number of senators and representatives, see, also, Kan. Const. art. 2, § 2.

Judicial districts, see Kan. Const. art. 3, § 6.

Statutory, see ch. 4, arts. 3, 4.

**§ 1. Reapportionment of senatorial and representative districts.** (a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith.