

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on February 22, 1995 in Room 521-S of the Capitol.

All members were present except: Rep. Herman Dillon, Excused

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, legislative Research Department
Arden Ensley, Revisor of Statutes
Donna Lutjohann, Committee Secretary

Conferees appearing before the committee: Kathleen Sebelius, Kansas Insurance Commissioner
Roger Viola, Security Benefit Group of Companies
Ronald Turner, American Family Insurance
Ed Rowe, League of Women Voters
Debra Leib, Kansas Common Cause
Larry McGill
Rep. David Heinemann
Rep. Greta Goodwin
Rep. Tom Bradley
Brad Bryant, Deputy Asst Secretary of State

Others attending: See attached list

Chairman Dawson opened the hearing on HB 2021 that would prohibit insurance commissioner from accepting contributions from regulated entities.

Insurance Commissioner, Kathleen Sebelius, was recognized by the Chairman. She testified that this legislation is needed to assure that the insurance commissioner's office represents the consumer and not insurance companies. See Attachment 1.

Chairman Dawson recognized Roger Viola as a proponent of the bill. His organization believes to maintain a sense of fairness, the insurance regulator and regulatee should not be beholden to each other. See Attachment 2.

The Chairman recognized Ronald Turner as a proponent of the bill. He testified that the trust between the consumer and the insurance companies must remain in tact. This legislation would ensure that trust. See Attachment 3.

Ed Rowe testified as a proponent of the bill. He testified that the League has worked for laws and regulations that would reduce undue influence in the political process. See Attachment 4.

Chairman Dawson recognized Debra Leib as a proponent of the bill. She testified that present law creates a conflict of interest in current campaign finance practices. See Attachment 5.

The Chairman recognized Larry Magill as an opponent of the bill. He testified that someone has to finance the race for insurance commissioner. Present law does allow for them to seek and elect the best qualified candidate for the race. See Attachment 6.

Chairman Dawson acknowledged receipt of written testimony from Rex Taylor that was made available to the Committee. See Attachment 7.

The public hearing on HB 2021 was closed by the Chairman.

Chairman Dawson opened the hearing on HB 2386 regarding open elections.

Rep. Heinemann was recognized by the Chairman as the sponsor of the bill. He testified that Louisiana has had open elections for many years and that no problems have occurred using this

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 22, 1995.

method of voting procedures. The State of Louisiana states that they have saved money and that the public likes the method because it allows everyone to vote, regardless of party affiliation. Chairman Dawson made note of the information made available by the Legislative Research Department. See Attachment 8 for more information.

The Chairman recognized Rep. Goodwin as a co-sponsor of the bill. She testified that the open election method would benefit Kansans in the way that voters would be able to vote regardless of party affiliation. She testified that the Independent voters feel left out at the time of the primary elections. See Attachment 9.

Rep. Bradley was recognized as a supporter of the bill. He testified that Kansas voters prefer the opportunity to of voting for the best candidate regardless of party affiliation. See Attachment 10.

Chairman Dawson recognized Brad Bryant as an opponent of the bill. He testified that the Secretary of State's office is not strongly opposed to moving to an open or blanket primary election system, however, thorough study of the proposed changed is strongly suggested. See Attachment 11.

The public hearing on HB 2386 was closed.

The Chairman adjourned the meeting at 10:27 a.m.

The next meeting is scheduled for Thursday, February 23, 1995, at 9:00 a.m. in Room 521-S of the Capitol.

Kansas Insurance Department

Kathleen Sebelius, Commissioner

420 S.W. 9th

Topeka, Kansas 66612-1678 (913) 296-3071

TO: House Committee on Governmental
Organization and Elections

FROM: Kathleen Sebelius
Commissioner of Insurance

DATE: February 22, 1995

SUBJECT: Support of H.B. 2021

I appreciate the opportunity to address you today in support of HB 2021. Following a campaign when ethics and public trust of governmental officials was a major topic in all races, this bill is timely.

Prior to making the decision to run for Insurance Commissioner, I travelled throughout Kansas meeting with citizens, political activists, insurance industry agents and company representatives. What I heard in all parts of the state, from insurance folks as well as those not in the industry, was concern about the money ties between the Commissioner's office and the industry which was regulated by the Department.

Insurance agents in Hutchinson described a fundraising lunch for the Commissioner, where names were taken and people felt the "need" to attend. A company president talked about being solicited routinely for substantial contributions, which he felt was a mandatory part of doing business in Kansas.

We are one of only 12 states with an elected Commissioner; the remaining states have appointed Commissioners. Twice in my legislative career I introduced bills to discuss whether Kansas should alter our method of selection. I do not mistrust the voters of Kansas, but was concerned about the tremendous influence of insurance money in a campaign to elect a regulator for a \$6 billion a year industry.

GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 22, 1995
Attachment 1-1

As you consider this legislation, remember the Insurance Commissioner is in a unique position. The commissioner is the only state official that is both elected and a regulator. Under K.S.A. 46-231 the Legislature has already set "those who license, regulate and inspect" apart in the campaign finance law. That law, combined with the Kansas Commission on Governmental Standards and Conduct Opinion No. 91-33, limits the amount a person "licensed, regulated or inspected" by a state agency can give to an employee of that agency to \$40.00 in a calendar year. This specifically includes hospitality in the form of food and beverages. It makes little sense that I am prohibited from accepting meals worth more than \$40.00 during a calendar year from an insurance agent I regulate, but could accept \$4,000 from the same individual in a campaign season.

This proposal is already the law in Georgia, another state where insurance commissioners are elected. It's constitutionality was challenged, and the law was upheld by the Georgia Supreme Court. The ban on contributions was also one of the recommendations of the Governor's Ethics Task Force in 1993.

Passage of this proposal will establish appropriate independence between the Insurance Commissioner and those who are regulated by the Department. The public will be assured that there are no financial ties between the Commissioner and the insurance industry, and insurance professionals in this state will no longer feel pressured to contribute to the insurance commissioner's campaign.

The Insurance Commissioner's office is critical to all Kansans. Kansans pay more for insurance each year than they do in state taxes. Many groups, health care professionals, business owners, contractors, car dealers, attorneys and homeowners all have a financial interest in decisions made by the Commissioner's office. But only one group - those individuals and companies who are licensed to sell insurance products in Kansas - are regulated by the Insurance Department. It's that uniquely powerful relationship which is addressed by H.B. 2021, and I am here to urge the Committee to adopt this measure.

To: Members of House Committee on Governmental Organization and Elections

Re: H.B. 2021

From: Roger K. Viola, Senior Vice President, General Counsel and Secretary

Date: February 22, 1995

Dear Chairman and Committee Members:

I represent Security Benefit Life Insurance Company and its affiliates. Security Benefit is a Kansas domiciled life insurance company located in Topeka with over \$4 billion of assets under management. SBL operates in all 50 states and the District of Columbia and currently employs over 530 Kansans at its Home Office here in Topeka. As a life insurance company involved in the sale of life insurance, annuity, mutual fund and retirement products, SBL is regulated by the Kansas Insurance Department.

Security Benefit is in favor of passage of H.B. 2021. Our Company is committed to the concept of firm, but fair, regulation of the insurance business. We are of the opinion, though, that fair regulation is based on the concept that neither the regulator nor the regulatee is beholden to the other. When a regulated insurance company is a financial contributor to the campaign of the insurance commissioner, the perception of fairness, if not the reality itself, especially to the consumer of insurance products, is easily compromised and undermined. We feel that every Kansas insurance consumer deserves a fair and independent analysis of any problem which he or she submits to the insurance commissioner's office, unfettered by any political contribution that his company may have made. I'm not suggesting that the commissioner could never be totally objective in such a situation, but if the department's decision comes out against the consumer, I would suggest that that consumer will feel shortchanged.

Looking at the problem from the Company side of the ledger, I submit to you that the current system greatly favors the incumbent commissioner. When the commissioner can start fundraising at the beginning of a four year term, I submit to you that any company which will be regulated by the commissioner over the ensuing period, will feel compelled to make contributions to his or her campaign, regardless if the company feels that that person may not be best suited for the position. The financial leverage this gives to the incumbent is significant--and unfair. While it may be naive to assume that there will ever be financial equity between candidates for elective office, I think it's just as naive to assume that this committee won't try to inject a greater element of equity into a system which elects a commissioner who regulates products owned by nearly every household in this state.

I urge you to vote in favor of H.B. 2021.

RV/naai

RON TURNER AGENCY
American Family Insurance
601 Missouri PO Box 663
Lawrence, KS 66044
Office: 913-841-6250 FAX: 913-841-6251

TO: House Government Organizations Committee
FROM: Ronald W. Turner, Insurance Agent
DATE: February 22, 1995
RE: House Bill 2021

I have been an insurance agent in the State of Kansas for 16 years, and during that period, I served on the board of an insurance political action committee for five years. In our own self interests, I do believe that it is important for an insurance PAC to speak to and support legislative candidates that embrace positions favorable to the insurance industry in the State of Kansas. However, even during my tenure on the PAC board, I was adamantly and vocally opposed to any contribution whatsoever being made to any insurance commissioner, or to any candidate for the office of insurance commissioner, by any person or organization even vaguely associated with the insurance industry.

We agents not only represent our respective companies, but we "have our feet in the street," with continual day-by-day, eye-to-eye contact with the our clients, meaning that we also serve (or should serve) as primary consumer representatives. In order for us to serve in a professional manner in this state, **BOTH** the **agent** and the **consumer** must have absolute trust in the integrity, honesty and objectiveness of the office of Insurance Commissioner, with each having equal access to the office, and

GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 22, 1995
Attachment 3-1

with a level playing field for all concerned. It is extremely important that the consumer truly knows that this office is not for sale to insurance companies, and it is just as important that the insurance industry know that they do not have to pay for fair access to the Commissioner's Office, nor should they feel compelled to either purchase such access by responding to the continual solicitations for contributions during and in between campaigns, or suffer the consequences of not paying at a later date. Appearances of such improprieties, whether they actually exist or not (I strongly believe they do exist), still cast aspersions upon the integrity of the Kansas Insurance Commissioner's Office.

In today's society, we seem to have forgotten the meaning of the words "morally right" and "ethically correct." Instead, we tend to understand only the "legal" or "illegal" nature of things. At this point, I strongly urge the Committee to favorably consider the passage of HB 2021, making it **absolutely illegal** for any insurance agent, or for any official, representative or employee of any insurance company, or for any insurance political action committee, to make any monetary contribution whatsoever to the office of Insurance Commissioner, or to any candidate for such office.

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

Testimony on HB 2021 before the
House Committee on Governmental Organization and Elections
February 22, 1995

Chairman Dawson and members of the committee, my name is Edward Rowe. I am a member of the lobby corps of the League of Women Voters of Kansas. The League of Women Voters is a non-partisan political organization. While it does not support or oppose any particular candidate or party, it does promote political responsibility through informed and active participation of citizens in government.

League has long worked for laws and regulations which would reduce "undue influence" of insiders in the political process and open up legislative and regulatory processes to the public.

For years we have heard rumors and innuendos about the cozy relation between the insurance commissioner and the insurance industry regulated by the commissioner. Enacting HB 2021 would help put a stop to any insider influence, and would help put an end to the rumors. We urge you to report it out favorably.

**Committee on Governmental Organization and Elections
Kansas House of Representatives**

Testimony on H.B. 2021

Debra R. Leib, Executive Director
Kansas Common Cause

February 22, 1995

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2021 which prohibits contributions to candidates for the office of insurance commissioner from any regulated entity.

Common Cause fully supports H.B. 2021 and efforts on the part of the Insurance Commissioner to voluntarily refuse contributions from those entities the office regulates. The inherent conflict of interest which exists in present law, and to which this bill is addressed, is perhaps the most blatant in current campaign finance practices.

We urge prompt passage of H.B. 2021.

GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 22, 1995
Attachment 5

Testimony on HB 2021
Before the House Governmental Organization & Elections Committee
By: Larry W. Magill, Jr., Executive Vice President
Kansas Association of Insurance Agents

Thank you, Madam Chair, and members of the committee for the opportunity to appear today in opposition to HB 2021. The Kansas Association of Insurance Agents represents approximately 625 independent insurance agency members across Kansas who employ nearly 3,500 people, most of whom are licensed agents. As independent small businessmen and women, our members are free to represent as many insurance companies as they need and can attract to provide their clients with the best coverage at the best price. Our members represent consumers and want an Insurance Commissioner that will be a strong consumer advocate while maintaining a healthy industry.

One of the greatest challenges facing a small state like Kansas is to maintain an open, competitive market for the various types of insurance which will provide the most options to buyers at the lowest cost. We feel that depends heavily on having the right insurance commissioner and we want to be actively involved in determining who is elected commissioner.

Lots of interest groups have an interest in the election of an insurance commissioner, not just insurance agents or insurance companies. Attorneys, associations that sponsor pools, associations that own insurance companies, health care provider groups, labor unions concerned about workers compensation issues, and firefighters who depend on the Fireman's Relief Fund are just a few of the other interest groups with a significant interest in the insurance commissioner's office. Should we

exclude all attorneys, labor unions, associations and their members who are regulated through pooling statutes or insurance company laws and regulations?

Taken far enough, the same reasoning behind this proposal could be used to preclude insurance agents from contributing to legislators or to a candidate for Governor. The legislature and the Governor's office can have a dramatic impact on our business, and even put us out of business.

A state that elects its insurance commissioner is not that much different than a state that appoints one. In an appointed insurance commissioner state, agents will be more involved in the Governor's race to have some input into the selection of a qualified commissioner. Should those states prohibit agent contributions to the Governor's race? Should attorneys be prohibited from contributing to the attorney general's race? While we recognize that the attorney general's office does not license and regulate attorneys, attorneys are involved on each side of an A.G. opinion and their relationship to the attorney general's office could conceivably influence the resulting opinion.

Finally, we question whether an individual prohibition is constitutional.

While I'm not an attorney, it seems to me that this legislation infringes on our right to participate in the political process, to petition government and to free speech.

Article 2 of the Kansas Constitution's Bill of Rights states in part that, "All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit." It doesn't say some of the people except

those that are licensed or regulated.

Our members' clients look to our members for input on insurance commissioner's races. We are not looking for protection from requests for contributions. We are looking for the opportunity to be active participants in an election that directly affects our members' livelihoods and their clients' well being. We urge the committee to not report HB 2021 favorably for passage. Thank you.

February 20, 1995
5413 SW 12th Terrace
Topeka, Kansas 66604

House Governmental Organization and Elections Committee
Attention: Representative Carol Dawson, Chair
Room 171W, State House
State Capital Building
Topeka, KS 66612

Ladies and Gentlemen:

I read recently that Kathleen Sebelius, Insurance Commissioner, made a proposal that it be illegal for her, her successors and future candidates running for the Kansas Insurance Commissioner to receive money from the insurance industry.

I oppose her proposal on the grounds that it is attacking only one segment of those interested in the Insurance Commission's regulations. It is self-serving to her and the Trial Lawyers. Ms. Sebelius' campaign was heavily financed by the Trial Lawyers, not only from Kansas, but from other states as well. After all, a large percentage of their income is generated from suing insurance companies and representing the Insurance Department. Therefore, if the premise of her analysis is correct, Trial Lawyers should also be prohibited from making contributions to the campaign of any candidate for the Commissioner of Insurance.

If one would look at the voting record of Kathleen Sebelius when she was in the Legislature, it would show that she consistently voted against bills that would lower insurance rates, many of which were sponsored by the Insurance Department or the insurance industry; however, she favored bills that would have raised insurance rates, many of which were sponsored or supported by the Kansas Trial Lawyers Association.

Although I am not sure I could support it, there might be some merit in repealing the statute that makes the Commissioner of Insurance an elected office and let the Governor or a committee of the Legislature appoint the Commissioner of Insurance. The person appointed to regulate the insurance industry would more likely be one skilled in dealing with insurance issues. I have heard that many of the initial appointments made by the current commissioner were persons who had no background in insurance. Also, it concerns me that the current commissioner lacks the knowledge and experience needed to continue the quality of regulation which we have had in Kansas.

I recommend that if you consider her proposal that you hold extensive hearings on the matter and also prohibit the Trial Attorneys making any contributions to a candidate for the Commissioner of Insurance.

GOVERNMENTAL ORGANIZATION
AND ELECTIONS

Respectfully yours, February 22, 1995
Attachment 7

Rex R. Taylor
Rex R. Taylor

MEMORANDUM

Kansas Legislative Research Department

300 S.W. 10th Avenue
Room 545-N -- Statehouse
Topeka, Kansas 66612-1504
Telephone (913) 296-3181 FAX (913) 296-3824

January 13, 1995

BLANKET AND OPEN STATE PRIMARY ELECTIONS IN ALASKA, LOUISIANA, IDAHO, AND WASHINGTON

According to a spokesperson from the National Conference of State Legislatures (NCSL), there are only four states that have open primaries and blanket primaries: Louisiana (open), Alaska (blanket), Idaho (open), and Washington (blanket).

Open Primaries

The only states to have an open primary are Louisiana and Idaho. In Louisiana, the elector is provided with one ballot with all the names of the eligible candidates appearing on the ballot and their recognized party affiliations, which includes Republicans and Democrats. When registering to vote, voters must declare a party affiliation or register as an independent. However, they do not have to declare party affiliation when voting at the polls. The voter is given one ballot and he or she only can vote for one candidate per office of any recognized party. If no candidate receives more than 50 percent of the votes when the votes are tabulated, then the top two candidates with the highest number of votes will contest the seat in a general election. The top two candidates advancing to the general election could be two Republicans, or two Democrats. If one candidate of a recognized party receives more than 50 percent of the votes in the primary, then that candidate is elected and no general election is held. Open primaries were initiated in the State of Louisiana in 1974, and, according to a spokesperson from the Secretary of State's office, no problems have occurred with this system. The spokesperson also said the exception to an open primary election is for presidential primaries and elections of party committee members. These elections are conducted according to the traditional party affiliated elections which are similar to primaries held in Kansas.

The other state to hold open primaries is Idaho. In this state, the elector is not required to declare a party affiliation prior to and at the time of voting. The elector receives one ballot at the polling station with all the registered party candidates appearing on the ballot (Republicans, Democrats, and occasionally Libertarians). The elector may vote for any candidate on the ballot. However, an elector must be consistent in his or her voting for a candidate of a recognized party. For example, if an elector votes for a Republican for an office then that elector must vote for a Republican candidate for every office contained on the ballot. Ballots which are not consistent in votes for candidates of one party will not be counted. The Republican and the Democratic candidate who receives the most votes in the primary election represents his or her party in the general election. Independent candidates bypass the primary election system and run only in the general election. In presidential primaries, the Republican party recognizes the primary election process and uses it to elect one candidate to represent the party in the general election. The

GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 22, 1995
Attachment 8-1

Democratic party does not recognize the presidential primary system and elects a candidate to represent the party in the general election by the caucus election system.

A representative from the Secretary of State's Office in Idaho stated that no problems exist with the system which is approximately 40 years old.

Blanket Primaries

The only two states to have blanket primaries are Alaska and Washington. In the State of Washington, the elector is provided with one ballot with all the names of all recognized party affiliated candidates appearing on that ballot. The voter is not required to declare party affiliation when registering to vote or when that individual votes in the primary. The elector is allowed to vote for any candidate for office on the ballot whether that candidate is Republican or Democrat. This system is different from the open primaries in Idaho where the voter must be consistent on the entire ballot when voting for a candidate of a specific party. Each candidate representing his or her party who receives the most votes for each office advances as the candidate representing his or her party in the general election. In presidential primaries, the voter asks for a ballot of a recognized party (Republican or Democrat) even though that voter does not have to declare his or her party affiliation.

According to a spokesperson from the Secretary of State's Office in Washington, no problems had occurred with this system since its inception in 1914.

Alaska has had a primary election system similar to Washington until two years ago when the voter was given the choice of two different ballots. The first type of ballot is a closed Republican ballot. If the voter chooses a Republican ballot, that individual must be registered as a Republican, as an undeclared voter, or a registered nonpartisan voter. In other words, to receive a Republican ballot, the voter could not be affiliated with another political party. The second type of ballot available to the voter would be a statutory ballot which has all of the other party affiliated candidates listed, *i.e.*, the Democratic party, the Alaskan Independent party, and the Green party. This ballot would be available to any registered voter regardless of their affiliation. A voter is allowed to change his or her affiliation to the Republican party or change to an undeclared or a nonpartisan status so that he or she can choose the closed Republican ballot at the polls. Once voters have cast their ballots, they can reregister to their original party affiliation.

The Republican candidate who acquires the most votes in a closed primary would be the party's representative in the general election. The candidate from each recognized political party who receives the most votes from the statutory ballot will represent that party in the general election.

GRETA H. GOODWIN
 REPRESENTATIVE SEVENTY-EIGHTH DISTRICT
 COWLEY & BUTLER COUNTIES

STATE CAPITOL—RM. 281-W
 TOPEKA, KANSAS 66612-1504
 DURING SESSION
 (913) 296-7669
 LEGISLATIVE HOTLINE
 1-800-432-3924



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER:
 AGRICULTURE
 JUDICIARY
 HEALTH & HUMAN SERVICES
 JOINT COMMITTEE ON HEALTH CARE OVERSIGHT

**TESTIMONY BEFORE THE COMMITTEE
 OF
 GOVERNMENTAL ORGANIZATION AND ELECTIONS
 February 22, 1995**

House Bill 2386

Thank you for the opportunity to testify in support of H.B. 2386.

The present election laws allows only those registered voters who have declared a party affiliation to vote in primary elections for the candidate(s) of their party. This process bars registered independents or unaffiliated voters from participating in these pivotal elections.

H.B. 2386 would amend K.S.A. 25-216 so that any registered voter, without any declaration of political party affiliation, to vote for any candidate of the voter's choice for each office. Candidates from each party garnering the most votes in the primary would then be placed on the general election ballot. H.B. 2386 would affect all primary elections for national, state, county and township offices.

Currently, Louisiana, Alaska, Idaho, and Washington operate under primary systems similar to the one we are proposing. In Louisiana, the voter is given one ballot and can vote for one candidate per office of any recognized party. According to a spokesperson from Louisiana's Secretary of State's office, Louisiana has had open primaries since 1974, and it has not experienced any problems with this system to this date.

The election system in Washington is even more established than in Louisiana. Since 1914, Washington voters have been able

GOVERNMENTAL ORGANIZATION
 AND ELECTIONS
 February 22, 1995

Page Two
H.B. 2386

to vote for any candidate for office on the ballot whether that candidate is a Republican or a Democrat, and at no time does the voter have to declare his or her party affiliation. As in Louisiana, Washington has not experienced any problems with this system since its inception more than 80 years ago.

It is time for Kansas to open its elections process and not let the concept of party affiliation keep Kansans from the voting booths during the primary election period. Because you choose not to declare a party affiliation does not mean you should forfeit your right to vote in an election. Every voter should be afforded the opportunity to exercise their right to vote regardless of whether it is a general election of President or primary election of town dog catcher. Free and open elections is one of most basic principles of democracy. I ask that you keep that in mind when considering H.B. 2386.

I encourage you to back this bipartisan bill for it will make great strides in opening the elections process in Kansas.

SUPPORT OF THE BLANKET PRIMARY ELECTION PROCESS BILL

REPRESENTATIVE TOM BRADLEY

I believe that the vast majority of Kansas voters prefer the advantage of voting for whom they deem to be the "best" candidate for the job regardless of party affiliation. This is best supported by a "blanket" primary and not the "closed" version now in place in Kansas.

I am convinced of several things related to the primary election process. One, is that as a recent United We Stand America (UWSA) state wide survey showed, the people of Kansas want this change. Two, is that a "blanket" primary will make voting more accessible and less confusing for the general public and for those who work the polling places. Third, it will provide the voter with added flexibility of choice and fourth, it will hopefully improve the primary voter turn out percentages.

How does a "blanket" primary work? All registered voters are eligible to vote in the primary, including those who deem themselves as "independent". The ballot would be divided into columns. Each party eligible to nominate its candidates by primary election receives a column on the ballot. The voter would have the flexibility to cross columns when casting their vote. The candidates (of each party) receiving the most votes (the plurality of votes cast for that party) would then have their name placed upon the general election ballot.

UWSA received an alarming number of complaints during the August 1994 primary election that unaffiliated voters were told that they must be either Democrat or Republican to vote in the primary. To our knowledge they were never informed of their right to declare at the polling place. Others declared themselves to be "Independent" to which the poll workers responded, "the Independent Party does not nominate its candidates by the

primary election process” and they were likewise turned away without having the opportunity to cast their ballot in the primary.

These instances point out that even after many years of existence in Kansas, the “system” is still not clearly understood by either the voter or the polling place workers. The “blanket” primary approach will solve these mis-understandings. Its simple inclusive nature guarantees to all registered voters that they will not be turned away from the voting booth. The “blanket” primary provides an incremental reward to traditional party candidates who can appeal to and build coalitions based upon both party and non-party members. Neither the Democrat or Republican Party has a majority of registered voters affiliated with it in Kansas. Obviously the unaffiliated voter now plays a major role in the general election. The “blanket” primary system recognizes this fact and allows the candidates the opportunity to consult unaffiliated voters sooner, rather than later.

I point out that the United States Supreme Court case of *Tashjian v. Republican Party of Connecticut*, 107 S. Ct 544 (1986). This case holds that a political party may unilaterally choose to invite unaffiliated voters to vote in the party’s primary election, state imposed closed primary notwithstanding. UWSA invites both parties to review the decision and join together to follow the lead of the Connecticut Republican Party. Support the citizen rights of a secret ballot. Support the “blanket” primary bill.

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on HB 2386

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 22, 1995

Madam Chair and Members of the Committee:

Thank you for the opportunity to comment on HB 2386, which would change the primary election system in Kansas into a blanket primary system.

The Secretary of State has opposed the concepts of open and blanket primaries in past years. We are not here today to strongly oppose this bill, however, nor do we support it at this time. We wish to offer some comments.

Primaries are devices used by recognized political parties to nominate candidates to run in the general elections. We have supported the traditional primary system in Kansas: each party nominates its own candidates, and only members of a given party participate in the nomination process.

Some states do have blanket primaries, though, and if the Legislature wishes to consider adopting such a system, we recommend thorough study before making a change of this magnitude. The office of the Secretary of State respectfully suggests that this committee delay action on this legislation until there is time for more study. In our view this is a topic suited for an interim study, should there be one this year.

Thank you.

GOVERNMENTAL ORGANIZATION
AND ELECTIONS

Corporations (913) 296-4564
FAX (913) 296-4570

Elections (913) 296-4561
Administration (913) 296-2236
FAX (913) 291-3051

February 22, 1995
Attachment 11
UCC (913) 296-3650
FAX (913) 296-3659