

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 23, 1995 in Room 521-S of the Capitol.

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

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

Conferees appearing before the committee: Rep. Sabrina Standifer
Brad Bryant, Deputy Asst Secretary of State
Rep. Doug Mays
Craig Grant, KNEA
John Koepke, KASB

Others attending: See attached list

Chairman Dawson opened the public hearing on HB 2284 regarding filing deadline for Independent candidates.

Rep. Standifer was recognized by the Chairman as the sponsor of the bill. Rep. Standifer testified that independent candidates are allowed to file up to the day before an election. Passage of this legislation would place the same filing deadline for independents as for republican and democrat candidates. See Attachment 1.

The Chairman recognized Brad Bryant as an opponent of the bill. He testified that moving up the date for a party to file was possibly against the law and should be studied before acted on. See Attachment 2.

The hearing on HB 2284 was closed by Chairman Dawson.

Chairman Dawson opened the public hearing on HB 2468 regarding the election and assumption of office of school board members.

Rep. Doug Mays was recognized as a sponsor of the bill. He testified that this legislation would prohibit a lame duck board to pass legislation that a new board would not. See Attachment 3.

The Chairman recognized Craig Grant as a proponent of the bill. He re-emphasized the need for this legislation to keep lame duck boards from making decisions that a new board would not make. See Attachment 4.

John Koepke was recognized by the Chairman as an opponent of the bill. He testified that if the legislation passes, there be an amendment added that would make the effective date in April, 1997. See Attachment 5.

Chairman Dawson closed the public hearing on HB 2468.

The Committee's attention was called to HB 2079 regarding the National Voter Registration Act of 1993. On a motion by Rep. Chronister and seconded by Rep. Haley, the Committee accepted the amendments made by the subcommittee.

Rep. Chronister made a motion to amend the bill on page 10, line 4, changing the word "may" to "shall". Rep. Yoh seconded the motion. The motion carried.

Rep. Chronister made a motion to amend by removing the use of social security numbers out of the bill. It was seconded by Rep. Haley. The motion carried.

Rep. Chronister made a motion to amend the bill on page 17 of the original bill, Section 26, regarding the implementation of the Act making note of the sunsets in the bill and to amend the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 23, 1995.

language on the time the bill takes effect. The date the Act would go into effect would be triggered when the Department of Justice files suit on Kansas for not passing the Act instead of when it is published in the Kansas statutes. It was seconded by Rep. Nichols. The motion carried.

Rep. O'Connor made a motion to amend the bill on line 28 of page 14 by striking "city clerks". It was seconded by Rep. Chronister. The motion carried.

Rep. Chronister made a motion to amend by adding a new section on page 26 adding new language that the provisions of the Act shall expire when the 1st regular session of the legislature convenes following the date that the congress of the United States repeals or removes the mandatory requirements imposed on the states under the National Voter Registration Act of 1993. It was seconded by Rep. O'Connor. The motion carried. Rep. Haley's vote is recorded as "NO".

Rep. Findley made a motion to amend by adding that Kansas students of higher education institutions or group not designated as voter registration agencies may voluntarily make registration applications and services available to students. It was seconded by Rep. Yoh.

Rep. Nichols made a substitute motion to amend by adding that Kansas students of higher education institutions or groups not designated as voter registration agencies may voluntarily make voter registration applications available. It was seconded by Rep. Chronister. The motion carried.

Rep. Chronister made a motion to amend page 25 of the balloon by adding in new section (a), that costs be reimbursed from funds or money received under federal grants "or from any other source". It was seconded by Rep. O'Connor seconded the motion. The motion carried.

Rep. Tanner made a motion to report HB 2079 as amended out of committee without recommendation. It was seconded by Rep. Toplikar. The motion carried. Rep. Findley requested his vote be recorded as a "NO".

Rep. O'Connor made a motion to request the introduction of a house resolution that would direct the Kansas Attorney General to bring suit against the United States Justice Department for mandating the National Voter Registration Act of 1993 with no funding assistance from the federal government. It was seconded by Rep. Nichols. A substitute motion was made by Rep. Chronister that the Committee recommend the resolution be adopted and requested that it be sent directly to the House floor for debate. It was seconded by Rep. O'Connor. The motion carried. Rep. Haley requested he be recorded as abstaining from the vote.

Chairman Dawson brought the Committee's attention to the minutes of February 8, 1995. Rep. O'Connor made a motion to approve the minutes. It was seconded by Rep. Yoh. The motion carried.

The Chairman adjourned the meeting at 10:28 a.m.

The next meeting is scheduled for Friday, February 24, 1995, at 9:00 a.m. in Room 521-S of the Capitol.

SABRINA STANDIFER
REPRESENTATIVE, 103RD DISTRICT
317 W. 41ST ST. N.
WICHITA, KANSAS 67204



TOPEKA

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WICHITA (316) 832-1967

February 21, 1995

Chairwoman Dawson & Committee Members:

Thank you for allowing me to appear in support of HB 2284.

HB 2284 would change the filing deadline for independent candidates to the same date as the filing deadline for party candidates.

Independent candidates currently have until the day before the primary to file. This gives them an additional 2 months to decide to file and it also gives them the advantage of waiting to see who else files before they have to file. If they are serious about running they should be able to decide by the same deadline that you and I have to decide by.

Independent candidates would not appear on the primary ballot. They would automatically advance to the general election, as they do now.

The second provision in the bill would allow independent candidates to file by paying the filing fee or they could file by petition. Independent candidates currently can only file by petition.

Thank you for your consideration and I would be happy to answer any questions.

Sabrina Standifer

HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 23, 1995
Attachment 1

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 2284

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 testify on HB 2284, which would allow independent candidates for office the option of filing by fee instead of filing by petition. Our office does not support this legislation for two reasons.

Ballot access is a constant concern among election officials and others involved in electoral politics; in fact, this is often the subject of court cases. A number of federal court cases across the nation, and some involving Kansas, have been heard and decided in recent years. In the decisions affecting Kansas, our state's ballot access laws have been upheld, most recently in the dismissal of a suit brought against the Secretary of State by a group calling itself the Natural Law Party. Because our ballot access laws have been held constitutional, we see no reason to alter them.

Candidates for office in Kansas have traditionally, and appropriately, been required to demonstrate a modicum of support in order to gain access to the general election ballot. Candidates in recognized political parties must win a primary or be nominated in a convention or caucus, and independent candidates must demonstrate a certain level of support by obtaining petition signatures. HB 2284 would give independent candidates an unfair advantage because, unlike candidates affiliated with parties, they would not be required to demonstrate a level of voter support to be on the general election ballot.

We recommend the committee not pass this bill.

HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 23, 1995
Attachment 2

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

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

UCC (913) 296-3650
FAX (913) 296-3659

DOUG MAYS
 REPRESENTATIVE, FIFTY-FOURTH DISTRICT
 SHAWNEE COUNTY
 1920 SW DAMON CT
 TOPEKA, KANSAS 66611-1926
 (913) 266-4885
 STATE CAPITOL—ROOM 426-S
 TOPEKA, KS 66612-1504
 (913) 296-7668



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: TAXATION
 LOCAL GOVERNMENT
 JUDICIARY

**Testimony on HB 2468
 February 23, 1995**

House Bill 2468 deals with the interim between election and assumption of office for local school board members, shorting that period dramatically. Currently, board members are elected the first Tuesday in April, but do not commence their terms of office until nearly three months later on July 1st. I thus far I have received no logical answers as to why this is.

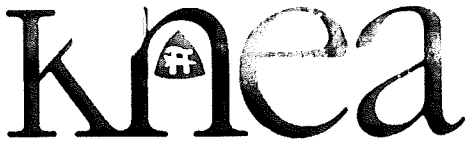
One thing I do know: the of the most dangerous animal in the political world is the Lame Duck. In virtually every other level of government this particular species is put harmlessly out to pasture for the short period between the election and swearing in of a successor. In city elections, for example, after which this bill is patterned, the interim is one week with no intervening meeting of the governing body.

One might argue that there needs to be some sort of breaking in period, to show the new members the ropes. My own experience has convinced me that a three month orientation is far from necessary. In November of 1984, the city of Topeka voted to change its form of government from commissioners to strong-mayor/city council. The result was that one week after the municipal elections of April 2, 1985, eight of the ten new governing body members had no experience in city government. There was no resulting disaster. Instead, we hit the deck running and city government in Topeka was rejuvenated. A lengthy period of indoctrination by outgoing commissioners, while well meaning and all in the name of continuity, would likely have served to hinder any inclination to be innovative in our approach to new problems.

The present system with regard to school board elections does not foster any such innovation. Rather, it clings to a rationale of coherence over conversion, uniformity over divergence. It is a benevolent oddity grounded in an era of solicitous "don't rock the boat", go-slow government.

Madame chair and members of the committee, it is time for a change. I urge your favorable consideration of this bill.

HOUSE GOVERNMENTAL ORGANIZATION
 AND ELECTIONS
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 Attachment 3



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before House
Governmental Organization & Elections
Thursday, February 23, 1995

Thank you, Madame Chairman. I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee on HB 2468.

Kansas NEA supports HB 2468 because we have witnessed problems with "lame duck" boards of education. Extending an administrator's contract for three years (when that person's job was an issue in an election), approving a building project out of capital outlay (when that was an issue), and other decisions which set a course or direction for a school district, are all examples of what "lame duck" boards have and might continue to do.

When the voters speak (and, frankly, they may speak in a direction with which our local teachers are uncomfortable), the elected officials should have the chance to take office before the old board ties their hands. No other elected group I am aware of has this long a period of wait until the newly elected officials take office--and no office with a waiting period allows the old office holders to make decisions for two or three months after an election.

We support HB 2468. Thank you for listening to our concerns.

HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 23, 1995
Attachment 4



Testimony on H.B. 2468
before the
House Committee on Governmental Organizations and Elections

by

John Koepke, Executive Director
Kansas Association of School Boards

February 21, 1995

Madam Chair, Members of the Committee:

The Kansas Association of School Boards appears in opposition to H.B. 2468.

As recently as two years ago, our Delegate Assembly voted on the issue of changing the date for school board members to take office. Delegates overwhelmingly voted in favor of continuing to take office on July 1.

The reason most often given for supporting the existing system is that it gives time for new members to become familiar with the operation of the board and school district before actually beginning to serve and vote. Many districts provide a structured series of inservice programs for newly elected members after the April election. Our own association conducts ten regional workshops for new board members around the state in May. We think the situation is similar to the Legislature's cycle, where elections are held in November, programs for new Legislators are held in December, and new members take office in January.

The reason most often given for moving the date is the concern that lame duck board members may take action that improperly binds the school district to an unpopular course of action. We would suggest, however, that this possibility is almost impossible to legislate against. Even under this bill, an outgoing board could take action in a special meeting between the election and the next regularly scheduled meeting.

Our association believes the benefits provided by the current system outweigh the rare instances of concern.

Thank you for your consideration.