

Approved: 2-15-95  
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT & GOVERNMENTAL STANDARDS .

The meeting was called to order by Chairperson Sen. Janice Hardenburger at 1:30 p.m. on February 9, 1995 in Room 529-S of the Capitol.

All members were present

Committee staff present: Dennis Hodgins, Legislative Research Department  
Arden Ensley, Revisor of Statutes  
Stacey Soldan, Committee Secretary

Conferees appearing before the committee: Kelly Jennings, Kansas Association of Public Employees  
Brad Avery, State Employees Association of Kansas

Others attending: See attached list

Senator Hardenburger requested approval of minutes from February 2, 1995.

Senator Sallee made the motion to approve the minutes and the motion was seconded by Senator Bond. The motion carried.

Senator Hardenburger requested any new bills to be introduced; there were none.

**SB 137: Relating to state officers and employee; concerning officers and employees in the classified service running for elective office**

Kelly Jennings, KAPE, appeared before the committee to testify on **SB 137**. ( attachment 1 ) She stated that KAPE supported **SB 137**, a bill that would extend to public employees the right to stand for election to public office without being required to resign from their current position.

Brad Avery, State Employees Association of Kansas, appeared before the committee to testify on **SB 137**. ( attachment 2 ) He stated that S.E.A.K. supported **SB 137**. He briefly discussed the inconsistency of current law, that some state employees can run for certain elected offices and some cannot. He stated that the question that arose during introduction of this bill concerning the Hatch Act; federal employees cannot run for partisan offices.

Senator Hardenburger passed out copies of the Federal Hatch Act and requested Arden Ensley to give a brief overview. He briefly discussed the Hatch Act and the ramifications it could have on **SB 137**; the Hatch Act would supersede some provisions of **SB 137** should it become state law.

Hearings on **SB 137** were closed.

Discussion followed on **SB 73**. Sen. Parkinson requested an amendment in the bill to include notices to be sent to both the treasurer and the candidate.

Senator Parkinson made the motion and it was seconded by Senator Bond. The motion carried.

Senator Bond requested an amendment to insert "on appeal" in section 1(b) of **SB 73**.

Senator Wisdom made the motion and it was seconded by Sen. Parkinson. The motion carried.

Senator Bond made the motion and it was seconded by Senator Wisdom to report SB 73 as amended favorably. The motion carried.

Discussion followed on **SB 91**. Senator Bond made an amendment to have: precinct people names printed on the ballot; a \$5.00 filing fee for precinct people; and to have precinct candidates file with the county election officer. Further discussion concerning the cost of placing precinct people on the ballot. Senator Wisdom suggested some more information be available to committee for discussion concerning this bill. Senator Hardenburger requested the discussion continue at the next meeting.

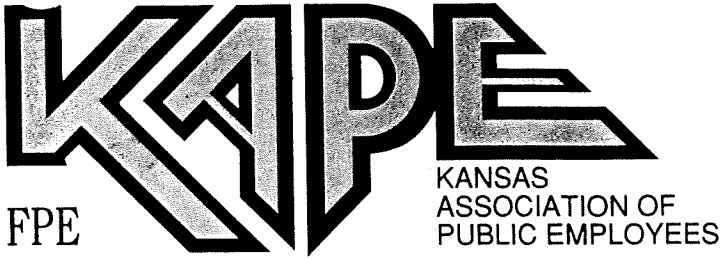
The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for February 13, 1995.

**SENATE ELECTIONS, CONGRESSIONAL &  
LEGISLATIVE APPORTIONMENT AND  
GOVERNMENTAL STANDARDS COMMITTEE GUEST  
LIST**

DATE: February 9, 1995

NAME	REPRESENTING
Jane Klauke	KSNA
J. Doty	KSNA
Deidre Dubnick	KSNA
Aletha Dixon	KSNA
Cynthia Harris	KSNA
Paula O'Hara	KSNA
Brad Chery	SEAK
DEBRA LEIB	COMMON CAUSE
Brad Bryant	Sec. of state
Kelly Jamison	KAFE
Matt Nelson	KSNA
Colleen Foxer	Sen Kanis office
Heather Randall	Sen Kanis office
Carol Williams	KCGSC
Charlie Smithson	KCGSC



1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-3920

---

TESTIMONY OF KELLY JENNINGS

KANSAS ASSOCIATION OF PUBLIC EMPLOYEES

In support of

SENATE BILL 137

February 7, 1995

Distinguished members of the legislature, good afternoon. My name is Kelly Jennings and I appreciate the opportunity to appear here today in behalf of the Kansas Association of Public Employees to speak in favor of Senate Bill 137.

S.B. 137 seeks to extend to public employees a right currently enjoyed by virtually every other segment of our society. That is the right to stand for election to public office without being required to give up their means of providing a living for their families during their campaign.

I am sure we can all agree that ours is a form of government which is designed to encourage the involvement of its citizens. The legislature is a perfect example of the vast array of professions represented by its members. Doctors, lawyers, teachers,



insurance agents, farmers, ranchers and realtors, among several others, are among the many who serve without the necessity of giving up their employment careers to do so. KAPE has long been of the opinion that employees in government are an excellent source of ideas for the improvement of government. The current restrictions in K.S.A. 75-2953 (b) serve to impede their involvement, if not to totally preclude it. Certainly a form of government established to be "of the people, by the people" was not intended to eliminate such a valuable resource. Many of our elected leaders recognize the level of expertise vested in these employees and utilize that expertise by the appointment of civil servants to positions of importance in their administrations. Upon expiration of those appointments under current rules, those employees are permitted to return to their former places of employment. The provisions of S.B. 137, if passed, would simply allow those employees of the state classified service to, themselves, stand for election and to rise to a higher level of service to the citizens of this state. Passage of S.B. 137 would be beneficial not only to the employees of the classified service to whom its provisions apply, but also in a larger sense to the Kansans they wish to represent.

It is, therefore, the position of KAPE that the provisions of S.B. 137 are a positive step and as such should be adopted through passage of this bill.

I would be happy to answer any questions you may have.

Senate Elections  
Attachment 1-2  
2-9-95

# **S**ate Employees Association of Kansas

1254 Randolph  
Topeka, Ks. 66604  
(913) 357-7376

---

## TESTIMONY OF BRAD E. AVERY STATE EMPLOYEES ASSOCIATION OF KANSAS ON SENATE BILL 137

Senate Bill 137 permits classified state employees to run for certain elective office without first resigning his or her position. Under the bill, the employee would be required to resign prior to taking the oath of office for statewide, legislative and congressional elective offices. The intent, of course, is to permit a classified employee to campaign for office and still have a job if he or she is defeated.

The rationale for the current law is difficult to explain because classified state employees are allowed to run for some offices without resigning and not others and not all state employees are affected. Current law states that classified employees must resign their positions upon filing as a candidate for political office unless it is one exempted under the act. The exemption applies to a county commissioner's office, a nonpartisan city council position, a judgeship, or a township office.

Current law does not restrict unclassified employees. There are approximately 29,000 classified and 13,000 unclassified state employees. The latter group is free to run for office and maintain their state employment after election, while the former cannot. S.E.A.K. believes these distinctions to be both inequitable and unnecessary.

The intent of current law was obviously not designed to insulate the classified workforce from politics. Running for office on a partisan basis and retaining one's job

Senate Elections  
Attachment 2  
2-9-95

(2)

is possible at the local level. The intent of the law was not to prevent all state employees from becoming legislators, since 13,000 of them are permitted to do so.

Although there are distinctions between classified and unclassified state employees regarding the property rights the respective groups have in their positions and the manner in which they are paid, it is S.E.A.K's position that those differences should not serve as a basis for so strongly deterring classified state employees from exercising a fundamental right of citizenship, running for office.

While S.E.A.K. members desire that all restrictions for running for and holding office will ultimately be lifted, the restriction preventing classified state employees from holding the specific types of elective offices covered by current law is preserved in SB 137.

Classified state employees in this bill ask only for a portion of the privileges almost every other citizen and occupational group has. There are no special allotments of time or extra expenses that derive from this legislation. We would therefore welcome and encourage your support of this legislation.

Senate Elections  
Attachment 2-2  
2-9-95