

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 January 18, 1996 in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Dennis Hodgins, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Jim Wilson, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

HB 2597: contested elections- action by Committee

Chair Carol Dawson brought the Committee's attention to **HB 2597** regarding contested elections. Discussion took place by the Committee. Madam Chair announced that a fiscal note was made available to the Committee in regard to **HB 2597**. See Attachment 1.

Rep. O'Connor made a motion to amend the bill by changing the word "proceed" to "appear" in line 7. It was seconded by Rep. Nichols. The motion carried.

Rep. Nichols made a motion to amend Line 23 of the bill by deleting "restricted mail" and inserting telefacsimile transmission followed with a hard copy by mail or hand carry. It was seconded by Rep. Horst.

After Committee discussion and consent by Rep. Horst who seconded the motion, Rep. Nichols withdrew his motion.

Rep. Nichols made a new motion to amend by striking "restricted mail" in Line 23 and adding telefacsimile transmission communication with the original delivered to the chief justice in one day. Rep. Horst seconded the motion. The motion was again withdrawn by Rep. Nichols on approval of Rep. Horst.

Rep. Nichols made a motion to strike restricted mail from Line 23 and amending the language appropriately so that the notice is submitted by telefacsimile communication and is followed by delivery of the original notice to the chief justice. It was seconded by Rep. Horst. The motion carried.

Rep. O'Connor made a motion to pass **HB 2597** as amended and it was seconded by Rep. Yoh. The motion carried.

HB 2598: contest elections; enables contestant to use campaign funds to pay costs incurred by the contested election.

Rep. Dillon made a motion to recommend favorable passage of the bill and because it was of a noncontroversial nature, be placed on the Consent Calendar. It was seconded by Rep. O'Connor. The motion carried.

HB 2609: Relating to costs of legislative election contests

Discussion by the Committee clarified that the bill would allow the LCC more authority to pay for some items. This bill would not pertain to past contested election costs and the court would have to reopen the previous contested elections in order for payment to be made. The costs referred to in this bill do not provide payment for attorney fees. The Chairman announced that she would not schedule a hearing on the bill at this time.

The Chair made further announcements. The minutes for January 17, 1996, were brought to the Committee's attention. Rep. O'Connor made a motion to approve the minutes. Rep. Gilbert seconded the motion. The motion carried. Chairman Dawson adjourned the meeting at 10:15 a.m. with the next meeting scheduled January 19, 1996 in Room 521-S of the Capitol.

GOVERNMENTAL ORGANIZATION AND ELECTIONS
COMMITTEE GUEST LIST

DATE: January 18, 1996

NAME	REPRESENTING
Charlie Smithson	RC65C
Brad Bryant	Sec of State

STATE OF KANSAS



DIVISION OF THE BUDGET
Room 152-E
State Capitol Building
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Bill Graves
Governor

Gloria M. Timmer
Director

January 17, 1996

The Honorable Carol Dawson, Chairperson
House Committee on Governmental Organization and Elections
Statehouse, Room 171-W
Topeka, Kansas 66612

Dear Representative Dawson:

SUBJECT: Fiscal Note for HB 2597 by Special Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2597 is respectfully submitted to your committee.

HB 2597 would change the procedure for hearing contested legislative elections. Currently, a single judge from the district in which the election is being contested is selected by the contestants to hear the dispute. This bill would replace the judge selection process with a procedure in which the Chief Justice of the Supreme Court selects a panel of three judges from outside the contested district. The panel of judges would collectively hear the evidence and decide the election. If there is a division of opinion of the judges, the majority would prevail. The bill requires that the panel's decision be delivered to the Chief Clerk of the House of Representatives or the Secretary of the Senate not later than the first day of the regular session.

The fiscal impact of this bill is estimated to be minimal and would be realized only in the rare instance of a contested election. The Judiciary indicates that it would assign retired judges to this function. The estimated cost per hearing, including travel and salary costs for judges, would total \$2,026 from the State General Fund. The Division of the Budget anticipates that any cost from such a hearing could be absorbed within expenditures recommended in *The FY 1997 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer".

Gloria M. Timmer
Director of the Budget

HOUSE GOVT ORG & ELECTIO
January 18, 1996 NS
Attachment 1

cc: Jerry Sloan, Judiciary