

Approved: _____

Date

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

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on March 7, 1996 in Room 529-S of the Capitol.

All members were present except: Senator Martin, excused
Senator Ranson, excused
Senator Brady, excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Gordon Self, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Amy Waddle, Judicial Administration

Others attending: See attached list

HB 2597 **concerning election contests; relating to elections of state legislators**

Senator Hardenburger opened the hearings on this bill and Dennis Hodgins gave an overview.

There was discussion about time frame restrictions in the bill in which the contest would be resolved and the number of judges needed to decide the outcome.

Amy Waddle, testified as a proponent of the bill and offered a technical amendment which would replace parts of lines 26 and 27 of the bill. This amendment states that; "The clerk of the district court shall retain the original document during the pendency of the action and shall produce such document upon request of the court or any party to the action" (Attachment 1).

Senator Bond moved to adopt the amendment to the bill. Senator Clark seconded the motion. The motion carried.

Senator Bond made a motion that the number of judges on the panel be reduced from three to one. Senator Parkinson seconded the motion. The motion passed. Discussion followed.

Senator Clark made a motion to change the word "telefacsimile" in line 25 of the bill to "facsimile". Senator Bond seconded the motion. The motion carried.

Senator Bond moved to pass the bill as amended. Senator Sallee seconded the motion. The motion carried.

HB 2598 **concerning election contests; relating to payment of costs and attorney fees**

Senator Hardenburger opened the hearings on the bill. There were no proponents or opponents.

There was no discussion.

Senator Hardenburger closed the hearings on the bill.

Senator Clark made a motion to place the bill on the consent calendar. Senator Sallee seconded the motion. The motion carried.

The meeting adjourned at 2:10 p.m.

The next meeting is scheduled for March 12, 1996i.

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

DATE: 3/7/96

NAME	REPRESENTING
Amy Waddle	OJA
Brad Bryant	Sec. of state

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As Amended by House Committee

Session of 1996

HOUSE BILL No. 2597

By Special Committee on Elections
Re Proposal No. 22

12-20

11 AN ACT concerning election contests; relating to elections of state leg-
12 islators; amending K.S.A. 25-1442 and repealing the existing section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 25-1442 is hereby amended to read as follows: 25-
16 1442. (a) In contests of election of state senators and members of the
17 house of representatives of the state, notice of contest shall be filed and
18 served as provided in K.S.A. 25-1437, 25-1438, 25-1439 and 25-1441, and
19 amendments thereto, except that as otherwise provided by this section.

20 (b) When notice of contest of election of state senator or member of
21 the house of representatives is filed in the district court, the case shall be
22 heard and determined by a panel of three district judges. The clerk of the
23 district court with whom the notice has been filed shall, within three days
24 of, within one day after receipt thereof, shall submit by restricted mail
25 telefacsimile communication one copy thereof to the chief justice of
26 the supreme court, followed by delivery of the original notice to the
27 chief justice. Upon receipt of the faxed notice of contest, the chief
28 justice shall, within five days, submit to the parties a list of all the district
29 judges in the judicial district or districts all or any part of which is located
30 in the district of the legislative office being contested. If there be more
31 than one name on the list the contestant and contestee shall within two
32 days after receiving the list of judges meet together at a time and place
33 designated by the chief justice and, under the supervision of the clerk of
34 the supreme court, by alternating strikes commencing with the contestee
35 remove the names of all judges until but one remains who shall then
36 proceed to hear the contest pursuant to this act. The judge shall, within
37 twenty (20) days after notice has been filed, convene a hearing at an
38 appropriate place within the county, or, if the legislative district includes
39 all or portions of more than one county then within one such county, and,
40 within three days, shall assign three district judges to the panel and shall
41 specify one such judge as the chief judge. The judges assigned to the panel
42 shall be district judges of judicial districts wholly outside the district of
43 the legislative office being contested.

The clerk of the district court shall retain the original document during the pendency of the action and shall produce such document upon request of the Court or any party to the action.

SENATE ELECTIONS
3-7-96
ATTACHMENT 1