

Approved: Mar. 10 1999
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on March 8, 1999 in Room 521-S of the Capitol.

Committee staff present: Mary Galligan - Research, Dennis Hodgins - Research, Revisor Theresa Kiernan, Secretary June Constable

Proponents appearing: Brad Bryant, Secretary of State Office

Others attending: See Guest List, attached to these Minutes.

Silent roll for the House Committee was taken by the Secretary. All committee members were present.

Chair announced that **HB 2077** would be worked. Revisor Theresa Kiernan briefed the committee of changes in the bill since it was last heard and worked, regarding effective date of repealers, grand fathering of classified and unclassified positions, and other items. Representatives Storm, Toplikar, Johnston, Horst, Welshimer and Palmer asked questions of the Revisor concerning unclassified positions. The Chair asked Secretary of KDHE Clyde Graber to respond to legislators questions. The Governor's office was represented by Jamie Clover-Adams legislative liaison and Danielle Noe who gave clarification to the committee on points of the bill revision structure.

Rep. Shriver moved that **HB 2077** be amended back to the original state it was in before it passed out of committee originally. Rep. Welshimer seconded. Discussion was held. Motion failed.

Rep. Powers made a substitute motion that the Committee work from the version that was re-referred back to committee. Rep. Powers withdrew his motion during discussion.

Rep. Shriver moved that on **HB 2077**, the committee reconsider its action in the original hearing. Rep. Welshimer seconded. Discussion was held. Motion carried.

Discussion was held concerning procedure to re-work the bill.

Rep. O'Connor moved to adopt the substitute for HB2077, as written and introduced to the committee today. Rep. Jenkins seconded the motion. Motion carried.

Discussion was held regarding the provisions which were inadvertently removed from the bill that was intended by the Governor's office to be left in the Balloon version.

Rep. O'Conner moved to keep the KGOAL provisions which were inadvertently left out of the balloon version of the bill. Rep. Jenkins seconded the motion. Motion Carried.

More discussion was held concerning classified and unclassified attorney positions within the KDHE. Rep. Horst moved that the bill should contain authorization for the Secretary of KDHE to contract for Hearing Officers for KDHE. Rep. O'Connor seconded. Motion carried.

Rep. O'Connor moved that substitute for **HB2077** be moved out of committee favorably. Rep. Huff seconded. Motion carried. Rep. Lisa Benlon to carry the bill.

Chair Lisa Benlon opened the hearing on **SB 229**

Secretary of State's office appeared by Brad Bryant. The committee was furnished written testimony, (Attachment #1). Questions were asked by Rep. Welshimer, Horst, O'Connor, Long, Gilbert, Johnston, and Shriver. After response by Brad Bryant, the hearing on **SB229** was closed.

Chair Lisa Benlon opened the hearing on **SB 230**:

Secretary of State's office appeared by Brad Bryant. The committee was furnished written testimony, (Attachment #2). Questions were asked by Rep. Gilbert, Shriver and Horst. After discussion, the hearing on **SB 230** was closed.

The printed minutes from March 3, 1999 were distributed to the committee. Rep. O'Connor moved that the minutes be approved as printed. Rep. Gilbert seconded the motion. Motion carried.

At that time, there being no further business, the meeting was adjourned by the Chair. .

House Governmental Organization
and Elections
Guest List

3/8/99

Your Name	Representing
Cora Schlosser	LEAGUE of Women Voters
Nanci Anton	Johnson County
Stacy Soldan	Hein + Wein Child.
Harold E. Puddle	Puddle & Assoc.
Sally Finney	Ks. Public Health Assn.
Brad Bryant	Sec. of State
Clyde Straker	KDHE
John J. J. J.	Ks Grain & Feed Assn.
David	
David McClure	KANSAS HEALTH INSTITUTE

Ron Thornburgh
Secretary of State



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STATE OF KANSAS
House Committee on Governmental Organization and Elections

Testimony on Senate Bill 229

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

March 8, 1999

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of Senate Bill 229. The Secretary of State has proposed this legislation to clarify provisions in the statutes governing party district conventions to fill vacancies in elected offices.

When an elected official dies or resigns, the county party chair calls a convention of precinct committee persons to nominate a person to be appointed by the Governor. The current 1990 statute was intended to prohibit the chair from making last-minute committee appointments to influence the outcome of the convention, but the language is unclear--it has been construed to prohibit precinct committee appointments only after the chair mails the notice calling a convention, instead of after the occurrence of the vacancy.

As originally drafted, this bill would narrow the window during which the chair can appoint precinct committee persons. With this bill, the chair would be prohibited from appointing precinct committee persons after receiving notice that a vacancy has occurred or will occur in an elected office. This will provide for a more orderly process and will prevent undue influence by county party chairs over the selection of replacements to fill vacancies in elected offices.

Senate Amendments to the Bill

The Senate amended the bill to: (1) require the county clerk to notify the county party chair of the vacancy in the case of county offices, and (2) require the Secretary of State to notify each county party chair in a legislative district when a vacancy occurs.

We recommend the committee consider the following points as it decides whether to adopt the Senate amendments.

(1) The county clerk is directed by the amended language to notify the party chair of a vacancy in county office, but it is not clear how the county clerk will be notified.

*Gov. Ong
Mar. 8
Attachment
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(2) The amendment covers vacancies in county offices and legislative offices, but not state board of education offices. There are other statutes already in place to cover vacancies in congressional seats, statewide officers and judges.

(3) The amended language appears to be inconsistent with KSA 46-160, which governs resignations by legislators. Current law requires the Secretary of State to notify the county party chair who will be calling the convention in the case of a legislative vacancy, whereas this bill as amended requires the Secretary of State to notify all the party chairs in the district. We recommend that if the committee wishes to maintain this amended language, it consider also amending KSA 46-160 to make it consistent with KSA 25-3801(b) as amended in SB 229.

We urge the committee to report SB 229 favorably for passage.

Thank you.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS
House Committee on Governmental Organization and Elections

Testimony on SB 230

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

March 8, 1999

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee to urge your support of Senate Bill 230. The Secretary of State proposed this bill as an election administration bill. As originally drafted, the bill had six provisions as summarized below. Also included is a summary of amendments made to the bill by the Senate.

1. Section 1 of the bill would prohibit dual nominations. It would mean that no person may be nominated by more than one party in the same election year. It would prohibit a person from filing as a candidate in a major party primary and in the same year receiving a third party or independent nomination. Kansas law already prohibits a person from having their name on the ballot twice; this provision strengthens that rule by limiting each person to a single candidacy.

(Note: This section was amended by the Senate. See below.)

2. Section 2 would amend the law governing vacancies in state Senate districts. Current law states that if the vacancy occurs before October 15 of the second year of the Senator's term, the person appointed to fill the vacancy serves until the midterm election, when the appointee faces election to complete the remainder of the term. If the vacancy occurs after October 15, the appointee serves the remainder of the term.

The bill as originally drafted changes the vacancy deadline to May 1 of the second year of the term. If the vacancy occurs before that date, this bill would require the appointee to face a midterm election; if the vacancy occurs after that date, the appointee completes the term.

We proposed this change for two reasons: (1) using the May 1 deadline allows time for a candidate filing period, campaign and primary before the general election, and (2) it is consistent with statutes governing vacancies in other elective offices.

(Note: This section was amended by the Senate. See below.)

3. Sections 3, 5 and 6 eliminate provisions requiring county election officers to send certain official election mailings by first class mail. We propose this because it would allow counties to save money by using a new official election logo authorized by the U.S. Postal Service. Using this

*Gov. Org.
Mar 8
Attachment
#2*

Administration (785) 296-4564
FAX (785) 291-3051
Corporations (785) 296-4564
FAX (785) 296-4570

Web Site:
<http://www.ink.org/public/sos>
e-mail:
kssos@ssmail.wpo.state.ks.us

Elections (785) 296-4561
FAX (785) 291-3051
UCC (785) 296-4564
FAX (785) 296-3659

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logo allows election mailings to receive priority handling without higher postal rates, and sometimes for reduced rates. This is the first time the Postal Service has granted permission for such a logo. We have included a sample for your consideration.

4. Section 4 deals with applications for advance voting ballots. As originally drafted, it would have required voters who apply for advance ballots to provide the last four digits of their Social Security numbers on their ballot applications. This would allow the county election officer to more easily determine whether they had received multiple applications from the same voter. During the busiest advance voting periods before an election, applications often come in to the county election office too fast to ensure that none are duplicative.

(Note: This section was amended by the Senate. See below.)

5. Section 7 moves the date of the county canvass after each election from the Friday after the election to the following Monday. As a result, Section 8 of the bill moves the deadline for a candidate to request a recount from noon on the Monday after the election to the next day. (Note: This section was amended by the Senate. See below.) We proposed this change to help county election officers and canvassers who face increasing numbers of provisional ballots which must be processed before the county canvass.

Since implementation of the National Voter Registration Act (NVRA) in 1996, the fail-safe voting provisions of the Act have greatly increased the number of provisional, or challenged, ballots. These ballots are not opened on election day, but they must be processed and categorized by the county election officer and presented to the canvassers during the canvass for their decision as to whether the ballots should be counted. Fail-safe voting rights required by the NVRA increase the number of provisional ballots with each election, and this makes it increasingly difficult to process these ballots between election day and the canvass.

6. Sections 9, 10 and 11 of the bill amend several statutes dealing with recall petitions. Current law requires a committee that forms to initiate a recall against an elected official to file and subscribe a blank copy of their petition with the county election officer. The county or district attorney is required to issue an opinion as to the sufficiency of the grounds stated in the petition, but the law does not clearly state how the attorney receives the petition and when the opinion is required to be issued. This has resulted in cases where petitioners submitted their blank petitions, collected signatures, and were then informed that the grounds stated in the petition were insufficient.

As originally drafted, this bill would: (1) require the county election officer to send a copy of the petition to the county or district attorney, (2) require the county or district attorney to render the opinion regarding the sufficiency of the grounds within five days, and (3) clarify that the 90 days allowed for signature gathering begins after the recall committee receives notice from the county or district attorney that the grounds for recall are sufficient to proceed.

We believe these changes to the recall statutes would ensure a more orderly process and help petition circulators know the procedures they must follow in their recall efforts.

(Note: These sections were amended by the Senate. See below.)

Senate Amendments to the Bill

The Senate amended SB 230 in the following ways.

(a) Section 1 dealing with the preventing dual nominations was removed from the bill.

(b) Section 2 dealing with filling Senate vacancies was removed from the bill.

(c) Section 4 requiring voters to supply the last 4 digits of the Social Security numbers on applications for advance voting ballots was removed from the bill.

(d) Section 8, which originally moved the deadline for requesting a recount from noon on the Monday after the election to noon on Tuesday, was amended. The deadline was moved from Tuesday to Wednesday at noon to give the candidate more time to decide whether to request a recount. Also, the current deadline to complete the recount, which was not changed by the original language of SB 230, was changed from the Friday after the county canvass to the following Monday.

(e) Sections 9, 10 and 11, dealing with submission of recall petitions to the county or district attorney, were removed from the bill.

Thank you for your consideration of SB 230. I will answer questions from the committee on the original bill and the amendments as outlined above.

Small and Large Use
Reproduction Sheet

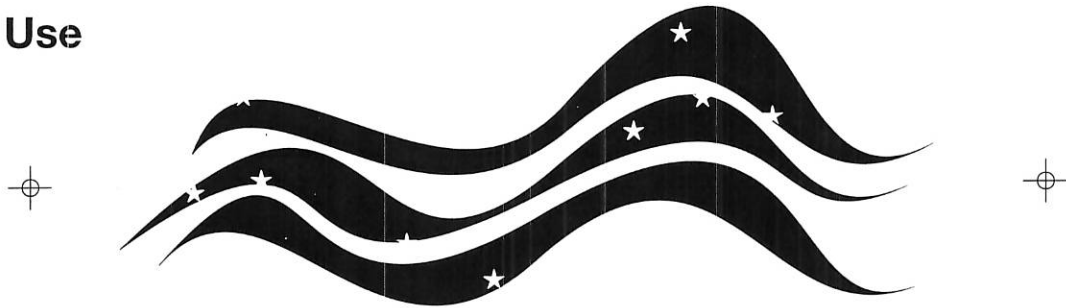
Important: Follow rules and regulations stated in the User Guide and this guideline manual

Small Use



DO NOT RESIZE DO NOT ALTER IN ANY WAY

Large Use



DO NOT RESIZE DO NOT ALTER IN ANY WAY