

HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS,

At the rail, Statehouse, at 1:00 p.m on April 1, 1999.

The meeting was called to order by Chair Rep. Lisa Benlon at 1:05 p.m. April 1, 1999 at the rail outside the House Chambers.

Members present: Reps. Vining, Long, O'Connor, Palmer, Horst, Jenkins, Shriver, Gilbert, Powers, Barnes, Welshimer and Chair Lisa Benlon.

Staff present: Teresa Kiernan, Revisor and June Constable, Secretary.

The Chair announced that Sen. Clark has approved and concurred with the committee's amendments of **SB 244**. Members were provided with written information including a copy of the balloon amendment (Attachment #1) The Chair said it was understood that the bill as presented would be for election purposes only and not for the purpose of using the bill as a vehicle for any other bill. All representatives present were given the opportunity to review the amendments in the information provided to them.

Rep. O'Connor moved that **SB 244** be amended as shown in the attached balloon . Rep. Vining seconded. Motion carried.

Rep. O'Connor moved that **SB 244** be passed out of committee favorably. Discussion followed. Motion carried.

There being no further business, the meeting was adjourned.

STATE OF KANSAS

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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
CHAIRMAN: GOVERNMENTAL ORGANIZATION
AND ELECTIONS
MEMBER: EDUCATION
ENVIRONMENT
FEDERAL AND STATE AFFAIRS

March 24, 1999

Dear Committee Members,

Enclosed is ballooned language for SB 244. The bill was introduced by Senator Clark and pertained to carrying a petition. The concern was with the possible conflict of interest for a county or district attorney if he/she should help an individual carrying a petition.

The balloon removes language that involves the county counselor, district attorney or the like. It identifies the language needed to make the petition legitimate.

You may wish to know that Senator Clark has approved the changes.

We will have a meeting at the rail upon recess/adjournment at about the lunch hour today. If you take the time to look over this prior to the meeting, we may be able to rush through this.

Thanks!

A handwritten signature in cursive script that reads "Lisa".

Lisa Benlon

SENATE BILL No. 244

By Senators Clark, Becker, Bleeker, Gilstrap, Hardenburger, Harrington,
Hensley, Huelskamp, Jordan, Lee, Petty, Pugh, Steineger and Tyson

2-4

11 AN ACT concerning elections; relating to petitions; amending K.S.A. 25-
12 3601 and repealing the existing section.

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

15 Section 1. K.S.A. 25-3601 is hereby amended to read as follows: 25-
16 3601. ~~When under the laws of this state (a) Subject to the provisions of~~
17 ~~subsection (b), if a petition is required or authorized as a part of the~~
18 ~~procedure applicable to the state as a whole or any legislative election~~
19 ~~district or to any county, city, school district or other municipality, or part~~
20 ~~thereof, the provisions of this act shall apply; except as is otherwise spe-~~
21 ~~cifically provided in the statute providing for such petition. The suffi-~~
22 ~~ciency of each signature and the number thereof on any such petition~~
23 ~~shall be determined in accordance with the provisions of K.S.A. 25-3601~~
24 ~~to 25-3607, inclusive, and amendments thereto, by the county election~~
25 ~~officer or such other official as designated in the applicable statute. Before~~
26 ~~any petition other than a recall petition as described in K.S.A. 25-4301 et~~
27 ~~seq., and amendments thereto, requesting an election in any political or~~
28 ~~taxing subdivision of the state is circulated, a copy thereof containing the~~
29 ~~question to be submitted shall may be filed in the office of the county~~
30 ~~attorney of the county or district attorney of the district in which all or~~
31 ~~the greater portion of the political or taxing subdivision is located for an~~
32 ~~opinion as to the legality of the form of such question. The county or~~
33 ~~district attorney shall, within five calendar days following the receipt of~~
34 ~~such question, shall furnish a written opinion as to the legality of the form~~
35 ~~of the question submitted. If the county or district attorney does not~~
36 ~~furnish an opinion within such five-day period, the applicable statutory~~
37 ~~time period for circulating a petition shall be extended an additional cal-~~
38 ~~endar day for each calendar day of delay by the county or district attor-~~
39 ~~ney. If the form of the question submitted is determined to be illegal, the~~
40 ~~county or district attorney shall assist the parties filing the petition in~~
41 ~~drafting the question in a form that complies with the applicable laws of~~
42 ~~this state. There shall be a rebuttable presumption that the form of any~~
43 ~~question approved by the county or district attorney complies with the~~

1 ~~requirements of this act. Any person challenging the validity of the~~
2 ~~form of a question approved by a county or district attorney pur-~~
3 ~~uant to this subsection shall bear the burden of proving that the~~
4 ~~form of the question is invalid. The failure to submit a petition to the~~
5 ~~county or district attorney for review for an opinion as to the legality~~
6 ~~of the form of question prior to its circulation as required under this~~
7 ~~section shall not be the sole grounds for invalidating a petition circulated~~
8 ~~in accordance with this act or the results of any election held in accord-~~
9 ~~ance therewith or any other laws of this state.~~

10 (b) When any statute makes specific provisions concerning matters
11 that other statute imposes specific requirements which are different from
12 the requirements imposed by K.S.A. 25-3601 et seq., and amendments
13 thereto also has requirements which are different therefrom, the provi-
14 sions of the specific statute shall control. The county election officer or
15 other official with whom the petition is required to be filed in accordance
16 with the applicable statute shall give to persons requesting information
17 regarding the filing of petitions a copy of K.S.A. 25-620 and article 36 of
18 chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

19 Sec. 2. K.S.A. 25-3601 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the statute book.

The form of any question in a petition requesting an election on or protesting an ordinance or resolution adopted by the governing body of any county, city, school district or other municipality which contains the title, number and exact language of the ordinance or resolution and the title of such petition states: "Shall the following ordinance or resolution become effective?" shall be presumed to be valid and in compliance with the requirements of K.S.A. 25-3601, et seq., and amendments thereto.

From: June Constable
To: mail agenda
Date: Thu, Apr 1, 1999 1:32 PM
Subject: House Gov. Org. Meeting at the Rail
Place: HouseAgenda

The minutes for the April 1, 1999 1:05 p.m. meeting at the rail are attached. If Chair Lisa Benlon does not hear from members with corrections by Wednesday April 7, the Minutes will be considered approved and added to the book of Minutes.