

Approved: 3-20-00  
Date

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon at 3:34 p.m. on March 6, 2000 in Room 521-S of the Capitol.

All members were present except: Joe Shriver (E)  
John Toplikar (E)

Committee staff present: Dennis Hodgins, Research  
Mary Galligan, Research  
Theresa Kiernan, Revisor  
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Dan Hermes, Director of Governmental Affairs,  
Governor's Office

Others attending: See attached list.

Representative Storm moved that the minutes from the February 9 meeting be approved. Representative Huff seconded the motion, and the motion carried.

**SB 463 - Elections; term of office for certain elected state officers**

Chairperson Benlon opened the hearings on **SB 463**, and called Dan Hermes, proponent, representing the Governor's Office. He explained that the two bills being heard today were the Governor's proposals for minor changes to the state's election laws.

Mr. Hermes testified that this bill clarified that the Governor would select a qualified replacement in the event that a vacancy would exist in the office of Lieutenant Governor. He said that this bill passed the Senate 38-2 after the Senate added provisions to the bill to require the State Treasurer and Insurance Commissioner to run for office in off-year regular elections if they are appointed to fill out the term of an elected officer. He further explained that the Kansas Constitution provides that the Governor fill vacancies in the Attorney General and Secretary of State offices for the balance of the term therefore these offices did not require modification. (Attachment 1)

General discussion followed regarding the clarification of the appointed positions versus the positions that are filled by statute. A question was raised by a Committee member as to whether the Governor would appoint the replacement person from the same political party the incumbent was from, and Mr. Hermes replied that it would be at the discretion of the Governor.

The Chair closed the hearings of **SB 463**, and opened the hearings on **SB 465**, again calling on Dan Hermes from the Governor's Office as a proponent. He said that this bill provides for political parties, the constitution and the bylaws of the party to govern in the event of a vacancy for offices and committees. He also explained that current law provides that the vacancy will be filled in the manner the officer was originally chosen, but if the party constitution or bylaws do not specify a manner to fill vacancies in officers, it reverts to current law. He stated that this bill attempts to allow the political parties to govern their own activities, and that political parties are not agencies of the state. Mr. Hermes reported that this bill was placed on the Consent Calendar by the Senate Committee and passed 39-0. (Attachment 1)

General discussion followed regarding: clarification of the committees this bill relates to are like the Shawnee County Democratic Committee or Republican Committee and did not refer to precinct or House committees; and explanation that this bill would provide the bylaws of the party to determine how a successor would be named as opposed to state statute.

There were no opponents to this bill, and the Chair closed the hearings on **SB 465**.

CONTINUATION SHEET

Representative Hayzlett made the motion to pass SB 465 out favorably and have placed on the Consent Calendar. The motion was seconded by Representative O'Connor, and the motion carried.

Chairperson Benlon directed the Committee's attention to **SB 463**. General discussion followed with technical clarification of the language in the bill concerning "term in office" and if the title should be amended. The Committee agreed with the Revisor that this was an act concerning certain elected state officials relating to vacancies in office, and how the unexpired term would be filled for the remainder of the term.

Representative O'Connor made the motion to pass this bill out favorably without amendments and have it placed on the Consent Calendar. The motion was seconded by Representative Horst, and the motion carried.

Chairman Benlon adjourned the meeting at 3:50 p.m. The next meeting of the Governmental Organization and Elections Committee will be Wednesday, March 8, 2000, 3:30 p.m., Room 521-S.



# STATE OF KANSAS

BILL GRAVES, *Governor*  
State Capitol, 2nd Floor  
Topeka, Kansas 66612-1590



(785) 296-3232  
1-800-748-4408  
FAX: (785) 296-7973

## OFFICE OF THE GOVERNOR

### LEGISLATIVE TESTIMONY

TO: Chairperson Lisa Benlon and Members of the House Committee on Governmental Organization and Elections

FROM: Dan Hermes, Director of Governmental Affairs

DATE: March 6, 2000

SUBJECT: SB 463 and SB 465

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Madam Chair and members of the committee, thank you for the opportunity to appear today to discuss the Governor's proposals to make minor changes in the state's election laws. These bills address two areas in our laws that have generated some confusion in the past several years.

#### SB 463

This bill clarifies that the Governor would select a qualified replacement in the event that a vacancy would exist in the office of Lieutenant Governor. As you may recall, there were questions raised when the office of Lieutenant Governor was vacant several years ago. The Senate added provisions to the bill to require the State Treasurer and Insurance Commissioner to run for office in off-year regular elections if they are appointed to fill out the term of an elected officer. The Attorney General and Secretary of State were not modified as the Kansas Constitution provides that the Governor fill vacancies in these offices for the balance of the term. The bill passed the Senate 38-2.

#### SB 465

This bill provides that for political parties, the constitution and the bylaws of the party will govern in the event of a vacancy for officers and committees. Current law provides that the vacancy will be filled in the manner the officer was originally chosen. If the party constitution or bylaws does not specify a manner to fill vacancies in officers, it reverts to current law. Political parties are not agencies of the state and this bill attempts to allow the political parties to govern their own activities. This bill was placed on the consent calendar by the Senate Committee and passed 39-0.

I would be happy to respond to any questions.

**House Governmental  
Organization & Elections  
3-06-00  
Attachment 1**