

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on February 24, 2003 in Room 521-S of the Capitol.

All members were present except: Representative Tom Sawyer, Excused

Committee staff present: Ken Wilke, Revisor  
Dennis Hodgins, Research  
Kathie Sparks, Research  
Shirley Weideman, Secretary

Conferees appearing before the committee:

**HB 2214** Proponent: Pat Rahija, Wyandotte County Election Commissioner

**HB 2283** Proponent: Representative Ken Wilk  
Opponent: Jim Edwards, Kansas Association of School Boards

Others attending: See attached list.

Chairman Myers told the committee he would work **HB 2149 - Open meetings; inclusion of advisory committees of newly elected officials.**

Representative Siegfried as chairman of the sub-committee on HB 2149, gave the sub-committee's recommendations for amending HB 2149 in response to the chairman's request. The sub-committee suggested that "task forces, advisory committees," be inserted on line 19, page 1. They also recommended striking "pursuant to a governor's" on line 24 and inserting "by the incoming governor" and deleting the next 3 lines, through line 27, leaving line 28. (a) (1) should read: "Meetings of task forces, advisory committees or subcommittees of advisory committees created by a governor or incoming governor shall be open to the public in accordance with this act". Other recommendations were deleting paragraph (a)(2) on page 1, lines 29 through 33 and finally, inserting after (a) (1) "For the purposes of this section 'the incoming governor' will have the meaning subscribed to it in K.S.A. 75-132 and amendments thereto". Representative Huebert moved to accept the sub-committee's amendment to HB 2149. Representative Miller seconded the motion. Motion passed. (Attachment 1)

Representative Sharp moved and Representative Gilbert seconded the motion that HB 2149 as amended be passed favorably from committee. The motion passed.

Chairman Myers opened the hearing on **HB 2214 - Elections; establishing a procedure for handling sealed bags of ballots after the original canvass.**

Chair Myers requested an explanation of the bill by the Revisor of Statutes, Ken Wilke. Ken said that **HB 2214** basically deals with handling ballots after canvass. If the original canvass failed to provide a tally sheet of write-in votes, the county election officer may appoint a special write-in board to unseal the ballots and count any write-in votes which may appear on the ballots.

Patricia Rahija, Wyandotte County Election Commissioner, appeared before the committee as a proponent for **HB 2214**. She said that there are 81 counties in Kansas who have optical scan voting equipment. Ms. Rahija noted that in the past seven years since purchasing the system, Wyandotte County has encountered the problem of election workers at the precinct failing to complete the Abstract of Write-In Votes. She also said that since there is nothing in the law addressing how to handle this problem, she has appointed a special board to open the ballots and record the write-in votes. Then she asks the Board of Canvassers to ratify her actions. Ms. Rahija hopes that this bill will provide a solution that will be consistent throughout the state. (Attachment 2) Ms. Rahija answered question asked by committee members.

Since there were no opponents to the bill, Chair Myers closed the hearing on **HB 2214**.

Chairman Myers told the committee that he would work **HB 2214**.

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on February 24, 2003 in Room 521-S of the Capitol.

Representative Powers moved that **HB 2214** be moved favorably from committee. Representative Miller seconded the motion. Motion passed.

Committee Chair Myers opened the hearing on **HB 2283 - Capital outlay levy votes at general or primary election only; no special election.**

Chairman Myers welcomed Representative Ken Wilk to the committee as the sponsor and proponent for **HB 2283**. Representative Wilk explained the purpose of the bill is to limit the number of school bond elections that can be held in a certain time period. He is proposing that any capital improvement election for a school shall be held on a regular election day and not have a special election, unless there is a natural disaster.

Jim Edwards appeared before the committee as an opponent to **HB 2283**. He said that limiting and delaying the school district capital outlay levy elections for the next scheduled primary or general election would lead to problems if school repairs were needed. immediately. Mr. Edwards said that current state law allows for protest elections to be held if 10% of the qualified electors file a petition. He also said that since the district is responsible for covering the costs of such an election, they should also be granted the right to schedule it. (Attachment 3)

Committee members asked questions of the conferees and staff regarding the definition of a "natural disaster", whether regular election days include city and county elections, if there is a limit on the mill levy to 4 mills or whether the cap was removed, and the difference between bond issues and capital outlay levy elections.

Representative Wilk said that he proposed the bill for limiting special school bond elections and did not intend it for capital outlay levies.

Chair Myers closed the hearing on **HB 2283**.

Representative Betts moved to table **HB 2283**. The motion was seconded by Representative Huebert. The motion passed.

The meeting was adjourned at 4:30 p.m.



# HOUSE BILL No. 2149

By Committee on Ethics and Elections

1-31

9 AN ACT concerning open meetings; relating to advisory committees;  
10 amending K.S.A. 2002 Supp. 75-4318 and repealing the existing  
11 section.  
12

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

14 Section 1. K.S.A. 2002 Supp. 75-4318 is hereby amended to read as  
15 follows: 75-4318. (a) Subject to the provisions of subsection (f), all meet-  
16 ings for the conduct of the affairs of, and the transaction of business by,  
17 all legislative and administrative bodies and agencies of the state and  
18 political and taxing subdivisions thereof, including boards, commissions,  
19 authorities, councils, committees, subcommittees and other subordinate  
20 groups thereof, receiving or expending and supported in whole or in part  
21 by public funds shall be open to the public and no binding action by such  
22 bodies shall be by secret ballot.

23 (1) Meetings of task forces, advisory committees or subcommittees  
24 of advisory committees created pursuant to a governor's executive order  
25 or by any legislative or administrative body, agency of the state or political  
26 taxing subdivision thereof, including any board, commission, authority,  
27 council, committee, subcommittee or any other subordinate group thereof  
28 shall be open to the public in accordance with this act.

29 (2) Meetings of task forces, advisory committees or subcommittees of  
30 advisory committees created or appointed by any person who is the suc-  
31 cessful candidate for elected office as ascertained by the secretary of state  
32 following the general election for such office shall be open to the public  
33 in accordance with this act.

34 (b) Notice of the date, time and place of any regular or special meet-  
35 ing of a public body designated hereinabove shall be furnished to any  
36 person requesting such notice, except that:

37 (1) If notice is requested by petition, the petition shall designate one  
38 person to receive notice on behalf of all persons named in the petition,  
39 and notice to such person shall constitute notice to all persons named in  
40 the petition;

41 (2) if notice is furnished to an executive officer of an employees' or-  
42 ganization or trade association, such notice shall be deemed to have been  
furnished to the entire membership of such organization or association;

task forces, advisory committees,

by a governor or incoming governor

For the purposes of this section, "incoming governor" shall have the meaning ascribed to it in K.S.A. 75-132 and amendments thereto

Representative Siegfried

## TESTIMONY ON HOUSE BILL NO. 2214

Patricia Rahija, Wyandotte County Election Commissioner

I am testifying today on behalf of the Kansas County Clerks' & Election Officials Association.

We are requesting your support of HB 2214. There are 81 counties in Kansas who have optical scan voting equipment. In the past seven years since Wyandotte County purchased its system, we have encountered the problem of election workers at the precinct failing to complete the Abstract of Write-In Votes.

The optical scan voting system reads the darkened ovals and tabulates a vote for each darkened oval. It does not read the name written in by the voter. Therefore, the election workers at the original canvass must complete a tally sheet of write-in votes.

It has been our experience in Wyandotte County that about one-third of our election workers either fail to complete the report or it is incomplete. As a result, there have been occasions in the August Primary when we have been unable to determine the outcome of a race.

Since there is nothing in the law addressing how to handle this problem, I have appointed a Special Board to open the ballots and record the write-in votes, and then request the Board of Canvassers to ratify my actions.

Other counties having the same situation have devised various other methods to deal with the problem. However, we believe there should be consistency throughout the state.

We believe HB 2214 will provide a resolution to our dilemma. This bill allows the county election officer to appoint a special write-in board to unseal the ballots and record any write-in votes, which appear on the ballot. The special board will be appointed from the election boards of the county, or from a poll of trained board workers maintained by the county election officer. The board will be comprised of members of different political parties.

We urge your support of HB 2214.



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS

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Testimony on **HB 2283**  
before the  
**House Ethics and Elections Committee**

by

**Jim Edwards, Governmental Relations Specialist**  
Kansas Association of School Boards

**February 24, 2003**

Chairman Myers and members of the Committee:

I appreciate the opportunity to appear in front of you today to oppose the concepts in HB 2283, a measure that would hold school district capital outlay levy elections for the next scheduled primary or general election.

Current state law allows for these protest elections to be held if 10% of the qualified electors file a petition. The election could then take place at the next general election or on another date specified by the school board. If the levy was to cover needed repairs, removing this option of scheduling could lead to problems. In addition, since the district is responsible to cover the costs of such an election, they should also be granted the right to schedule it.

I thank you once again for the opportunity to present our testimony and would ask you to oppose this HB 2283. I would stand for questions.

House Ethics and Elections  
2-24-03  
Attachment 3