

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 19, 2003 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Ken Wilke, Revisor of Statues
Dennis Hodges, Legislative Research
Mike Heim, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Deputy Assistant Secretary of State
Don Moler, League of Municipalities

Others attending: See attached list

Chairperson Allen drew the attention of the committee for final action on bills previously heard.

Action on SB 101, SB 102, SB 103, SB 79

The Chair called the committee attention to **SB 101**

Senator Clark moved to amend SB 101, page 1, line 16, strike (2004) to insert (2008), and pass favorably. Senator Jackson seconded it and the motion carried.

Senator Clark made a motion to amend SB 102, page 3, line 6, strike (at) and insert (intended for), with a second from Senator Jackson and the motion carried. Senator Clark moved to pass the bill out favorably as amended and Senator O'Connor seconded it and the motion carried.

Brad Bryant proposed language to the committee on **SB 103** changes to K.S.A 25-4302 and K.S.A 60-1205 (Attachment 1). No action taken on **SB 103**.

Senator Hueslkamp moved to adopt the amendment of SB 166 (Attachment 2) seconded by Senator Clark, the motion carried. Senator Schmidt moved to insert on page 1, line 24, after election, to add (or appointed). Also to add in K.S.A 25-318 after election, (The person appointed to fill such vacancy shall be selected from one of three persons nominated by the state committee of the same political party as the prior United States senator). Senator Schmidt wanted the minutes to reflect it is not the committee's intent to resolve the situation under debate in Senate District 15, but in future situations.

Senator Schmidt made a motion to adopt the amendment from Senator Jackson on page 2, line 12 of SB 79, to change 5% to (10%). Senator O'Connor seconded the motion and the motion carried. Senator Jackson moved to pass the bill favorably as amended with a second from Senator Schmidt and the motion carried. Senator Buhler asked that the minutes reflect he did not support SB 79.

At Chairperson Allen's request, Don Moler presented compromise language on **SB 77**.

Adjournment

Chairperson Allen informed the committee of the meeting tomorrow, February 20, 2003, at 1:30 and the meeting adjourned at 2:30 p.m.

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date Wed 7/19/03

Karole Bradford	Inter-Faith Ministries
Randall Allen	Ks. Assoc. of Counties
Kim Gullett	LKM
Don Moler	LKM
Steve Kenney	Kenney Assoc's
Jim Edwards	KASB
Jeff Burkhead	Kansas Press Assoc.
Brad Bryant	Sec. of State
Whitney Jamron	City of Topeka
Danielle Nee	Johnson County
Don Seifert	City of Olathe



STATE OF KANSAS

Proposed Amendment to SB 103

We propose amending the following two sections into SB 103:

25-4302

Chapter 25.--ELECTIONS
Article 43.--RECALL OF ELECTED OFFICIALS

25-4302. Grounds for recall. (a) Grounds for recall are conviction of a felony, misconduct in office, ~~incompetence~~ or failure to perform duties prescribed by law. No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured.

(b) As used in this section, the term "misconduct in office" means a willful violation of law by the officer that impacts the officer's ability to perform the official duties of the office.

History: L. 1976, ch. 178, § 16; L. 1987, ch. 130, § 1; L. 1999, ch. 105, § 8; July 1.

60-1205

Chapter 60.--PROCEDURE, CIVIL
Article 12.--QUO WARRANTO

60-1205. Grounds for forfeiture of public office. Every person holding any office of trust or profit, under and by virtue of any of the laws of the state of Kansas, either state, district, county, township or city office, except those subject to removal from office only by impeachment, who shall (1) willfully misconduct himself or herself in office, (2) willfully neglect to perform any duty enjoined upon him or her by law, (3) demonstrate mental impairment such that the person lacks the capacity to manage the office held, or ~~(3)~~ (4) who shall commit any act constituting a violation of any penal statute involving moral turpitude, shall forfeit his or her office and shall be ousted from such office in the manner hereinafter provided.

History: L. 1963, ch. 303, 60-1205; Jan. 1, 1964.

Senate Elec & Loc Gov
02-19-03
Attachment 1

SENATE BILL No. 166

By Committee on Elections and Local Government

2-6

9 AN ACT concerning elections; relating to vacancies in offices; amending
10 K.S.A. 25-3901 and repealing the existing ~~section~~ sections

25-318 and

11
12 *Be it enacted by the Legislature of the State of Kansas:*

K.S.A. 25-318 is hereby amended to read as follows:

13 Section 1. K.S.A. 25-3901 is hereby amended to read as follows: 25-
14 3901. As used in this act, unless the context otherwise requires, the words
15 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated
16 and amendments thereto shall have the meaning therein ascribed thereto,
17 to the extent that the same are not in conflict with the following:

25-318. ~~Vacancy in office of United States senator; how filled.~~ When a vacancy shall occur in the office of United States senator from this state, the governor shall make a temporary appointment to fill such vacancy until the next election of representatives in congress, at which time such vacancy shall be filled by election, and the senator so elected shall take office as soon thereafter as he shall receive his certificate of election.

18 (a) "District office" means the office of district judge, district mag-
19 istrate judge, county commissioner, state representative, state senator,
20 district attorney or county attorney.

History: L. 1927, ch. 204, § 1; June 1.

Cross References to Related Sections:

21 (b) "Party" means a political party having a state and national organ-
22 ization and of which the officer or candidate whose position has become
23 vacant was a member. *The officer's or candidate's political party shall be*
24 *determined as of the date when such officer or candidate is elected.*

When a vacancy occurs in the office of United States senator, such vacancy shall be filled for the unexpired term at the next regular general election. The governor shall appoint a person to serve as United States senator until such vacancy is filled by election. The person appointed to fill such vacancy shall be selected from one of three persons nominated by the state committee of the same political party as the prior United States senator.

25 (c) "Party candidacy" means a candidate of a political party for a party
26 nomination at a primary election or the party candidate at a general
27 election.

28 (d) "General election" means the election held on the Tuesday suc-
29 ceeding the first Monday in November in even-numbered years.

30 (e) "Primary election" means the election held on the first Tuesday
31 in August in even-numbered years.

32 (f) "County chairman" or "county chairperson" means the chairper-
33 son of the county central committee, provided to be elected under K.S.A.
34 25-3802 and amendments thereto, of the political party of which the of-
35 ficer or candidate whose position has become vacant was a member.

25-318 and

36 Sec. 2. K.S.A. 25-3901 ~~is~~ hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book. one

1-2

1-2