

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 24, 2003 in Room 245-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Others attending: see attached list

Action on

SB 209 - Allows counties to seek reimbursement from prisoners for cost of fire district response to fire

Chairperson Allen turned the committee's attention to **SB 209**.

At the hearing Wednesday, February 19, 2003, on **SB 209**, the Chair had requested the Fire Marshall's office work with Ken Wilke, Revisor of Statutes to agree on language to allow the parent taxing authority for the fire department, out of cost because of responding to an arson fire. The authority to go after the arsonist to reimburse part of that cost.

Chairperson recognized Ken Wilke, Revisor of Statutes to come before the committee. He explained the balloon language states: to allow apparent taxing authority for the fire department that is out of costs because of responding to an arson fire the authority to go after the arsonists to reimburse part of that costs. **Sub SB 209** takes the language from **SB 209** KSA 19-3601a, which allows authority to seek reimbursement of expenses occurred by a fire district responding to a fire, when it is determined to be arson and allows going after the arsonist for expenses. This proposed substitute basically utilizes the provisions in **SB 543** from 2002, regarding fire district statutes, and adds a provision allowing them to establish a pay rate for volunteers. It also adds the reimbursement of expenses for arson inspection into all of the existing statutes; plus, at the request of fire Marshall's office, Jim Clark, the former district attorney, also added similar language in the criminal code statue KSA 46-03d which requires restitution as part of the criminal sentence for arson. **Sub SB 209** basically amends all of the other appropriate fire district, fire department statutes, and the specified criminal code. Mike Heim suggested the inclusion of *city* in the sentencing requirement, whereas currently restitution would only be due to fire districts, fire departments, or a fire company..

Senator O'Connor suggested on page 3, line 4, where it states tangible property in the district for the purpose of paying, the word *seek* and add the word *paying*. Want it to say *paying expenses incurred*.

Senator Schmidt made a motion to amend **SB 209** by adopting instead of **SB 209** the substitute that is before us, the following changes to the substitutes: (1) inserting city provision in the appropriate spot, (2) the grammatical provision that Senator O'Connor referenced, Senator Jackson seconded the motion. The motion carried.

Moved by Senator Huelskamp, the **Sub SB 209** pg 17, delete sub section C starting at the 6th line, if a petition through the rest of section, seconded by Senator Clark. The motion carried.

Senator Schmidt move to report **Sub SB 209** favorable as amended, seconded by Senator Buhler, The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT at on February 24, 2003 in Room 245-N of the Capitol.

SB 178 - Cities; payment for certain improvements

Senator Buhler made a motion to pass SB 178 out favorably. Senator Schmidt seconded the motion and the motion carried.

SB 69 - Concerning elections; relating to the date when certain primary elections are held

Senator Schmidt moved to amend SB 69 by adopting the Secretary of State's amendment (Attachment 1) and pass as amended. Senator Jackson seconded the motion. The motion failed.

Adjournment

The meeting adjourned at 2:30 p.m. The next meeting is scheduled for tomorrow, Tuesday, February 25, 2003

RON THORNBURGH
Secretary of State



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STATE OF KANSAS

Proposed Amendment to SB 69

We propose amending the following six sections into SB 69:

1. Reduce the time allowed for candidates who win the primary to declare themselves incapable of fulfilling the duties of the office, thereby withdrawing from the general election race.

25-306b

Chapter 25.--ELECTIONS

Article 3.--INDEPENDENT AND OTHER NOMINATION CERTIFICATES; TERMS OF OFFICE; FILLING VACANCIES

25-306b. Withdrawal from nomination; omission of name from ballot; death of nominee; person filling vacancy may withdraw. (a) Except as provided by this section, no person who has been nominated by any means for any national, state, county or township office may cause such person's name to be withdrawn from nomination after the day of the primary election.

(b) Any person who has been nominated by any means for any national, state, county or township office who declares that they are incapable of fulfilling the duties of office if elected may cause such person's name to be withdrawn from nomination by a request in writing, signed by the person and acknowledged before an officer qualified to take acknowledgments of deeds. Any such request shall be filed with the secretary of state in the case of national and state offices and with the county election officer in the case of county and township offices. Except as provided in subsection (d), in the case of national and state offices, any such request shall be filed within ~~seven~~ three days, including Saturdays, Sundays and holidays, after the meeting of the state board of canvassers for the final canvass of primary election provided for in K.S.A. 25-3205, and amendments thereto. Except as provided in subsection (d), in the case of county and township offices, any such request shall be filed within 10 days after the meeting of the county board of canvassers to canvass the primary election as provided in K.S.A. 25-3104, and amendments thereto. No name withdrawn as provided in this section shall be printed on the ballots for such office for the general election.

(c) In the case of the death of a person who has been nominated for any national, state, county or township office, the county chairperson of the political party of which such nominee was a member may cause such nominee's name to be withdrawn from nomination by a request in writing, signed by the chairperson and acknowledged before an officer qualified to take acknowledgments of deeds. Any such request shall be filed with the secretary of state in the

Senate Elec & Loc Gov
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Attachment 1

case of national and state offices and with the county election officer in the case of county and township offices. Except as provided in subsection (d), in the case of national and state offices, any such request shall be filed within ~~seven~~ three days, including Saturdays, Sundays and holidays, after the meeting of the state board of canvassers for the final canvass of primary election provided for in K.S.A. 25-3205, and amendments thereto. Except as provided in subsection (d), in the case of county and township offices, any such request shall be filed within 10 days after the meeting of the county board of canvassers to canvass the primary election as provided in K.S.A. 25-3104, and amendments thereto. No name withdrawn as provided in this section shall be printed on the ballots for such office for the general election.

~~(d) Whenever there has been a vacancy which occurred from a withdrawal under this section, and such vacancy was filled according to law, the person filling the vacancy may cause such person's name to be withdrawn from nomination in the manner provided in subsection (b) or (c) of this section at any time prior to the 40th day before the general election.~~

2. Move the deadline for county election officers to mail absentee ballots to federal services (military and overseas citizens) voters from 45 to 30 days before the election.

25-1220

Chapter 25.--ELECTIONS

Article 12.--ABSENTEE VOTING; FEDERAL SERVICES AND SICK AND DISABLED

25-1220. Same; transmission of ballots, envelopes and instructions to voters. The county election officers of the various counties shall transmit to every person who is eligible to vote by federal services absentee ballot who makes application to vote in accordance with K.S.A. 25-1216 and amendments thereto an official federal services absentee ballot and ballot envelope, voting instructions and an envelope for use in returning the official federal services absentee ballot and ballot envelope. If the application is made ~~45~~ 30 or more days before the day of the election, such ballot, instructions and envelopes shall be sent as soon as practicable, but not later than ~~45~~ 30 days before the election.

3. Move the deadline for the state canvass earlier.

25-3205

Chapter 25.--ELECTIONS

Article 32.--STATE BOARD OF CANVASSERS

Sept 28

25-3205. Final canvass of primary election of national and state officers; publication of certified list of candidates; certificates of nomination to candidates. The state board of canvassers shall be the board of canvassers for the final canvass of the primary election of national and state officers. Provisions of law relating to the canvass of the national and state general elections shall, as far as applicable, apply to the canvass and certification of the secretary of state of such primary elections. The state board of canvassers shall meet at the office of the secretary of state on the call of the secretary of state as soon as convenient after the tabulation of the returns is made. The meeting shall be called not later than ~~September 4~~ fourth Tuesday next following such election, except when such date falls on Sunday, then not later than the next following day which is not a legal holiday, and may recess from time to time until the final canvass is completed.

As soon as such final canvass of the primary election shall be completed, the secretary of state shall publish in the Kansas register a certified statement of the candidates for the presidential electors, United States senator, representatives in congress and all state officers or so many of such officers as may have been voted for at such election. ~~On the fourth day~~ As soon as practicable after the completion of such final canvass ~~or as soon as practicable thereafter~~, the secretary of state shall mail to each candidate found by the state board of canvassers to be duly nominated a certificate of nomination, showing the name of the candidate, the party by whom nominated and the office for which the candidate is nominated as specified in the nomination papers and determined by the state board of canvassers.

4. Reduce the time allowed for parties to replace candidates who declare themselves incapable of fulfilling the duties of office.

25-3904

Chapter 25.--ELECTIONS

Article 39.--FILLING VACANCIES IN OFFICES AND CANDIDACIES

25-3904. Procedure for filling vacancy in candidacy for district office; district convention; certificate to secretary of state or county election officer. (a) When a district convention is provided by law to be held to elect a person to fill a vacancy in a party candidacy for a district office, the county chairperson designated in subsection (b) or (c), within 24 10 days, including Saturdays, Sundays and holidays, of the receipt of the notice that the vacancy has occurred or will occur shall call and convene a convention of all committeemen and committeewomen of the political party from the precincts in such district. If such county chairperson is absent or for any reason is unable to call, or refuses to call such convention, then the corresponding county vice-chairperson shall call the convention and perform the other duties under this section required of such chairperson.

(b) If the district lies within a single county, the county chairperson of such county shall call the convention by mailing a notice at least seven days before the date of the convention to the committeemen and committeewomen in such county who are entitled to vote at such convention pursuant to subsection (e).

(c) If all or part of more than one county lies within the district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call the convention by mailing a notice of such convention to each county chairperson of the party in each such county, at least ~~40~~ seven days before the date of the convention. Such convention shall be held at a location within the district selected by the chairperson calling the convention. Such county chairpersons shall, within three days after receipt of such notice, mail notice of such convention to the committeemen and committeewomen in their counties who are entitled to vote at such convention pursuant to subsection (e).

(d) The notice of such convention shall state: (1) The place where the convention is to be held; (2) the time when the convention will convene; and (3) the purpose for which the convention is to be held.

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the

members present shall adjourn the convention to a day and time certain, which shall not be later than 44 three days after such adjournment of such convention, and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall elect a person to fill such vacancy in the party candidacy. Such election shall be by secret ballot and the person elected shall be the one who receives the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each committeeman and committeewoman of the party of the precincts in such district shall be entitled to vote. No precinct committeeman or committeewoman shall be represented or shall vote by proxy. The convention may adopt rules as necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

(f) After a person has been elected to fill a vacancy in a party candidacy for a district office, the chairperson or vice-chairperson of the convention shall execute a certificate, under oath, stating that such person has been duly elected to fill such vacancy and shall transmit such certificate to the secretary of state or appropriate county election officer.

5. Reduce the time allowed for parties to replace candidates for state board of education who declare themselves incapable of fulfilling the duties of office (same as #4 above, except applies only to state board of education).

25-3904a

Chapter 25.--ELECTIONS

Article 39.--FILLING VACANCIES IN OFFICES AND CANDIDACIES

25-3904a. Procedure for filling vacancy in candidacy for state board of education; district convention; certificate to secretary of state. (a) When a vacancy occurs in a party candidacy for the office of member of the state board of education, the county chairperson designated in subsection (b), (c) or (d), within 24 10 days, including Saturdays, Sundays and holidays, of receipt of notice that the vacancy has occurred or will occur, shall call and convene a district convention for the purpose of electing a person to fill such vacancy. If such county chairperson is absent or for any reason is unable to call or refuses to call such convention, then the county vice-chairperson shall call the convention and perform the other duties required of such chairperson under this section.

(b) If the board member district lies within a single county, the county chairperson of such county shall call a convention of all precinct committeemen and committeewomen of the party of the precincts in such district in the manner provided by subsections (b) and (d) of K.S.A. 25-3904 and amendments thereto, and such convention shall be conducted in the manner provided in subsection (e) of K.S.A. 25-3904 and amendments thereto.

(c) If all or part of more than one and less than five counties lie within the board member district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call a convention of all precinct committeemen and committeewomen of the party of the precincts in such district in the manner provided by subsections (c) and (d) of K.S.A. 25-3904 and amendments thereto, and such convention shall be conducted as provided

in subsection (e) of K.S.A. 25-3904 and amendments thereto. Such convention shall be held at a location within the district selected by the chairperson calling the convention.

(d) If all or part of five or more counties lie within the board member district, the county chairperson of the county in which the greatest number of qualified voters of the district reside shall call a convention of all county chairpersons and vice-chairpersons of the party of the counties in such district. Such convention shall be held at a location within the district selected by the chairperson calling the convention. Such county chairperson shall call the convention by mailing a notice to each such county chairperson and vice-chairperson at least seven days before the date of the convention. Such notice shall state: (1) The place where the convention is to be held; (2) the time when the convention will convene; and (3) the purpose for which the convention is to be held.

At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall be not later than 14 three days after such adjournment of such convention and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall proceed to organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall proceed to elect a person to fill the vacancy in the party candidacy. Such election shall be by secret ballot and the person elected shall be the one who shall receive the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each county chairperson and vice-chairperson of the party of the counties in such district shall be entitled to vote. No county chairperson or vice-chairperson shall be represented or shall vote by proxy. The convention may adopt rules necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

After a person has been elected to fill a vacancy in a party candidacy for the office of member of the state board of education, the chairperson or vice-chairperson of the convention shall execute a certificate, under oath, stating that such person has been duly elected to fill such vacancy and shall transmit such certificate to the secretary of state.

6. Reduce the time allowed for parties to replace candidates who declare themselves incapable of fulfilling the duties of office.

25-3905

Chapter 25.--ELECTIONS

Article 39.--FILLING VACANCIES IN OFFICES AND CANDIDACIES

25-3905. Vacancies after primary election filled by party committee or district convention; governor and lieutenant governor vacancies filled by state party delegate convention. (a) When a vacancy occurs after a primary election in a party candidacy, such vacancy shall be filled by the party committee of the congressional district, county or state, as the case may be, except if the vacancy is in a party candidacy for a district office or for the office of member of the state board of education, it shall be filled by district convention held as

provided in K.S.A. 25-3904 and amendments thereto, or as provided in K.S.A. 25-3904a and amendments thereto, and except as otherwise provided in subsection (c). Such convention shall be called within 10 days, including Saturdays, Sundays and holidays, of receipt of the notice that the vacancy has occurred or will occur. If only one political party nominates a candidate at the primary election and thereafter a vacancy occurs in such party candidacy, any political party may fill such vacancy in the manner specified in this section.

(b) In addition to other vacancies in party candidacies to which this section applies, this section shall also apply when a vacancy occurs in an office, and it is provided by law that such vacancy shall be filled by appointment until the next general election at which time a person is to be elected to fill the unexpired term, or words of like effect, and such vacancy occurs after the primary election.

(c) When a vacancy occurs after a primary election in a party candidacy for governor or lieutenant governor, a vacancy shall thereby also occur for the other of such two offices. Such vacancies shall be filled by a state party delegate convention. The convention shall be called by the state party chairperson. The delegates to the convention shall be the state party committee members, and the officers of the convention shall be the officers of the state party committee. At such convention the vote to fill such vacancies shall be taken such that each convention vote shall be for a candidate for governor and lieutenant governor running together. If the initial vacancy that has occurred is for the office of lieutenant governor, the person who is the candidate for governor of such pair of candidates shall be the only governor candidate at such convention.