

Approved: 3/20/07 Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on January 16, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Brad Bryant, Deputy Assistant Secretary of State
Senator Ralph Ostmeyer
Richard Ganon, Lobbyist Kansas Press Association

Others attending:

See attached list.

Richard Ganon, Lobbyist for Kansas Associated Press requested introduction of Coma Cora Training bill and Pro-Call Affidavit bill.

Senator Francisco moved to accept introduction of Coma Training Bill. Motion seconded by Senator Peterson.

Motion carried.

Senator Wilson moved to accept No-Call Bill introduction. Motion seconded by Senator Pyle.

Motion carried.

Senator Huelskamp introduced **SB 99 Recall petitions; requiring court actions to be filed within 30 days of decision (Attachment 1).**

Brad Bryant, Secretary of State office requested introduction of four committee bills (Attachment 2).

Senator Pyle motioned to accept introduction of bills. Senator Reitz seconded motion.

Motion carried.

Senator Ostmeyer testified in support of **SB 36 Unification of Tibune and Greeley counties; procedure; clean up amendments (Attachment 3).**

Motion made to report to Consent Calendar by Senator Betts and seconded by Senator Peterson.

Motion carried.

Meeting adjourned.

Respectfully submitted,

Zoie Kern, Committee Secretary

By Committee on Elections and Local Government

AN ACT concerning recall petitions; pertaining to the time for filing court proceedings; amending K.S.A. 2006 Supp. 25-4308 and 25-4322 and repealing the existing sections.

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

Section 1. K.S.A. 2006 Supp. 25-4308 is hereby amended to read as follows: 25-4308. (a) The secretary of state shall review the application and shall either certify such application or notify the recall committee of the grounds of refusal. The secretary of state shall deny certification if the secretary of state determines that:

(1) The facts do not support the grounds for recall as stated in the application;

(2) the application is not substantially in the required form;

(3) the application was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 200 days of the termination of the term of office of the state officer sought to be recalled;

(4) the person named in the application is not a state officer;

(5) there is an insufficient number of required signatures of any kind;

(6) the state officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or

(7) the application does not conform to any other requirement of this act.

(b) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not-less-than~~ within 30 days after the secretary of state's decision.

Sec. 2. K.S.A. 2006 Supp. 25-4322 is hereby amended to read as follows: 25-4322. (a) Before any petition for recall of a local officer is circulated, a copy thereof accompanied by names

and addresses of the recall committee and sponsors shall be filed in the office of the county election officer with whom the petitions are required to be filed. The copy of the petition so filed shall be subscribed by the members of the recall committee in the presence of such county election officer. The recall committee shall represent all sponsors and subscribers in matters relating to the recall. Notice on all matters pertaining to the recall may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the petition so filed. The county election officer, upon request, shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled.

(b) Before any petition for recall of a local officer is circulated, the county election officer shall transmit a copy of such petition to the county or district attorney or to the attorney designated pursuant to subsection (c) for determination of the sufficiency of the grounds stated in the petition for recall. Within five days of receipt of the copy of the petition from the county election officer, the county or district attorney or the attorney designated pursuant to subsection (c) shall make such determination and notify the county election officer, the officer sought to be recalled and the recall committee of such determination. Such determination shall include whether:

(1) The facts do not support the grounds for recall as stated in the petition for recall;

(2) the petition is not substantially in the required form;

(3) the petition was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 180 days of the termination of the term of office of the officer sought to be recalled;

(4) the person named in the petition is not a local officer;

(5) there is an insufficient number of required signatures

of any kind;

(6) the local officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or

(7) the application does not conform to any other requirement of this act.

(c) In the case of a recall of the county or district attorney, a judge of the district court of such county shall designate an attorney to determine the sufficiency of the grounds stated in the petition for recall. Such attorney shall perform the duties imposed on the county or district attorney in the recall of other local officers.

(d) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not-less-than~~ within 30 days after the county or district attorney's decision.

Sec. 3. K.S.A. 2006 Supp. 25-4308 and 25-4322 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

Senate Committee on Elections and Local Government

Request for Introduction of Committee Bills

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January ¹⁶17, 2006

Mr. Chairman and Members of the Committee:

The Secretary of State requests introduction of four committee bills.

1. Voting equipment certification bill—

This bill would update laws on the testing and certification of optical scan and electronic voting equipment and bring them into compliance with the Help America Vote Act (HAVA). It would repeal laws providing for lever machines and punch card ballots, which have been phased out by HAVA, and update the provisions of the laws regarding electronic voting equipment and optical scan systems.

2. Advance voting ballot security bill—

This bill would improve the security of advance voting by mail by requiring a voter to sign the ballot application him/herself and to designate a person in writing to deliver the voter's ballot to the mail box or the county election office unless the voter opts to deliver or mail the ballot him/herself.

3. Advance voting suppression bill—

This bill would improve the security of advance voting by establishing a crime of advance voting suppression. Advance voting suppression would include destroying, altering or failing to deliver a ballot to or from a voter, exercising undue influence over an advance voter's voting decisions, or unsealing an envelope and examining or disclosing the contents of another voter's ballot.

4. Recall cleanup bill—

This bill would improve the efficiency of the process for county or district attorneys to review recall petitions. It would (1) require the attorney, after determining the validity of the petition, to notify the person being recalled in addition to the recall committee and county election officer, and (2) change the timing of the filing of mandamus actions from "not less than" to "within" 30 days after the petition has been reviewed by the county or district attorney.

STATE OF KANSAS

RALPH OSTMEYER
SENATOR, 40TH DISTRICT
P.O. BOX 97
GRINNELL, KS 67738-0097

STATE CAPITOL
300 S.W. 10TH, ROOM 262-E
TOPEKA, KS 66612-1504
(785) 296-7399
ostmeyer@senate.state.ks.us



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

VICE-CHAIR: NATURAL RESOURCES
MEMBER: AGRICULTURE
EDUCATION
FEDERAL AND STATE AFFAIRS
JOINT COMMITTEE ADMINISTRATIVE
RULES AND REGULATIONS

Chairman Huelskamp, and members of your committee, thank you for this opportunity to testify in support of SB 36 which addresses City-County Consolidation for Greeley County.

SB 36 is the same bill as the 2006 - HB 2809 which passed both houses unanimously. HB 2809 was amended on the Senate floor to include a more aggressive state wide Consolidation Policy and was held hostage in Conference Committee.

I received permission to use SB 164 as a gut and go in Elections and Local Government to get HB 2809 passed. There were mistakes made during this process. A Revisor has corrected some minor mistakes and do believe this bill is ready. I would ask the chairman to act favorably on SB 36 and put on Consent Calendar. Thank you for their opportunity to testify.

Senate Elections and Local
Government Committee

1/16/07
Attachment 3