

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 9, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Julie Menghini- excused
Representative Mike Peterson- excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Senator Ralph Ostmeyer, District 40
Trevor Linton, Chairperson of Shine on Sherman County, Goodland, Kansas
Sherrie Riebel, Allen County Clerk/Election Officials Committee Chair
Kim Winn, League of Kansas Municipalities
Brad Bryant, Deputy Assistant, Secretary of State
Don Merriman, Saline County Clerk

Others attending:

See attached list.

Hearing On: **SB 171 - Sherman county; election of county commissioners.**

Ken Wilke, Office of the Revisor of Statutes, explained the intent of the bill is to provide for at-large election of county commissioners in Sherman County, should there be voter approval. He said the county commissioners would need to develop a resolution to be submitted to the voting public.

Senator Ralph Ostmeyer, District 40, spoke in support of **SB 171** and explained that city commissioners and school board members have the option of electing at-large members. He indicated the bill extends that option to the county commissioners in Sherman County (Attachment 1). Senator Ostmeyer introduced guests from western Kansas who are supporting the bill—Representative Jim Morrison, Trevor Linton, Kevin Rasure and Darin Neufeld.

Trevor Linton, Chairperson of Shine on Sherman County, informed the committee of the time given to provide information to citizens of Sherman County on the advantages and disadvantages of commissioners being elected at-large or by district (Attachment 2). He indicated that a mock election was held in tandem with the Presidential election of 2008, and 75% of persons participating chose the at-large option. Mr. Linton recommended the committee support the bill as favorable for passage.

Harlan House provided written testimony in support of the bill (Attachment 3). Lowell Coon submitted written testimony opposing the bill (Attachment 4).

Additional written testimony from concerned citizens in Sherman County is included in this report (Attachment 5).

Chairperson Huebert shared comments on the numerous phone calls he received on the issue and then closed the hearing on **SB 171**.

Hearing On: **SB 103 - Elections; certain local units of government; primaries.**

Ken Wilke said the bill pertains to the number of primary elections held in school districts, cities and community college districts. If enacted, the bill would reduce the costs of elections at the local level. He said all the pertinent statutes from 2007 are put into this bill.

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on March 9, 2009, in Room 446-N of the Capitol.

Sherrie Riebel, Allen County Clerk and Elections Officials Committee Chair, spoke as a proponent of **SB 103**, saying the bill, with the amendment, would save money for cities, counties and schools (Attachment 6). She cited an example of the August 2008 primary in which eleven counties did not respond, but of those that did a total of \$146,641 was spent on the election. Ms. Riebel indicated the amendment to the bill clarifies previous statutes and recommended the bill favorable for passage.

Kim Winn, Director of Policy Development and Communications, League of Kansas Municipalities (LKM), addressed the committee, saying the language previously used has caused a great amount of debate and differing opinions among county election officials (Attachment 7). She said LKM supports the intent of **SB 103**, which returns the law to the prior ruling—that of allowing a primary to be held whenever there are more than two candidates for a position. Ms. Winn recommended the bill as favorable for passage.

Brad Bryant, Deputy Assistant, Secretary of State, said that the contradictions in previous legislation created a modicum of confusion and could be resolved in **SB 103** (Attachment 8). He said the 2008 law was not clear as to the number of candidates to be carried forward from the primary to the general election ballot. Mr. Bryant's testimony included a proposed amendment, which he recommended be incorporated and then passing the bill favorably.

Don Merriman, Saline County Clerk, spoke as a proponent of **SB 103**, as amended (Attachment 9). He advised the committee to consider rulings that would require all officials to conduct elections in the same manner in every county. His testimony included statistics on the number of votes cast and the overall cost for each election. Mr. Merriman said his goal is to conduct the election process as efficiently as possible in order to save money.

The hearing on **SB 103** was closed.

The meeting was adjourned at 4:20 p.m. The next meeting is scheduled for March 11, 2009.

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

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
(785) 296-7399
ralph.ostmeyer@senate.ks.gov

COMMITTEE ASSIGNMENTS

VICE-CHAIR: AGRICULTURE
MEMBER: FEDERAL AND STATE AFFAIRS
LOCAL GOVERNMENT
JOINT COMMITTEE ON
ADMINISTRATIVE RULES
AND REGULATIONS

March 9, 2009

Chairman Huebert and members of the House Elections Committee. Thank you for this opportunity to testify before you on SB 171, a bill I requested on behalf of Sherman County.

Sherman County is one of the largest counties in my Senate District and already has the option of electing at-large members for City Commissioners and School Board members. This bill extends that option for Sherman County Commissioners.

We need to remember local government provides the most direct services to residents. Senate Bill 171 would allow the electorate in Sherman County options for its county governance. Again, this is a local issue. The Legislature would be granting them the right to vote for or against governance changes with passage of SB 171.

Thank you.

A handwritten signature in cursive script that reads "Ralph Ostmeyer". The signature is fluid and matches the printed name below it.

Ralph Ostmeyer
Senator 40th District

House Elections
3-9-09
Attachment # 1

*Shine on Sherman County**Government Services Alliance Committee*

March 6, 2009

The Honorable Representative Huebert
House Elections Committee
300 SW 10th Street
Topeka, KS 66612-1504

Dear Representative Huebert:

My name is Trevor Linton, Chairperson of the Shine on Sherman County Government Services Alliance Committee from Goodland, Kansas. I am representing the citizens of Sherman County and showing support for SB171.

At the urging of our elected legislators many citizens of Sherman County, namely our Government Services Alliance Committee, have spent the past year and have given many hours of their time to provide information to the citizens regarding the advantages and disadvantages between commissioners elected by district and at-large. They have also provided opportunities for these same interested people to express their views through two public forums with ballot voting, and a mock election held in conjunction with the Presidential election in November. By an overwhelming majority (greater than 75%), the people who chose to participate selected the at-large option. Many people believe that the most important issue is not yes or no, but the right to let the Sherman County voters make that decision.

By voting yes on Senate Bill 171, you will allow the citizens of Sherman County to express their opinion at the ballot box.

Thank you for your time and consideration in this manner.

Respectfully,

Trevor Linton, Chairperson
Government Services Alliance Committee

SENATE BILL #171

TO: State Representative Steve Huebert and Committee

FROM: Harlan D. House, Farmer, Goodland, Kansas, Sherman County

The present process of electing County Commissioners is uniform state wide in that the commissioners are elected to represent a district in their County by the voters in that district. This system has served Kansas well for many years. Why should one County be different? I do not think they should! I hope your committee will delete the Sherman County portion of the Bill. I do not have an opinion about what you should do with the Shawnee County portion of the Bill.

1. I feel it is unfair to the current Commissioners who do not want this Bill.
2. It would cause the Commissioner Candidates to have to campaign County wide to three time as many people, increasing the cost of getting elected.
3. Depending on voting procedures at large, one district with a self interest might control the other two.
4. The present set-up has a balancing effect between rural and urban interests.
5. Your committee risks doing this legislation for other counties if a vocal group in that county doesn't like how the elections turn out outside their own district.
6. The only reason that was given for this bill is they want to vote at large. We need a better reason than that to change how we have done it state wide for years. The longevity of how we do it is a tribute to the wisdom of previous legislators and their concern for fair representation.

I apologize for submitting written testimony instead of being present. I am having too much fun at Disney World with my Grandkids.

Respectfully,



Harlan D. House

House Elections
3-9-09
Attachment # 3

Lowell Coon
605 E. 5th St.
Goodland, KS 67735
(785)890-7433

Senator Ralph Ostmeyer
State Capital Building
262 East
Topeka, KS 66612

Dear Senator Ostmeyer and Committee members:

I wrote this letter and it was published in the Goodland Star-News on January 30, 2009. I am pleased to provide it to you and hope that it will be read and taken to heart as you discuss the issue of at large voting for Sherman County.

To the editor,

I have, with much anxiety, followed the debate about electing County Commissioners at-large. After reading the stories in the Goodland Star-News about the Sherman County commissioner meetings in the paper many things bothered me. One central theme to my apprehension seemed to be a lack of cohesiveness in the commission and the county in general. I think that the at-large issue is one of many things that are contributing to this problem. Last fall in conversations with state representatives and several local leaders I had been assured that this divisive topic was dead. Now, I am afraid that I was misled.

It is not that the election of County Commissioners at-large is not popular, as one of the commissioners pointed out; it is that morally I have issues with the idea. As a point of fact I estimated (before any polling was done on the issue) that about 73% of the population of Sherman County would support the concept. I did not come to this estimate at random I simply went to the census data and it showed that about 73% of the population in the county lives in Goodland. According to the article in Goodland Star-News around 70% of the people in the polls supported the issue my reaction then is, "NO, DUH". My worry, however, is that one of the commissioners has stated that they will "push" the issue. Specifically, I am concerned that this issue will divide the county and will be morally unacceptable by some.

It is my opinion that the "minority" that oppose the election at-large issue should vehemently oppose the issue as they may lose any representation in the county government even though they and their holdings would account for the majority of the area in Sherman County. This "minority" that I refer to is simply the population that lives outside the city limits of Goodland. Districts, simply, give us the ability to divide the county into areas so that each AREA is represented by a different commissioner. At-large voting, in its most simplified form, is everyone in the county voting for every seat on the commission. The most populated area then will easily control the commission. We do not have this type of majority rule in American Government because our forefathers saw it as a version of taxation without representation (you may recognize this as one of the themes leading to the revolutionary war, as I said a very divisive issue). Many people still though mistakenly believe that our democracy is based on majority rule even though we in Western Kansas should know better. We have a house and senate in the legislature for a reason and districts in the house and senate so that each area will still be represented in the state government (sparsely populated or not). If we

House Elections
3-9-09
Attachment # 4

elected strictly at-large in the state government the uproar from this area would be heard throughout the country and I venture to say there would be community meetings about splitting the state so that the eastern half would not control all of our tax dollars. This is why I have moral issues with the idea that we should elect commissioners at-large even within the county itself. I think this type of system is what our forefathers fought against. I believe it was Calvin Coolidge who is credited with stating something like "true leaders need to have the courage to do what is right, not what is popular or easy." In this case I am afraid that what is right is not what is popular. So my question is who will our "true" leaders be?



Lowell Coon

605 E. 5th St.
Goodland, KS 67735
(785)890-7433

SHERMAN COUNTY

Sherman County
Clerk
813 Broadway Room 102
Goodland, KS 67735
Phone: 785-890-4802
Fax: 785-890-4809

March 9, 2009

To: House Committee

Re: SB171

Dear Committee Chair and Members of the Committee:

I am writing this letter in support of SB171 which would allow for the citizens of Sherman County to have the opportunity to vote on whether they want the county commissioners elected at-large, at-large (similar to the way the school board members and city commissioners are elected).

As the County Election Officer, I have first hand knowledge of what the voters have expressed! In Sherman County we have one polling place for all of our precincts. I am at the polling place at every election and I hear first hand the grumblings and complaints from voters who question me as to why they weren't allowed to vote for the Commissioner or Commissioners. Each time, I have to explain that the reason they didn't get to vote on the Commissioner's race is because they do not live in that Commissioner district. It is at that point that I hear how unfair it is that they cannot vote for all of the Commissioners. One individual who could not vote for Commissioner District 1 at the 2006 primary election was so mad that he threw down his ballot and sleeve and stomped out of the voting place.

Most of the voters have no idea what Commissioner District they reside in or who the Commissioner is that represents them.

This is the reason why I support allowing all of the citizens to vote on this issue so they can have the final say (one way or the other) as to how they wish to be represented.

Thank you for your time and attention.

Sincerely,



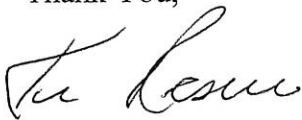
Janet R. Rumpel
Sherman County Election Officer

House Elections
3-9-09
Attachment #5

March 5, 2009

My name is Kevin Rasure and I have served as a county commissioner for 8 years, my term ended January of this year. The issue of at-large districts has been discussed in Sherman County over the last 3 years. Sherman County has one school district with all board members voted on at-large and the city commission has no districts with voting at-large. Sherman County has only one major population center that being Goodland and the districts are divided in a pie shape with each district getting approximately 1/3 of the City of Goodland. During a candidate forum 2 ½ years ago all candidates were in favor of at large voting, including a current commissioner that has not supported that statement to the legislators even after signing a letter of support which passed unanimously and was signed by the three Sherman County commissioners in March 2007 and again signed in 2008. During discussions about this issue never once have any of the commissioners stated that they only represent their district. We have all stated that we try to do what is the best for Sherman County. I am a retail store owner and because I am very accessible to the public, many residents have discussed county issues with me. I am quite aware that there are people on both sides of this issue, but in my conversations with them (both at the store and other public gatherings), I have gathered that a great majority of them would like to see at-large voting for county commissioners. I feel that opinion is validated by the public votes that the Shine on Sherman County committee provided. Many people, me included, believe that the most important issue is not yes or no on the issue of at-large voting, but the right to let the Sherman County voters make that decision. It is a decision that should not be made by our current county commissioners or the State of Kansas. I would greatly appreciate you letting the voters of Sherman County have the right to choose how their commissioners are elected.

Thank You,



Kevin Rasure
Rasure Lumber Inc

Jeff Deeds
1416 Arcade
Goodland KS 67735
jdeeds@st-tel.net

February 9, 2009

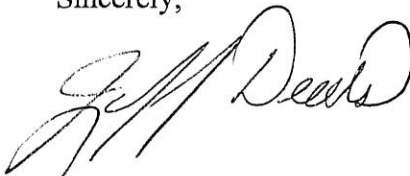
To Whom It May Concern;

I am writing to convey my support of Senate Bill 171 giving the voters of Sherman County the opportunity to express their choice of how they are represented on the Sherman County Commission.

I feel that "At Large, At Large", as it has become known in the county, is the best way that the people of Sherman County can elect the most talented leadership. Choosing leaders in a county of our size should not be dependent upon where they live in the county but whether they are passionate and motivated to lead.

By supporting Senate Bill 171 and "At Large, At Large" you will give us the ability to choose the best leaders for our community.

Sincerely,

A handwritten signature in black ink that reads "Jeff Deeds". The signature is written in a cursive style with a large, looping initial "J".

Jeff Deeds
Sherman County resident

Jill M. Deeds
1416 Arcade
Goodland KS 67735
jdeeds@st-tel.net

February 9, 2009

To Whom It May Concern;

I wish to express my support of Senate Bill 171 giving the voters of Sherman County the opportunity to vote on how they are represented on the Sherman County Commission.

Choosing leaders in a county of our size should not be dependent upon where they live in the county but weather they are passionate and motivated to lead.

By supporting Senate Bill 171 and "At Large, At Large" you will give us the ability to choose the best leaders for our community.

Sincerely,

A handwritten signature in cursive script that reads "Jill M. Deeds". The signature is written in black ink and is positioned below the word "Sincerely,".

Jill M. Deeds
Sherman County resident

Vignery & Mason L.L.C.

ATTORNEYS AT LAW

214 E. 10TH STREET, BOX 767
GOODLAND, KANSAS 67735
TEL. (785) 890-6588 FAX (785) 890-7506

J. RONALD VIGNERY
JEFFERY A. MASON

LESLIE BEIMS


February 10, 2009

TO WHOM IT MAY CONCERN:

I am writing to express my support of the passage of Senate Bill 171. The citizens of Sherman County have spent the past year attempting to rectify the injustice of last legislative session's failure to pass this legislation. The vast majority of residents of Sherman County favor being allowed to vote on the issue of at large election of County Commissioners. Whether individuals are in favor of this concept or not, they should be allowed to express that opinion at the ballot box. Meetings have been held. Straw polls have been conducted. The citizens of our County want to vote on this issue. Please pass Senate Bill 171.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,



Jeffery A. Mason
of VIGNERY & MASON L.L.C.

JAM/jm

Feb 10, 2009

The Honorable Senator Dr Roger Reitz and Committee Members

I would like to encourage you to vote favorably for passage of SB171, giving Sherman County residents the opportunity to vote for commissioners at large at large. We are a very small county and it is rare that anyone running for office has not been at least heard of by a majority of the county. I hear frequently that people are frustrated when they cannot run for the position, or vote for whoever is running, because of an invisible line.

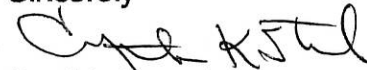
We have worked for 2 years and now are into the third legislative session to get this issue to a vote by the entire county. As a new commissioner, I have been asked over and over again how soon we can vote for all the commissioners and who can run for office.

My campaign materials all indicated my support for legislative approval on this issue. I defeated my two term opponent by an almost 70-30% margin. The main comment made to me was that I believed that we should have the privilege of determining how we elect our commissioners. I believe that the representation will be greater for the population because more people will run for office those elected will have a greater need to represent everyone in the county in a responsible manner.

The main school district in our county (Goodland) has voting at large for school board. The makeup of the board has always been almost half and half (town and country) and is currently made of a majority of members that reside out of town.

I thank you for addressing this issue and again would ask that you vote favorably for our request to vote on the issue of at large at large.

Sincerely



Cynthia Strnad
Sherman County citizen, voter, and County Commissioner

2-11-07

To Whom It May Concern:

It is our feeling that at large voting for Sherman County is what is best for our area. As is allowing residents to vote on this issue.

Our changing population makes districts out of date.

Please consider this when deciding on ~~Ballot~~ [#] 171.

Thank You

Shirley A. Gray

Richard C. Pittman

P.O. Box 164

Goodland, KS 67735

To whom it may concern:

We support the passage of Senate Bill #171 for this time in our county. We are a small county and most people know everyone within the county and this gives all residents the privilege to vote on all the commissioners. This bill increases our representation.

Virginia Palmgren
Kenneth Palmgren

SHERMAN COUNTY

Sherman County
Commissioners
813 Broadway Room 101
Goodland, KS 67735
Phone: 785-890-4807
Fax: 785-890-4809

January 20, 2009

The Honorable Senator, Dr. Roger Reitz
State Capitol Building
300 SW 10th St.
Topeka, Kansas 66612

Dear Dr. Reitz and Members of the Election and Local Government Committee:

Sherman County citizens have worked diligently for two years to have an opportunity to determine which method of county commission election that best meets the desires of our electorate.

Sherman County's Governmental Alliance Committee members have given many hours of their time to provide information about the differences between commissioners elected by district and at-large to interested citizens. They also provided opportunities for these same interested people to express their views in a concrete fashion.

At the urging of our elected legislators, via the previous county commission, two public forums with ballot voting and a mock election held in conjunction with the Presidential election were made available for all interested Sherman County citizens wishes.

Options presented to the public were very simply put:

- #1 Elect commissioners by district
- #2 Elect commissioners at-large

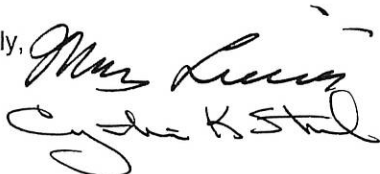
By an overwhelming majority (greater than 70%), the people who chose to participate selected the at-large option.

The desire of the citizens of Sherman County to self determine how commissioners are elected has now been presented to us, the sitting board of County Commissioners, in a clear and united voice. They wish to vote on the method to be used in the future of our county.

We, the majority of the sitting commissioners are respectfully submitting their request that this opportunity be granted to Sherman County voters by necessary changes in the appropriate state statutes. We are also asking that you work together to persuade your fellow legislators that this proposal is valid, solid, and has been expressed by a large percentage of Sherman County residents.

Further, we ask that this matter be addressed as soon as possible as there is a great desire here to have this issue decided at the upcoming General election on April 7, 2009. Thank you for all of your time and considerations of our needs to provide the opportunity to all of Sherman County.

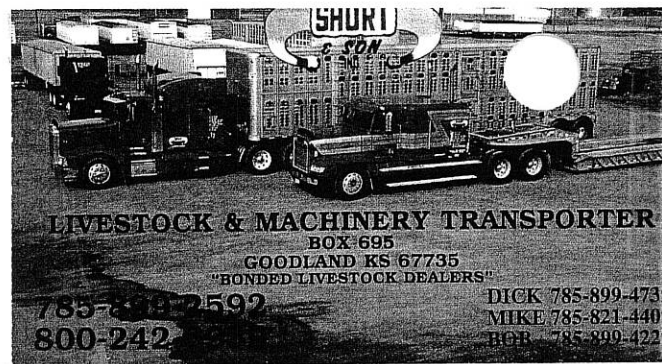
Sincerely,



Sherman County Commissioners

cc: Honorable Senator Ralph Ostmeyer
Honorable Representative Jim Morrison

2-10-2009



TO WHOM IT MAY CONCERN:

I AM WRITING THE LETTER TO SUPPORT SENATE BILL # 171.

I AM A LIFE LONG RESIDENT OF SHERMAN COUNTY. I AM A BUSINESS MAN BEING PRESIDENT OF SHURT + SON INC (A LIVESTOCK TRUCKING BUSINESS IN OUR 75TH YEAR) AND PRESIDENT OF CENTURY FEEDERS INC (A 10,000 HEAD CAPACITY FEEDLOT).

I AM ALSO A USD #352 SCHOOL BOARD MEMBER. WHEN 1ST ELECTED I WAS THE AT LARGE ELECTED MEMBER. WE AS A BOARD WANTED ALL MEMBERS TO BE ELECTED BY ALL OF THE VOTERS. THIS WAS DONE BY A BOARD WANTING TO BE ELECTED BY ALL AND WANTING TO REPRESENT ALL - NOT JUST OUR AREA!

THE PROCESS HAS BEEN A BLESSING! THE VOTERS HAVE A CHOICE TO ELECT AND VOTE FOR EVERY CANDIDATE! IT HAS WORKED FOR THE SCHOOL BOARD FOR OVER 20 YEARS AND STILL IS WORK FOR OUR COUNTY COMMISSIONERS! ONLY THOSE WITH A SELFISH HIDDEN AGENDA WOULD NOT BE IN FAVOR!

PLEASE SUPPORT THIS BILL TO ALLOW ALL CITIZENS TO BE A POSITIVE FORCE IN THE SELECTION OF ALL COMMISSIONERS!

WE IN SHERMAN COUNTY WANT THE BEST FOR EVERY CITIZEN!

Sincerely

February 10, 2009

Ethics and Elections Committee
Kansas State Legislature

Re: SB171 – Sherman County Commissioner At Large

To Whom It May Concern:

I am writing asking for your vote in favor of SB171 allowing our people of Sherman County to vote on our commissioners at large.

A committee called "Shine On Sherman County" took a straw poll the day of the General Election on this very subject as many voters asked it for. The results were 333 for and 86 against.

Again, I ask you to vote in favor on SB171.

Sincerely,

A handwritten signature in cursive script that reads "Shelby Miller".

Shelby Miller

To Ethics & Elections Committee

Jan. 10, 19

DEAR COMMITTEE MEMBERS,

WE WOULD LIKE YOU TO SUPPORT
SENATE BILL # 171. TO ALLOW THE
CITIZENS OF SHERMAN COUNTY, TO ALLOW US
TO VOTE ON IF WE WANT OUR COMMISSIONERS
ELECTED AT LARGE, AT LARGE

Thank-You for your
consideration,

Larry Enfield

Jane E. Enfield
AKA (Disco) (Disco)

Ron Weiss

February 8, 2009

Ethics and Elections Committee
Kansas State Legislature

Re: SB171 – Sherman County Commissioner At Large

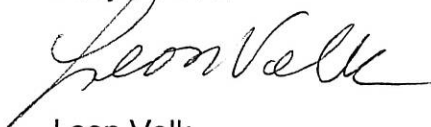
To Whom It May Concern:

As citizens of Sherman County we would like to express our support for SB171 – County Commissioner At-Large. We realize that it takes more than one commissioner to make a decision regarding local issues. We, and our taxes, are affected by all County Commissioners, not just one. Therefore, we feel we should have a voice in electing all County Commissioners. We would ask that you give the citizens a chance to practice their Right to Vote on this issue for Sherman County.

Sincerely,



Mary P. Volk

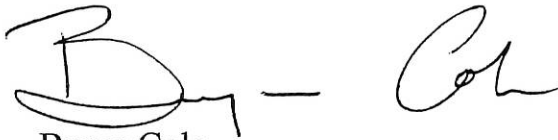


Leon Volk

To Whom it May Concern:

I write this letter in support of Senate Bill 171 – at large voting in Sherman County.

Thank you for your consideration,

A handwritten signature in black ink, consisting of a stylized 'B' followed by 'C' and 'Cole'.

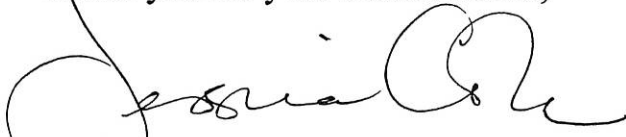
Bryce Cole
Sherman County resident

Feb 10, 2009

To Whom it May Concern:

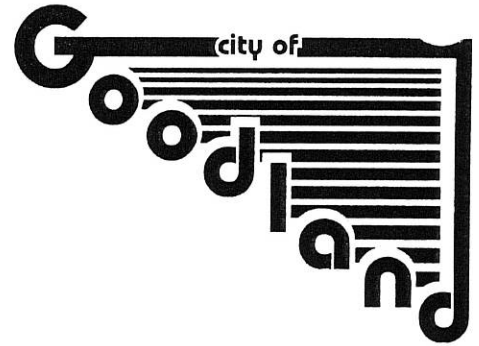
I write this letter in support of Senate Bill 171 – at large voting in Sherman County.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "Jessica Cole". The signature is written in black ink and is positioned to the left of the date.

Feb. 10, 2009

Jessica Cole
Sherman County resident



February 6, 2009

Ethics and Elections Committee
Legislature of the State of Kansas

In re: Senate Bill No. 171-Sherman County Election of County
Commissioners

To Whom It May Concern:

The Commissioners of the City of Goodland would like to express our support for Senate Bill No. 171 to permit the At-Large/At-Large Voting for County Commissioner in Sherman County. We feel this to be a great benefit for the residents of Sherman County.

Sincerely,

Rick Billinger
Mayor

Joshua Dechant
Vice Mayor

Annette Fairbanks
City Commissioner

Dave Daniels
City Commissioner

John Garcia
City Commissioner

204 West 11th
P.O. Box 59

Goodland, Kansas 67735-0059

(785) 890-4500

ALLEN COUNTY COURTHOUSE

Sherrie L. Riebel
COUNTY CLERK

1 N. Washington
Iola, KS 66749

620-365-1407
Fax: 365-1441
Email: coclerk@allencounty.org

March 9, 2009

To: House Elections Committee

Re: Testimony on Senate Bill 103

From: Sherrie L. Riebel, Allen County Clerk/Election Official
and Kansas County Clerk's & Election Officials Election Committee Chair

Honorable Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 103 with the Secretary of State's amendment. Kansas County Clerk's and Election Officials Association supports this legislation only with the amendment.

One, because with the amendment would save the counties, cities and schools money. Economic times require anything that will save taxing entities money should be highly considered. I did a survey for the August 2008 Primary Election. Eleven counties did not respond but of those that did there was a total of \$146,641 spent. I know there is a difference in the elections, but publication, board workers, HAVA machinery and supplies are all requirements for each election.

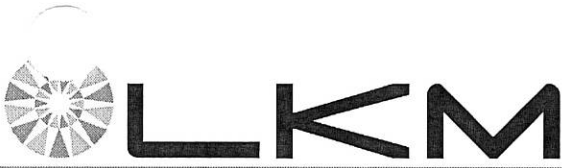
Two, the turn out is so low for most counties. Allen County just had a 21% turnout for a City Primary. I was able to forgo two elections due to the current K.S.A. 2008 Supplement 25-2021, which saved the county money in time spent and the City of Moran and USD #257 in budget.

Third, if the amendment were attached to SB103 the confusion of the current K.S.A. 2008 Supplement 25-2021 would be clarified.

KCC&EOA urge the committee to report Senate Bill 103 with the amendment favorably for passage. Thank you for your consideration.

Sincerely,
Sherrie L. Riebel
Allen County Clerk/Election Official
& KCC&EOA Election Committee Chair

House Elections
3-9-09
Attachment #6



League of Kansas Municipalities

To: House Elections Committee
From: Kim Winn, Director of Policy Development & Communications
Date: March 9, 2009
Re: Support for SB 103

Thank you for the opportunity to appear today in support of SB 103. This bill would amend the local primary statutes to take them back to the law as it was prior to the 2008 legislative session.

Since the changes made during last session, we have received a large number of inquiries from cities and other interested parties attempting to apply the language. Needless to say, there has been much debate, many conflicting opinions, and an overall sense of confusion regarding this new language.

With the application of the new law during this year's city election cycle, a few key concerns have been raised:

- The current statute (as amended last year) is poorly written and is being interpreted differently around the state;
- Because of an opinion from the Secretary of State's office, some county election officials are interpreting the language such that the law also changed the number of candidates that go through to the general election when a primary is held. We believe that the law only changed when a primary is held, not the number of candidates to go through;
- Having the potential for three candidates for any given office in a general election is a serious policy question which must be considered. This dramatically increases the likelihood that the candidate that is chosen will be elected without having a majority of the vote.

As a result of these concerns, LKM supports SB 103 which will return the primary law to the prior rule where a primary is held whenever there are more than two candidates for a position. In addition, it should be noted that this law is non-uniform and cities that would like to limit their primary elections would be able to do so by the passage of a charter ordinance.

At this time, we believe that the most prudent course of action is to pass SB 103 to return the law to pre-2008 language. Thank you for your consideration of this legislation. I would be happy to stand for questions at the appropriate time.

RON THORNBURGH
Secretary of State



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

STATE OF KANSAS
House Committee on Elections
Testimony on Senate Bill 103

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

March 9, 2009

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 103. This bill deals with the rules that govern primaries for city offices, local school boards and community college boards of trustees. These elections are held in the spring of odd-numbered years. Traditionally, primaries are held for these positions only if the number of candidate filings triggers a primary. Legislation in 2008 sought to reduce the number of primaries by increasing the number of candidate filings required to trigger a primary. However, that language created an inconsistency in the law that Senate Bill 103 seeks to resolve.

We support Senate Bill 103 because it resolves the contradictory language that is in current law. However, we wish to offer an amendment to accomplish the objectives of the 2008 legislation that created the contradictory language.

In 2007 and before, the law stated that a primary was required in spring elections only if more than two candidates filed for a position. The primary would eliminate one or more candidates, so the goal of the primary was to narrow the field of candidates to two in the general election, held on the first Tuesday of April.

In 2008 the Kansas County Clerks and Election Officials Association (KCCEOA) proposed legislation to reduce the number of these expensive primaries by increasing by one the number of candidates that would trigger a primary. Thus, if three candidates filed there would not be a primary; a primary would be required if four or more candidates filed. But the 2008 law was unclear as to how many candidates would be carried forward from the primary to the general election ballot. The contradiction in the language of the 2008 law created confusion and, in our view, needs to be amended.

SB 103 would resolve the confusion created in 2008 by returning the law to its 2007 language. We support the bill for that reason, but it does not accomplish what the KCCEOA attempted to accomplish with the legislation it proposed in 2008. Therefore, we wish to offer an amendment to Senate Bill 103. We have included the proposed amendment with this testimony.

The amendment being proposed jointly by the KCCEOA and the Secretary of State's office amends the language of Senate Bill 103 to accomplish two objectives: it will remove the contradictory and confusing language and still reduce the number of spring primaries.

If the committee amends Senate Bill 103 as proposed, the policy regarding spring primaries will be that a primary will be required only in those districts in which a fourth candidate files for office. If three or fewer candidates file, there is no primary and all the candidates' names are printed on the general election ballot in April. If four or more candidates file, there will be a primary to reduce the field to two for the general election.

While we support Senate Bill 103 because it will remove the confusion from the law passed in 2008, we urge the committee to adopt the proposed amendment to accomplish the additional objective of the 2008 legislation. We ask the committee to amend Senate Bill 103 as proposed and to recommend the bill, as amended, favorably for passage.

We have included a chart to help explain the rules for holding primary elections under the 2007 law/Senate Bill 103, the 2008 law and Senate Bill 103 if amended as proposed.

Thank you for your consideration.

CITY / SCHOOL / COMMUNITY COLLEGE PRIMARY ELECTION CHART

PREVIOUS LAW / SB 103 PROPOSAL

NUMBER OF POSITIONS	CANDIDATES FILED - NO PRIMARY	CANDIDATES FILED CREATING PRIMARY	IF PRIMARY IS HELD NUMBER OF CANDIDATES ADVANCING TO GENERAL
1	0-2	3 OR MORE	2
2 (at large)	0-4	5 OR MORE	4
3 (at large)	0-6	7 OR MORE	6
4 (at large)	0-8	9 OR MORE	8

2008 LAW AS IMPLEMENTED

NUMBER OF POSITIONS	CANDIDATES FILED - NO PRIMARY	CANDIDATES FILED CREATING PRIMARY	IF PRIMARY IS HELD NUMBER OF CANDIDATES ADVANCING TO GENERAL
1	0-3	4 OR MORE	3
2 (at large)	0-6	7 OR MORE	6
3 (at large)	0-9	10 OR MORE	9
4 (at large)	0-12	13 OR MORE	12

2009 SOS / KCCEOA AMENDMENT TO SB 103

NUMBER OF POSITIONS	CANDIDATES FILED - NO PRIMARY	CANDIDATES FILED CREATING PRIMARY	IF PRIMARY IS HELD NUMBER OF CANDIDATES ADVANCING TO GENERAL
1	0-3	4 OR MORE	2
2 (at large)	0-6	7 OR MORE	4
3 (at large)	0-9	10 OR MORE	6
4 (at large)	0-12	13 OR MORE	8

PROPOSED AMENDMENT TO SENATE BILL No. 103

Section 1. K.S.A. 2008 Supp. 25-2021 is hereby amended to read as follows: 25-2021. (a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of school district board members shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are board members to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general school board election ballot. *In school districts in which a member district method of election is in effect, if there are more than two **three** qualified candidates for one member position in any member district, the county election officer shall call, and there shall be held, a primary election in each such member district and, if there are more than two qualified candidates for the at-large member position, the county election officer shall call, and there shall be held, a primary election in such school district. The names of the two candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election. **If there are three or fewer qualified candidates for any member position there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.***

*(b) In school districts having the **in which the** election at large method **is in effect**, if there are more than two **three** times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. **If there are not more than three times the number of candidates as there are board members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.***

*(c) If a member is to be elected to fill an unexpired term ~~the rules in this section shall be modified consistent with the provisions of this subsection~~ the office shall be listed separately on the ballots. If there are more than two **three** candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. **If there are three or fewer qualified candidates for any member position there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.***

(d) ~~No ballot in a primary school election shall have either names or write-in blanks for any board member position unless more than two candidates have filed for such position.~~

*(b) (e) On the ballots in general school elections, blank lines for the name **names** of write-in candidates shall be printed at the end of the list of candidates for each different office equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary school election ballots.*

25-2102. Definitions; primary and general elections. (a) "General election" means the election held on the Tuesday succeeding the first Monday in November of even-numbered years, the elections held for officers on the first Tuesday in April, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in August of even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.

(c) "District method" means the election of city officers where the city is divided into member districts.

(d) "Election at large method" means the election of city officers without member districts.

Sec. 2. K.S.A. 2008 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection subsections (b) and (c) of this section.

~~(b) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of city officers shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are officers to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.~~

~~(b) No primary election of city officers shall be held unless by holding such primary one or more persons will be eliminated as candidates for office. In the event there are not more than two candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.~~

(b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for one member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.

Sec. 3. K.S.A. 2008 Supp. 71-1415 is hereby amended to read as follows: 71-1415. (a) ~~A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees. In any college district having a in which the district method of election is in effect, and in which if there are more than two three candidates for a member position, the election officer shall call, and there shall be held, a primary election. The names of the two candidates receiving the greatest number of votes for any member position shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.~~

~~(b) In any college district having in which the election at large method is in effect, and in which if there are more than two three times the number of candidates as there are trustees to be elected, the election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes in the primary shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are trustees to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.~~

~~(b) (c) In the general election, there shall appear on the ballots a line appropriate for write-in candidates. No lines for write-in candidates shall appear on the primary election ballots.~~

(c) If a member is to be elected to fill an unexpired term the office shall be listed separately on the ballots. If there are more than three candidates for such unexpired term, the county election officer shall call, and there shall be held, a primary election. The names of the two candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member position there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general college district elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary college district election ballots.

Sec. 4. K.S.A. 2008 Supp. 25-2021, 25-2108a and 71-1415 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.



SALINE COUNTY

Board Meetings - Monday, Tuesday, Wednesday
Meeting Room 209 - Office Room 211 - 300 W. Ash

P.O. Box 5040
Salina, Kansas 67402-5040
Phone (785) 309-5825
FAX: (785) 309-5826

COMMISSIONERS:
Randall E. Duncan
First District

Craig Stephenson
Second District

Sherri Barragree
Third District

March 9, 2009

Honorable Representative Steve Huebert
Chairman – House of Representatives Elections Committee
and Committee Members

Re: S.B. 103 – Reduce the Number of City/School Primaries
by Committee on Ethics and Elections (as amended)

Chairman Huebert and Committee Members:

As Saline County Election Officer and County Clerk, I am supportive of S.B. 103, as amended, to change the candidate filing numbers from 2 to 3 for each open position in City/School/College District Elections.

This year we had 9 filings for 3 open positions on the City of Salina Commission. By current statutes no Primary is needed, and the City of Salina will save approximately \$20,000 in election costs for 2009.

The following are election turnouts and expenses for Saline County/City of Salina/USD 305/USD 306/City of Gypsum:

February 27, 2001 – City of Salina Commission and USD 305 School Board

2,725 votes cast (9% voter turnout) - \$14,473.00 overall cost (\$5.31/vote)

February 25, 2003 – City of Salina Commission

4,250 votes cast (14% voter turnout) - \$15,104.00 overall cost (\$3.55/vote)

March 1, 2005 – City of Salina Commission

4,496 votes cast (14% voter turnout) - \$17,080.00 overall cost (\$3.80/vote)

March 1, 2005 – City of Gypsum Mayor

119 votes cast (46% voter turnout) - \$370.00 overall cost (\$3.10/vote)

February 27, 2007 – City of Salina Commission

4,133 votes cast (14% voter turnout) - \$18,429.00 overall cost (\$4.46/vote)

As an Election Officer, I strive to be as fiscally responsible as possible in conducting elections. This is especially important in this time of reduced revenues for cities, counties, and school districts.

Thank you for your time and consideration of this election matter.

Sincerely,

Donald R. Merriman

Saline County Clerk and Election Officer

(Secretary of the Kansas County Clerks' and Election Officials' Association)

DRM:ll

House Elections
3-9-09
Attachment # 9