

Approved: March 3, 2010
Date

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on February 24, 2010, in Room 144-S of the Capitol.

All members were present except:

Senator Oletha Faust-Goudeau- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Sean Ostrow, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Sue Storm, Kansas Board of Education
Ty Masterson, Kansas Senator
Tom Krebs, Kansas Association of School Boards
Sandy Jacquot, League of Kansas Municipalities
Brad Bryant, Deputy Assistant Secretary of State, Elections and Legislative Matters

Others attending:

See attached list.

The Chair asked for approval of the minutes for February 17, 2010. Moved by Senator Wagle, seconded by Senator Brungardt that the minutes be approved as submitted. Motion carried.

The Chair opened the hearing on **SB 443 - Campaign finance; contribution limitations; candidates for the state board of education.** This bill would amend the Campaign Finance Act by raising the contribution limitation for candidates for the State Board of Education from \$500 per election cycle to \$1,000 per election cycle.

Sue Storm, Kansas State Board of Education, urged support of this legislation. She stated that each state board district is equivalent to four senatorial districts and that and consequently it would be more appropriate and logical to follow senatorial guidelines (Attachment 1).

There being no further discussion, the Chair closed the hearing on **SB 443** and opened the hearing on **SB 542 - Elections; changing the date of April primary elections to August.** This would move city elections and local elections for water districts, school districts, and community colleges that are currently held in the spring of odd-numbered years to the fall of even-numbered years to coincide with the August primary and November general elections.

Senator Ty Masterson presented testimony in favor of **SB 542** stating that in his opinion it would greatly increase the awareness and participation of the voting public (Attachment 2)

Representative Aaron Jack submitted written testimony in favor of this legislation (Attachment 3).

Speaking in opposition, Tom Krebs, Governmental Relations Specialist for the Kansas Association of School Boards, stated that school board and city elections deal with issues that are more specific and could easily be drowned out by issues that have state, national and international implications. (Attachment 4).

Also in opposition was Sandy Jacquot, League of Kansas Municipalities, said that city elections in Kansas were non-partisan in nature and that moving the elections would be inappropriate and confusing for the public and that local candidates and elections would be lost in statewide and federal elections conducted at the same time (Attachment 5).

Brad Bryant, Deputy Assistant Secretary of State, Elections and Legislative Matters, stated that the Secretary of State's office is neutral on the policy question raised but would ask the committee to consider the following: adding extension councils and irrigation districts to those included in the bill; all primaries be held



CONTINUATION SHEET

Minutes of the Senate Ethics and Elections Committee at 9:30 a.m. on February 24, 2010, in Room 144-S of the Capitol.

on the first Tuesday in August except for jurisdictions which do not have primaries and it would be more efficient and less confusing to have the candidate filing deadline for all elections at noon on June 10. It is also anticipated that the increased expenses in even-year elections would be more than offset by the savings in odd-year elections. The Secretary of State's office recommends consideration of some amendments to allow for easier administration of the elections and offers their assistance in the preparation if so needed (Attachment 6).

Senator Huntington asked Mr. Bryant if his office could provide the committee with information on the comparison of Kansas to other states regarding election seasons and voter turnout. He indicated that this information was available and would get it to the committee members.

There being no further questions, the hearing on **SB 542** was closed.

The next meeting is scheduled for March 3, 2010.

The meeting was adjourned at 10:20 a.m.



Kansas State Board of Education

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Janet Waugh <i>District 1</i>	Sue Storm <i>District 2</i>	John W. Bacon <i>District 3</i>	Carolyn L. Wims-Campbell <i>District 4</i>	Sally Cauble <i>District 5</i>
Kathy Martin <i>District 6</i>	Kenneth Willard <i>District 7</i>	Walt Chappell <i>District 8</i>	Jana Shaver <i>District 9</i>	David Dennis <i>District 10</i>

February 24, 2010

TO: Senate Ethics and Elections Committee

FROM: State Board of Education

SUBJECT: Senate Bill 443

My name is Sue Storm, Legislative Coordinator of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

The State Board of Education supports Senate Bill 443. Currently, members of the State Board are limited to contributions of \$500 per political committee or person for each primary and general election (same as state representatives). This bill, if enacted, would allow candidates for the State Board to be treated like state senators and allow them to receive campaign contributions of \$1,000 per political committee or person for each primary and general election.

Each State Board district is equivalent to four senatorial districts. Due to the size of the State Board districts, it seems more appropriate and more logical to follow senatorial guidelines, rather than representatives, in order to campaign adequately within their respective districts.

Obviously, a race for the State Board can be very expensive if the candidate intends to really communicate with the voters. Speaking from my personal experience, I found that the cost of one mailing for the State Board race was equivalent to at least seven mailings in my prior campaigns for the House of Representatives. I raised a fair amount of money in my Board campaign, but was still able to do only one very targeted mailing to the voters.

The State Board of Education asks you to pass SB 443 out of this committee.

h:fn-test:Test--443

Senate Ethics and Elections Cmte
Date 2-24-2010

An Equal Employment/Education Opportunity Act Attachment 1

State of Kansas

Senate Chamber

TY MASTERSON
STATE SENATOR, 16TH DISTRICT
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RE: SB 542

Madam Chairman and Committee,

Thank you for taking the time to hear SB 542. In a nut shell, it simplifies our election system by moving the dates of all public elections to August and November of even years when we are all much more aware. There are a couple of benefits I wanted to take a brief moment to point out and discuss with you today.

1. It would greatly increase the awareness and participation of the voting public. Local elections often have MORE impact on our constituents daily lives than our own, State level , elections with off cycle local elections historically having very low participation. I have seen local elections in my own area with candidates winning elections with less than 2% of the population! I have heard from many that they are often not even aware the election is even happening.
2. It would save money not just for the government, but for the public. Elections can require significant time and effort on the part of some in the voting public from taking time off work to driving some distance to the poll. In addition, election offices have to hire poll workers to man the machines every time we have elections.

There are obviously some logistics that would need to be worked out at the Secretary of State's office and at the local election office, but SB 542 is a great step forward; simplifying, saving money, and helping our constituents be more involved in the republic that governs them.

Thank you for your time, and I would be glad to stand for questions,


Sen. Ty Masterson

Senate Ethics and Elections Cmte
Date 2-24-2010
Attachment 2

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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AARON JACK
99TH DISTRICT

February 24, 2010

Senate Committee on Ethics and Elections

The Honorable Vicki Schmidt, Chair

Re: SB 542

Dear Senator Schmidt and Committee Members,

Kansas is experiencing challenges in both our economy and our state budget which we have not seen since the members of our "greatest generation" were children. Therefore, it is paramount that we look at everything we do as a state government to make sure we are streamlining all actions between state, county and local governments.

One area where we might find cost savings is by making any elections to be scheduled in either August or November to coincide with our state and federal elections.

There could be several direct benefits to such a proposed change:

- a) State and local governments could save money by not requiring polls to be open as often or on as many dates during the year.
- b) Voter turnout would be increased for these elections. Many of these critical elections are often decided by only a few votes and an extremely small percentage of the electorate participate in the election.

Respectfully,

Aaron Jack, J.D., M.B.A.
Representative – 99th District
Kansas House of Representatives

Senate Ethics and Elections Cmte
Date 2-24-2010
Attachment 3

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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Testimony before the
Senate Ethics and Elections Committee
on
SB 542

by
Tom Krebs, Governmental Relations Specialist
Kansas Association of School Boards

February 23, 2010

Madame Chair, Members of the Committee:

Thank you for the opportunity to testify on **SB 542**. We stand as an opponent of the bill.

KASB policy specifically supports current law. "KASB supports electing school board member in April of odd-numbered years and inducting them on July 1. KASB supports non-partisan school board elections with primaries held when more than twice the number of candidates file for the same seat or seats to be filled."

When this bill was introduced on the Senate side and heard on the House side, two factors were cited — costs would be reduced and awareness would be raised. As in other current discussions, lowering costs in and of itself has allure, but the real issue is, "Is it more effective?" KASB believes districts will be better governed by those elected out of the hottest of spotlights with campaigns that address what really needs to be done for a community's children in light of a community's values.

I was able a number of years ago to take part in a KASB Delegate Assembly that addressed this issue. Local elections tend, for the most part, to deal with issues that are more specific to a region and a population demographic. The issues around school board and city elections are much narrower and could easily be drowned out by issues that have state, national and international implications. It's also important to note school board members are volunteers and serve with no pay. Having them run in elections where the other positions are not only paying ones but have the potential of being a day-to-day job does them a disservice. Do school board members, in a big district particularly, have to be politically savvy? Probably. But when the day is done, they are inevitably a volunteer serving to help children. Leaving the elections in April reinforces that notion.

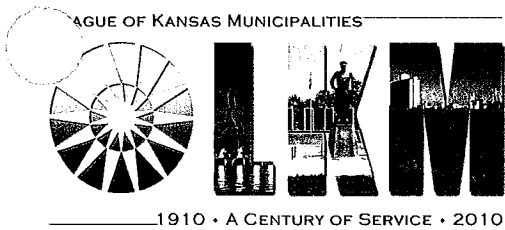
Senate Ethics and Elections Cmte

Date 2-24-2010

Attachment 4

And by including them in the November elections, an element of partisanship will likely be introduced that will definitely muddy the water. Education is the most local of all issues. Parties, by definition, divide people rather than unite. Clearly, candidates bring different ideas and potential solutions to a school board race, but partisanship will tend to force them to couch those ideas and solutions in terms of party principles, or even worse, litmus tests. There's nothing to be gained, and a lot to lose, if two folks running for a board seat have to talk with their neighbors using colors or mascots as their credentials as compared to care and common sense.

Thank you for your consideration.



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To: Senate Ethics & Elections Committee
From: Kim Winn, Director of Policy Development & Communications
Date: February 23, 2010
Re: Opposition to SB 542

Thank you for the opportunity to offer comments on behalf of the League of Kansas Municipalities and our member cities. We do not support the provisions of SB 542 and we offer the following key concerns:

- **City Elections are Non-Partisan.** City elections in Kansas are non-partisan in nature. Moving city elections to coincide with other partisan primaries and general elections would be inappropriate and confusing for the public.
- **Coverage of City Elections.** City officials have expressed great concern about the lack of coverage for city elections should they be moved to August and November. Local candidates and elections would be lost in the myriad of statewide and federal elections that are conducted at the same time.

While tying local elections to the state and federal elections may increase the total number of individuals who vote in city elections, it would likely diminish the information available about city elections and candidates.

For these reasons, we respectfully request that you do not recommend SB 542 favorably for passage. I would be happy to stand for questions at the appropriate time.

Senate Ethics and Elections Cmte
Date 2-24-2010
Attachment 5

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Ethics and Elections

Testimony on Senate Bill 542

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

February 24, 2010

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 542. The Secretary of State is neutral on the policy question raised in this bill, but we wish to provide information for the committee's consideration. The bill would move certain elections currently held in the spring of odd-numbered years to coincide with the August primary and November general elections held in even-numbered years.

Please consider the following points.

Scope of SB 542

1. If the intent of SB 542 is to move *all* spring elections currently held in odd-numbered years into the even-numbered years, we suggest the committee consider the following jurisdictions in addition to those already included in the bill:

Extension councils K.S.A. 2-624
Irrigation districts K.S.A. 42-706

Currently, the bill includes cities, local school boards, community college boards of trustees, drainage districts and water districts.

Filing Deadlines and Primaries

2. If the intent of the bill is to have a single candidate filing deadline and a single primary election date prior to the November general election, certain sections of the bill need to be amended. We suggest that it would be more efficient and less confusing to have the candidate filing deadline for all elections at noon on June 10 (or the next business day if June 10 falls on a weekend). Also, we suggest all primaries be held on the first Tuesday in August except for jurisdictions which do not have primaries.

3. This bill sets school board and city candidate filing deadlines 10 weeks before the November general election, which is after the August primary. (Sec. 14 and 21) We suggest setting the filing deadlines at noon on June 10 or the next business day if June 10 falls on a weekend.

4. The community college primary is 5 weeks before the regular August primary. This would mean the community college primary would be in late June with the regular primary in early August. (Sec. 26) Is the intent to have the primary in August, the same as the others? We suggest setting the primary on the first Tuesday in August.

The community college candidate filing deadline is 10 weeks before the August primary, which is in May. (Sec. 27) Is the intent to have the filing deadline coincide with other offices in June? We suggest setting the filing deadline at noon on June 10 or the next business day if June 10 is a weekend.

5. Section 7 of this bill sets the date of the general election for city officers on the first Tuesday in August, which coincides with the current partisan primary election. Section 20 sets the *primary* for city offices in August. Also, Section 21 sets the candidate filing deadline for city offices on the Tuesday 10 weeks before the November general election, which would be after August. We raise these points so the committee can consider what the intent of the legislation is. We suggest amending Section 7 so the city general election is on the Tuesday following the first Monday in November, and amending Section 21 so the candidate filing deadline is at noon on June 10 or the next business day if June 10 is a weekend.

6. If the date of the general election is intended to coincide with the other elections in current law, the date of the general election should be the Tuesday *after the first Monday* in November, not the first Tuesday in November. (Sec. 9, 10, 14, 19, 21, 23, 26)

If not corrected, this will create a double general election in 2016, when the first Tuesday in November is the first day of the month.

Expenses

7. While local jurisdictions will save money by not conducting spring elections in odd-numbered years, certain aspects of the even-year elections will be more expensive because ballot preparation by county election officers will be more complicated.

- There will be more ballot styles. For instance, unified school districts and the member districts within them do not follow traditional precinct lines.

- In the August primary there will need to be a separate nonpartisan ballot for Libertarians, Reform Party members and unaffiliated voters.

We anticipate that the increased expenses in even-year elections would be more than offset by the savings in odd-year elections.

8. Local units of government often conduct special question submitted elections in conjunction with regularly scheduled elections to save money. This bill would reduce by half their options for regularly scheduled elections.

Other Consequences

9. There are instances in Kansas politics where one individual holds both a local and a state office. That practice would be precluded in many cases by this legislation because K.S.A. 25-613 prohibits any candidate's name from appearing on the ballot more than once.

10. The ballot in the fall elections will be very long in many jurisdictions. Voters may experience what is sometimes called ballot fatigue.

11. This bill will result in many *nonpartisan* primaries and general elections being conducted at the same time as *partisan* elections. This can lead to voter confusion. Current law requires judicial retention elections, which are nonpartisan, to be conducted at the same time as the November general election. This bill would add more nonpartisan elections to both the August primary and the November general elections.

12. One positive outcome of this legislation is that the turnout in local elections, traditionally held in the spring of odd-numbered years, will be much higher.

13. The effective date of July 1, 2010 for elections in 2010 is after the June filing deadline and one month before the primary. We suggest making the bill effective upon publication in the *Kansas Register* if it is intended to have effect in the 2010 elections. Another alternative is to delay the bill's effective date until the 2012 elections.

If the committee considers this bill for passage, we recommend consideration of some amendments to allow for easier administration of the elections. We offer our assistance if needed. Thank you for your consideration.