

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on March 12, 2003 in Room 521-S of the Capitol.

All members were present except: Representative Jim Yonally, Excused
Representative Stephanie Sharp, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: None

Others attending: See attached list.

Chairman Myers opened the hearing on **SB 166 - Vacancy in office; clarifying party convention definition.**

Chair Myers requested that Revisor of Statutes, Ken Wilke, explain **SB 166**. Ken said that some of the history of this bill relates to a county election, where a sheriff changed parties after being elected and, then resigned from office shortly thereafter. The statute covering vacancies in office does not define which party will have a political convention to provide a name for the governor's choice for replacement. He told the committee that **SB 166** was amended in the Senate committee with Section 1 and the current Section 1 became Section 2. Ken also said that Sections 2 and 3 became Sections 3 and 4 respectively. The other amendment by the committee was in Section 2 (b) It added "*The officer's or candidate's political party shall be determined as of the date when such officer or candidate is elected.*". Ken also indicated that the bill was amended in the Senate Committee of the Whole to add in Section 1 "*The prior United States senator's political party shall be determined as of the date when such United States senator is elected or appointed.*", and to add in Sections 2 (b) "*or appointed*" after 'elected' on lines 41 and 42.

There were no proponents for or opponents against **SB 166**, and after discussion by the committee, Chairman Myers closed the hearing.

Chairman Myers said that the committee would work **SB 95 - Elections; names of political parties.**

Represented McCreary submitted an amendment to **SB 95**. He suggests striking on page 1, line 11 ";also repealing K.S.A. 25-116 and 25-117" and striking on page 2, line 41 "25-116, 25-117 and". Lines 9-11 would read "*AN ACT concerning elections: relating to names of political parties; amending K.S.A. 25-304 and K.S.A. 2002 Supp. 25-302a and repealing the existing sections.*" (Attachment 1)

The committee discussed whether K.S.A. 25-116 and K.S.A. 25-117 could be enforced if left on the statutes. Committee guests Brad Bryant, Deputy Assistant Secretary of State, and Melissa Wangemann, Legal Counsel with the Secretary of State, answered that these two statutes are unconstitutional as decided by the Supreme Court decision in 1974. The committee members also discussed the freedom of a political party or organization to advocate, teach, justify, aid or abet a program of sabotage, force and violence,

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on March 12, 2003 in Room 521-S of the Capitol.

sedition or treason against the government of the United States or this state, as stated in 25-116 and 25-117.

Representative Huff moved to **amend SB 95** by inserting in the title “*relating to the presidential primary;*” and “25-4501, 25-4505” after 25-304. The title would then read “*AN ACT concerning elections: relating to names of political parties; relating to the presidential primary; amending K.S.A. 25-304 K.S.A. 25-4501, K.S.A. 25-4505 and K.S.A. 2002 Supp. 25-302a and repealing existing sections*”. The second part of the amendment would insert a balloon to insert Sections 1 and 2 of **SB 101** as Sections 3 and 4 into **SB 95**. ” Representative Huebert seconded the motion. The motion passed. (Attachment 2)

Representative McCreary moved and Representative Miller seconded the motion to **amend SB 95** by striking K.S.A. 25-116 and 25-117 from the bill which deals with barring certain political parties and affidavits filed by newly organized parties. Representative McCreary’s motion deletes “25-116 and 25-117” from page 2, line 8 in the repealer section and deletes the language “also repealing K.S.A. 25-116 and 25-117” from page 1, line 13 in the title of the bill. The motion passed by a 7-6 margin. Representative Svaty is recorded as a “no” vote.

Representative Huebert moved that **SB 95 as amended** be moved favorably from committee. Representative Huff seconded the motion. Motion passed.

Chairman Myers said that the committee would hear **SB 103** on Monday.

The meeting was adjourned at 4:35 p.m. The next scheduled meeting is Monday, March 17 at 3:30 p.m.