

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 11, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused
Representative Tom Sawyer- 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:

Diane Gjerstad, Wichita Public Schools
Eric Sartorius, Overland Park
Dale Goter, Government Relations Manager, City of Wichita
Mike Taylor, Public Relations Director, United Government Public Relations, Wyandotte County
Don Moler, Executive Director, League of Kansas Municipalities
Doug Mays, City of Olathe
Mark Tallman, Assistant Executive Director/Advocacy, Kansas Association of School Boards
Brad Bryant, Deputy Assistant Secretary of State

Others attending:

See attached list.

Hearing On: **SB 71 - Question submitted elections; new reporting requirements.**

Ken Wilke, Office of the Revisor of Statutes, advised the committee of the changes to a statute dealing with local question-submitted elections. He said the Senate committee added language similar to the wording of campaign finance reporting in section two (2). Mr. Wilke explained that the Senate Committee of the Whole added the "new section two" which prohibits officers or employees of a municipality to use public funds for the purpose of advocating a specific outcome of a question-submitted election.

Diane Gjerstad, Wichita Public Schools, addressed the committee representing the position of Wichita Public Schools Board President, Mr. Lynn Rogers ([Attachment 1](#)). She indicated that by moving the reporting date of expenditures and receipts from December 31st to a fixed time prior to the election, the schedule could be parallel to legislative campaign reporting. Ms. Gjerstad recommended the committee consider **SB 71** favorable for passage as amended by the Senate committee.

Eric Sartorius, Overland Park, presented testimony in opposition to **SB 71**, stating that the amendment restricts freedom of speech on the political activities of locally elected officials ([Attachment 2](#)). He said this bill uses language that creates confusion on the use of public funds by candidates running for public office. Mr. Sartorius recommended removing "new section two" and then report **SB 71** favorable for passage.

Dale Goter, Government Relations Manager, City of Wichita, spoke in opposition to **SB 71**, concurring with statements previously given ([Attachment 3](#)). He said the bill as amended contained certain provisions that are not acceptable to the governing body of the City of Wichita.

Mike Taylor, Public Relations Director, United Government Public Relations, Wyandotte County, spoke in opposition to **SB 71**, saying the agency recommended the free-speech restriction be stricken from the bill ([Attachment 4](#)).

Don Moler, Executive Director, League of Kansas Municipalities (LKM), said LKM holds the position of opposing the inclusion of "new section two" as unconstitutional and a possible problem for elected and appointed local public officers ([Attachment 5](#)).

Doug Mays, City of Olathe, acknowledged the simplicity of the original version of **SB 71** and holds to the

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position that the language in the amendment titled “new section two” violates the first amendment rights of citizens of Kansas (Attachment 6). He spoke as an opponent and recommended striking the amendment or killing the entire bill.

Melissa Wangmann, Legislative Service Director, General Counsel, Kansas Association of Counties, submitted written testimony in opposition to **SB 71** (Attachment 7).

Mark Tallman, Assistant Executive Director/Advocacy, Kansas Association of School Boards (KASB), said KASB remains uncommitted in its position on **SB 71** (Attachment 8). He indicated the association’s concern for the language contained in the “new section two.” He recommended that language be removed or changed for the purpose of clarification of speech rights for persons involved in election campaigns.

The hearing on **SB 71** was closed.

Hearing On: **SB 118 - Campaign finance; state-wide offices; electronic filing required.**

Ken Wilke reported the intent of **SB 118** is to allow candidates throughout the state to file finance reports electronically. He said the bill was recommended by the Kansas Governmental Ethics Commission.

Brad Bryant, Deputy Assistant Secretary of State, stated that **SB 118** coincides with efforts put forth by the Secretary of State’s office for electronic filing of campaign finance reports (Attachment 9). He provided background on the legislation passed in 2007, which required the agency to build a system for filing electronically; he said there remained an option for using the system to make reports. He said this bill, if passed, would move toward a more effective use of the electronic system and recommended the bill favorably for passage.

The hearing on **SB 118** was closed.

The Chairman called for working of bills:

SB 171 - Sherman county; election of county commissioners.

Representative Huebert introduced an amendment which would require a dual majority of voters in Sherman County to elect county commissioners (Attachment 10). Representative Schwab moved to accept the amendment. Representative Brunk seconded the motion. The motion to amend was passed.

Representative Schwab made a motion to pass favorably SB 171 as amended. Representative Horst seconded the motion. The motion passed.

SB 80 - Certain cities; sale of utility systems; elections.

Representative Schwab made a motion to amend SB 80 by changing “page 2, line 6” to read, “publication in the register.” Representative Horst seconded the motion. The motion to amend was passed.

Representative Brunk made a motion to pass the bill favorably as amended. Representative O’Brien seconded the motion. The motion passed.

The Chairman entertained a motion to delete the language of **SB 3** for the purpose of re-working **HB 2077**. Representative Schwab made a motion to strike all the language of SB 3, and insert HB 2077 including the original amendment. Representative Brunk seconded the motion. Discussion ensued pertaining to the withdrawal of the Sawyer amendment. The committee members voiced concerns regarding the signing of an affidavit to verify identification, and the delaying of the effective date of January 2012. The motion to amend was passed by a vote of 7-2. Representatives Garcia and Menghini voted against the amendment.

Representative Garcia made a motion to insert the Sawyer amendment. Representative Menghini seconded the motion. The motion failed.

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Representative Schwab made a motion to recommend **SB 3** (with the language of **HB 2077**) as **House Substitute for SB 3** to be considered as favorable for passage as amended. Representative Brunk seconded the motion. The motion passed 7-2. Representatives Garcia and Menghini are recorded as voting no.

The meeting was adjourned at 5:00 p.m. The next meeting is scheduled for March 16, 2009.