

Approved: 2-9-93
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on February 4, 1993 in Room 521-S of the Capitol.

All members were present except: Rep. Lisa Benlon (Excused)
Rep. Gary Haulmark (Excused)

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Carol Williams, Kansas Commission on Governmental Standards and Conduct

Others attending: See attached list

Hearing on:

HB 2051 - governmental ethics; filing of disclosure statements by legislators contracting with a state agency.

Carol Williams, Kansas Commission on Governmental Standards and Conduct, testified in support of HB 2051 which recommends requiring legislators to also file a statement when he/she or any member of his/her firm contracts to perform service for a state agency (Attachment 1).

Final action on:

HB 2014 - members and chairperson of KanWork Interagency coordinating Committee.

Chairman Smith noted there is no fiscal impact in HB 2014.

Representative Gross moved favorable passage of HB 2014 and that it be placed on the consent calendar. Representative McKechnie seconded. The motion carried.

HB 2044 - requiring affidavits of candidacy by write-in candidates for certain offices.

Arden Ensley, Legislative Revisor, presented a balloon on HB 2044 (Attachment 2) with the changes shown as requested by the Secretary of State's Office. One was to add "of the first class" after the word city on page 1, line 40, and page 3, line 2. Another change is on page 3, line 33, after the word each to add wording to authorize write-in candidates a poll agent like any other candidate.

Representative McKechnie moved adoption of above amendments. Representative Gilbert seconded. Motion carried.

Representative McKechnie moved favorable passage of HB 2044 as amended. Representative Cox seconded. Motion carried.

Representative Gross moved approval of the minues for February 3, 1993 as corrected. Representative Dillon seconded. Motion carried.

The meeting was adjourned at 9:25 a.m. The next meeting is scheduled for February 9, 1993.

GUEST LIST

COMMITTEE: House Govt Organization
VW Elections

DATE: 2-4-73

[illegible]



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before House Governmental Organization and Elections on House Bill 2051

By Carol Williams, Kansas Commission on Governmental Standards & Conduct

House Bill 2051 which is before you this morning would amend a provision of the state conflict of interest statutes, K.S.A. 1992 Supp. 46-239. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1992 Annual Report and Recommendations.

Currently, any agency of the State of Kansas which enters into a contract with any legislator, or any member of a firm of which such legislator is a member, where the legislator or the member of such firm is to perform services for such agency for compensation, must file a quarterly report with the Secretary of State disclosing such employment. The Commission recommends the amendatory language found on lines 28-32 to require legislators to also file a statement when the legislator, or any member of a firm such legislator belongs to, contracts to perform any service for a state agency other than the legislature. The form would be filed not later than 10 days after the acceptance of such contract. The filing of this form by both the agency and the legislator will provide a means of cross-check for the Commission.

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in this section. Any individual, while a legislator or within one (1) year after the expiration of a term as a legislator, who contracts to perform any service for a state agency other than the legislature, shall not later than ten (10) days after the acceptance of such contract, file a disclosure statement as provided in this section.

(c) The disclosure statement required by this section shall be filed with the secretary of state in all cases. Any individual who files a statement may file an amended statement (or, if permitted by the secretary of state, amend the original filing) at any time after the statement is originally filed. Copies of each such statement shall forthwith upon filing be transmitted by the secretary of state to (1) in the case of members of the house of representatives, the chief clerk of the house of representatives, or (2) in the case of senators, the secretary of the senate. In addition to the foregoing, a copy of every disclosure statement shall be transmitted by the secretary of state to the state agency involved, if the state agency is other than a part of the legislative branch.

(d) The disclosure statement provided for by this section shall be signed by the person making the same and shall state (1) the name of the employer, (2) the purpose of the employment and (3) the method of determining and computing the compensation for the employment in the representation case.

(e) Any person who is employed in a representation case and who is required to file a disclosure statement pursuant to this section may file, upon termination of such person's employment in such representation case, a termination statement with the secretary of state. Such statement shall be on a form prescribed and provided by the commission and shall state (1) the name of the employer, (2) the state agency involved in the case, and (3) the date of the termination of employment. The secretary of state shall transmit a copy of such statement to the state agency involved.

(f) Failure to file a true disclosure statement is intentionally (1) failing to file a disclosure statement when and where required by this section, or

(2) filing a disclosure statement under this section which contains any material misrepresentation or false or fraudulent statement.

46-239. Acceptance of or participation in representation cases by state officers and employees; disclosure statement required; time and procedure for filing; amendments; contents of statement; termination statement; failure to file true disclosure statement defined and classified as crime. (a) No state officer or employee shall accept employment in any representation case, unless such officer or employee has properly filed the disclosure statement prescribed by this section.

(b) Any state officer or employee who is employed in any representation case shall, not later than ten (10) days after the acceptance of employment for such case or on the first appearance before the state agency involved (whichever occurs first), file on a form prescribed and provided by the commission a disclosure statement as provided

HOUSE BILL No. 2044

By Committee on Governmental Organization and Elections

1-14

8 AN ACT relating to elections; concerning write-in candidates; amend-
9 ing K.S.A. 25-3005a and K.S.A. 1992 Supp. 25-305 and 25-3002
10 and repealing the existing sections and also repealing K.S.A. 1992
11 Supp. 25-305a.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 1992 Supp. 25-305 is hereby amended to read
15 as follows: 25-305. (a) Certificates of nomination by convention or
16 caucus for the nomination of candidates for national, state, county
17 and township offices shall be filed with the secretary of state, or the
18 county election officer, not later than 12:00 noon, on the day fixed
19 for the deadline for filing petitions for nomination and declarations
20 of intent to become candidates in accordance with K.S.A. 25-205
21 and amendments thereto, preceding the national, state, county and
22 township general election, except when such date falls on Saturday,
23 Sunday or a holiday, and then not later than 12:00 noon the following
24 day that is not a Saturday, Sunday or a holiday.

25 (b) Independent nomination petitions for the nomination of can-
26 didates for national, state, county and township offices shall be filed
27 with the secretary of state or the county election officer no later
28 than 12:00 noon on the Monday preceding the date fixed for the
29 holding of primary elections in accordance with K.S.A. 25-203, and
30 amendments thereto, preceding a national, state, county or township
31 general election.

32 (c) An affidavit of write-in candidacy for the offices of governor
33 and lieutenant governor shall be filed with the secretary of state no
34 later than 12:00 noon on the 2nd Monday preceding the general
35 election for those offices.

36 (d) *An affidavit of write-in candidacy for the offices of president*
37 *and vice-president shall be filed with the secretary of state no later*
38 *than 12:00 noon on the 2nd Monday preceding the general election*
39 *for those offices.*

40 (e) *An affidavit of write-in candidacy for state, county, city and*
41 *school offices shall be filed with the secretary of state or the county*
42 *election official no later than 12:00 noon on the second Monday*
43 *preceding the election at which the write-in candidate seeks nomi-*

of the first class

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nation or election.

Sec. 2. K.S.A. 1992 Supp. 25-3002 is hereby amended to read as follows: 25-3002. (a) The rules prescribed in this section shall apply to:

(1) The original canvass by election boards.

(2) Intermediate and final canvasses by county boards of canvassers.

(3) Final canvass by the state board of canvassers.

(4) All election contests.

(5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) The occurrences listed in this subpart (2) shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this subpart (2) shall apply are:

(A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

(B) Whenever a voting mark is placed in the square at the left of a space where no candidate is listed.

(c) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments thereto, and:

(1) Both candidates' names are written on the ballot; or

(2) only the name of the candidate for governor is written on the ballot.

(d) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments thereto, and:

(1) Both candidates' names are written on the ballot; or

(2) only the name of the candidate for president is written on

1 the ballot.

2 (e) *A write-in vote for those candidates for state, county, city*
 3 *and school board offices shall not be counted unless the candidate*
 4 *has filed an affidavit of candidacy pursuant to K.S.A. 25-305, and*
 5 *amendments thereto.*

6 Sec. 3. K.S.A. 25-3005a is hereby amended to read as follows:
 7 25-3005a. (a) As used in this act "authorized poll agent" means any
 8 one of the following persons:

- 9 (1) ~~Chairman~~ *Chairperson* of county party committee;
- 10 (2) ~~chairmen~~ *chairpersons* of committees concerned with ques-
- 11 *tion submitted elections;*
- 12 (3) ~~chairman~~ *chairperson* of state party committee;
- 13 (4) any candidate;
- 14 (5) any precinct committeeman or precinct committeewoman;
- 15 (6) *any write-in candidate who has filed an affidavit of write-in*
 16 *pursuant to K.S.A. 25-305, and amendments thereto;*
- 17 ~~(6)~~ (7) any person appointed as provided in this section by any
 18 of the persons specified in this subsection.

19 (b) Every person appointed to be an authorized poll agent under
 20 authority of this act shall be so appointed in writing by the person
 21 making such appointment. Such written appointment shall be carried
 22 by the authorized poll agent at all times ~~he~~ *such person* is acting
 23 as such agent and shall be displayed upon demand of any member
 24 of any election board or any other election officer. Every appointment
 25 of an authorized poll agent shall be made in such form as is approved
 26 by the secretary of state. The number of authorized poll agents in
 27 each voting place at any one time appointed by any of the following
 28 shall be limited to the number indicated:

- 29 (1) State and county ~~chairmen~~ *chairpersons*, one;
- 30 (2) candidates, not to exceed one each;
- 31 (3) precinct committeemen and committeewomen, one each;
- 32 (4) the ~~chairman~~ *chairperson* of each committee or organization
 33 concerned with any election on a question submitted, one each;

34 (c) When any candidate or any precinct committeeman or pre-
 35 cinct committeewoman is acting as an authorized poll agent, such
 36 person shall carry identification which shall be supplied by the county
 37 election officer. Such identification shall indicate the authority by
 38 which such person is an authorized poll agent, and the same shall
 39 be in such form as is approved by the secretary of state. Whenever
 40 an authorized poll agent is required to carry identification under the
 41 provisions of this subsection ~~he~~ *such poll agent* shall display the
 42 same upon demand of any member of any election board or any
 43 other election officer.

(5) write-in candidates who have filed
 an affidavit of write-in pursuant to
 K.S.A. 25-305, and amendments thereto,
 one each.

(d) The provisions of this section shall apply to all elections.

z Sec. 4. K.S.A. 25-3005a and K.S.A. 1992 Supp. 25-305, 25-305a
3 and 25-3002 are hereby repealed.

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

2-4