

Approved: March 14, 2011  
Date

## MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Schwab at 9:30 a.m., on March 7, 2011, in Room 546-S of the Capitol.

All members were present except:

Randy Garber                Excused

Committee staff present:

Doug Taylor, Office of Revisor of Statutes  
Katherine McBride, Office of Revisor of Statutes  
Jay Hall, Kansas Legislative Research Department  
Diane Brian, Committee Assistant

Conferees appearing before the Committee:

Brad Bryant, Deputy Assistant Secretary of State  
Tim Shallenburger, Legislative Liason, Governor's Office

Others attending:

See attached list.

The Chair asked the members for approval of the Elections Committee Minutes for February 11, February 16, February 21 and March 2. Representative Mah moved that the minutes be accepted, seconded by Representative Gonzalez. Motion carried.

The Chair opened the hearing on **SB 129 – Elections; vacancies; state senators.** Doug Taylor, staff revisor, reviewed the bill.

Brad Bryant spoke in support of **SB 129**, stating that this bill will amend K.S.A. 25-321 to allow for a candidate filing period and a primary election. If the vacancy occurs before May 1 of the second year of the Senator's term, the person appointed to fill the vacancy faces a midterm election for the remaining two years of the term. There would be a regular June 10 candidate filing deadline and an August primary. (Attachment 1).

Testimony was concluded and discussion followed.

There being no further conferees, the hearing on **SB 129** was closed.

The Chair opened the hearing on **SB 67 – Increasing campaign contribution limits for candidates for the state board of education.** Doug Taylor, staff revisor, reviewed the bill.

Tim Shallenburger stated that Governor Brownback supports this bill to allow incoming governors the discretion of donating all residual funds not otherwise obligated for the payment of expenses incurred for the gubernatorial inauguration to any charitable organization which qualifies as a 501(c) (3) not-for-profit corporation, (Attachment 2).

Testimony was concluded and discussion followed.

There being no further conferees, the hearing on **SB 67** was closed.

The next meeting is scheduled for March 9, 2011.

The meeting was adjourned at 9:50 a.m.

HOUSE ELECTIONS COMMITTEE

9:30 AM,

Room 546-S, Capitol Building

**GUEST LIST**

DATE: March 7 , 2011

NAME	REPRESENTING
Judy Moler	KGEC
Carol Welling	KGEC
Kent Canish	KAB
Brad Bryant	Sec of state

**KRIS. W. KOBACH**  
Secretary of State



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## STATE OF KANSAS

### House Committee on Elections

#### Testimony on Senate Bill 129

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

March 7, 2011

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 129. This bill was proposed by the Secretary of State to establish a more normal and orderly process for holding elections to fill vacancies in the Kansas Senate when they occur in the first half of the term.

Current law states that if a vacancy in the Senate occurs before October 15 of the second year of the Senator's term, the person appointed to fill the vacancy serves until the midterm election, when the appointee faces election to complete the remainder of the term. If the vacancy occurs after October 15, the appointee serves the remainder of the term without facing a midterm election.

A situation arose on September 8, 2010 when Senator Jim Barnett submitted a letter of resignation effective October 1. The timing of the resignation required the political parties to nominate candidates within the span of one week in order to allow county election officers to meet the September 18 deadline to distribute ballots to military and overseas voters. There was no time for a proper candidate filing period or a primary election. Independent candidates, who are required to file by petition, were essentially left out of the process. The situation threatened to put county election officers out of compliance with federal law.

With Senate Bill 129, we propose to amend K.S.A. 25-321 to allow for a candidate filing period and a primary election. The bill states that if the vacancy occurs before May 1 of the second year of the Senator's term, the person appointed to fill the vacancy faces a midterm election for the remaining two years of the term. There would be a regular June 10 candidate filing deadline and an August primary.

Under this bill, if the vacancy in the Senate seat occurs after May 1 of the second year of the term, the appointee serves the remainder of the term without a midterm election.

The process that would be established with passage of Senate Bill 129 mirrors the process currently prescribed in law for many other elected officials who serve four-year terms. After the expedited election that occurred in 2010 to fill the vacancy in District 17 of the Kansas Senate, Senate leadership expressed interest in a proposal to establish a more orderly process. This bill is such a proposal.

Thank you for your consideration.

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Office of the Governor

Sam Brownback, Governor

**Senate Bill 67**  
**Written Testimony**  
**By Tim Shallenburger**  
**March 7, 2011**

Dear Chairman Schwab and Committee Members,

Thank you for the opportunity to submit written testimony on Senate Bill 67 on behalf of Governor Sam Brownback.

Governor Brownback supports amending K.S.A. 25-4186 to allow incoming governors the discretion of donating all residual funds not otherwise obligated for the payment of expenses incurred for the gubernatorial inauguration to any charitable organization which qualifies as a 501(c)(3) not-for-profit corporation.

Our state's history shows Kansans are a charitable people. And we believe those who give their financial support to an inauguration would want the residual funds go to an organization whose mission is to assist Kansans in need of a hand up rather than used to supplement the budget of a governmental agency.

Again, thank you for the opportunity to submit written testimony on Senate Bill 67 on behalf of Governor Brownback.

Sincerely,

Tim Shallenburger  
Office of the Governor  
Legislative Director

HOUSE ELECTIONS  
DATE: 3/7/11  
ATTACHMENT: 2