

Approved: March 16, 2011
Date

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Schwab at 9:30 a.m., on March 14, 2011, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the Committee:

Bryan A. Caskey, Assistant State Election Director, Office of the Secretary of State
Nathan Eberline, League of Kansas Municipalities
Sherrie L. Riebel, Allen County Clerk and Election Official
Donald P. Pyle, Crawford County Clerk and Election Officer
Ryan Kriegshauser, Deputy Assistant Secretary of State

Others attending:

See attached list.

Representative Gonzalez moved, seconded by Representative Tietze, to accept the minutes from March 7 and March 9 as received. Motion carried.

The Chair opened the hearing on **Substitute SB 127 – Elections; certain local units of governments; primaries.** Doug Taylor, assistant revisor, reviewed the bill.

Bryan A. Caskey appeared in support of the bill, (Attachment 1), stated that the Secretary of State's Office supports this bill because (1) it resolves the contradictory language that is in the law passed in 2008, and (2) it maintains the intent of the 2008 law by reducing the number of spring primaries. They offered an amendment to the bill to change references to member district elections in cities to elections by wards.

Nathan Eberline spoke in support of the bill, (Attachment 2), stated that this bill would serve to clarify the statutory changes that were promulgated in 2008 which gave rise to many questions from city officials.

Sherrie L. Riebel appeared in support of the bill, (Attachment 3), stated that the confusion of the current K.S.A. 2008 Supplement would be clarified by this bill.

Donald P. Pyle appeared in support of the bill, (Attachment 4), stated that this bill will clean up the discrepancies and make it clear that only two candidates will advance to the general election to vie for one position. As elections continue to come under closer scrutiny each year, we would appreciate cleaning up any inconsistencies in the state election statutes.

Written testimony in support of **Substitute SB 127** was submitted by:

Sharon Seibel, Ford County Clerk and Election Officer, (Attachment 5)

Janet R. Rumpel, Sherman County Clerk and Election Officer, (Attachment 6)

There was no opposition to the bill and the testimony was concluded. Discussion followed.

There being no further conferees, the hearing on **Substitute SB 127** was closed.

CONTINUATION SHEET

Minutes of the House Elections Committee at 9:30 a.m. on March 14, 2011, in Room 546-West of the Capitol.

The Chair opened the hearing on **SB 128– Presidential preference election; date delay**
Katherine McBride, assistant revisor, reviewed the bill.

Ryan Kriegshauser appeared before the committee with testimony supporting **SB 128, (Attachment 7)**, stated that if the Legislature wishes to have a primary, it needs to appropriate the funds for it and dispose of the bill. If the Legislature does not wish to fund the primary, we urge passage of this legislation. He also mentioned that there are two technical changes included in this bill, The phrase “or darkened oval” has been included alongside language to “voting square(s).” This language is needed because often ballots include ovals instead of squares. Additionally, there is a change to allow the filing deadline to float because the date of the presidential preference primary can move if at least five other states have a presidential primary the same day. However, the date of the presidential preference primary must be chosen and certified by November 1 of the year before the primary.

There was no opposition to the bill and the testimony was concluded. Discussion followed.

There being no further conferees, the hearing on **SB 128** was closed.

Chairman Schwab called for final action on **SB 103 – Elections; absentee voting by military and others; federal services absentee ballots.**

Representative Rubin moved that the committee report out SB 103 favorably for passage. The motion was seconded by Representative Otto. Motion carried.

The next meeting is scheduled for March 16, 2011.

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

Room 546-S, Capitol Building

GUEST LIST

DATE: March 14 , 2011

[illegible]

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Elections

Testimony on Senate Bill 127

Amended

Bryan A. Caskey, Assistant State Election Director
Elections and Legislative Matters

March 14, 2011

Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 127, which was proposed by the Kansas County Clerks and Election Officials Association (KCCEOA). This bill deals with the rules that govern primaries for city offices, local school boards and community college boards of trustees. These elections are held in the spring of odd-numbered years. Traditionally, primaries are held for these positions only if the number of candidate filings triggers a primary. Legislation in 2008 sought to reduce the number of primaries by increasing the number of candidate filings required to trigger a primary. However, that language created an inconsistency in the law that Senate Bill 127 will resolve.

We support Senate Bill 127 because (1) it resolves the contradictory language that is in the law passed in 2008, and (2) it maintains the intent of the 2008 law by reducing the number of spring primaries.

In 2007 and before, the law stated that a primary was required in spring elections only if more than two candidates filed for a position. The primary would eliminate one or more candidates, so the goal of the primary was to narrow the field of candidates to two in the general election, held on the first Tuesday of April.

In 2008, the KCCEOA proposed legislation to reduce the number of these expensive primaries by increasing by one the number of candidates that would trigger a primary. Thus, if three candidates filed there would not be a primary; a primary would be required if four or more candidates filed. But the 2008 law was unclear as to how many candidates would be carried forward from the primary to the general election ballot. The contradiction in the language of the 2008 law created confusion that needs to be clarified.

If the Legislature passes Senate Bill 127, the policy regarding spring primaries will be that a primary will be required only in those districts in which a fourth candidate files for office. If

three or fewer candidates file, there is no primary and all the candidates' names are printed on the general election ballot in April. If four or more candidates file, there will be a primary to reduce the field to two for the general election.

We have included a chart to help explain the rules for holding primary elections under the 2007 law, the current (2008) law and Senate Bill 127.

Proposed amendment to Senate Bill 127

We offer the attached amendment to tighten the language deadline with city elections by changing references to member district elections in cities to elections by ward. This language fits better with the way cities' political geography is set up.

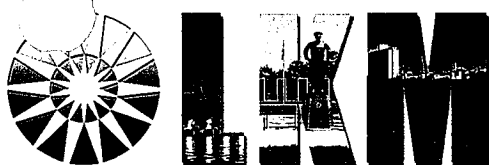
We urge the committee to amend Senate Bill 127 as proposed and to recommend the bill favorably, as amended, for passage.

Thank you for your consideration.

Page 2, Section 2, Lines 30 and 31 should read: (c) "Election by ward" method means the election of city officers where the city is divided into ~~member districts or~~ wards.

Page 2, Section 2, Lines 32 and 33 should read: (d) "Election at large method" means the election of city officers without ~~member districts or~~ wards.

Page 3, Section 3, Lines 5 through 13 should read: (b) In cities in which ~~a district method of an~~ election by ward method is in effect, if there are more than three qualified candidates for any ~~member district ward~~, the county election officer shall call, and there shall be held, a primary election in each such ~~member district ward~~. The names of the two candidates receiving the greatest number of votes for any such ~~member district ward~~ at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any ~~member district ward~~ there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.



To: House Elections Committee
From: Nathan Eberline, League of Kansas Municipalities
Date: March 14, 2011
Re: Substitute Senate Bill 127

On behalf of the member cities of the League of Kansas Municipalities, thank you for the opportunity to appear today concerning SB 127. The statutory changes that were promulgated in 2008 regarding primary elections for city office gave rise to many questions from city officials, and this bill serves to provide clarification to the following issues.

First, the application of the current statute is unclear with regard to cities that elect councilmembers at-large versus those that elect by wards. In addition, there was uncertainty as to the number of individuals that would move forward to the general election in the event that a primary was held under the statutory framework.

Second, the bill as written and published has a number of drafting errors. Concerning cities, the bill refers to "districts" rather than "wards." Further, the language of Section 3 inaccurately refers to community colleges rather than cities. We believe that with the technical amendments that are being offered, SB 127 addresses these two questions and offers some needed clarification of this law.

We respectfully request that the Committee make the requested amendments to fix the drafting errors. In addition, we encourage the Committee to report this bill favorably for passage. I would be happy to stand for questions at the appropriate time.

ALLEN COUNTY COURTHOUSE

Sherrie L. Riebel
COUNTY CLERK

1 N. Washington
Iola, KS 66749

620-365-1407
Fax: 365-1441
Email: coclerk@allencounty.org

March 14, 2011

To: House Elections Committee

Re: Testimony on Substitute for Senate Bill 127

From: Sherrie L. Riebel, Allen County Clerk/Election Official
and Kansas County Clerk's & Election Officials Election Committee Chair

Honorable Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Substitute for Senate Bill 127. Kansas County Clerk's and Election Officials Association supports this legislation.

The confusion of the current K.S.A. 2008 Supplement 25-2021 would be clarified. All we want to do is clarify two candidates would continue on to the General ballot from the Primary. Currently it is translated as either two or three. We would like to be consistent throughout the state in each election race.

KCC&EOA urge the committee to report Substitute for Senate Bill 127 favorably for passage.

Thank you for your consideration.

Sincerely,
Sherrie L. Riebel
Allen County Clerk/Election Official
& KCC&EOA Election Committee Chair

Donald P. Pyle
PO Box 249
111 E. Forest St.
Girard, Kansas 66748



620-724-6115
Fax 620-724-6007
www.crawfordcountykansas.com
countyclerk@ckt.net

Office of the Crawford County Clerk

March 14, 2011

Honorable Kansas State Representative Scott Schwab
Chairman, House Elections Committee
and Distinguished Members of the Committee

Re: Senate Bill Number 127, Concerning City & School Primary Elections

Chairman Schwab and Distinguished Committee Members,

In my capacity as Crawford County Election Officer, I am very supportive of Senate Bill 127. This bill will clean up the language in statutes relating to the circumstances that trigger primary elections for city and school board candidates. Currently there are a couple of statutes that contain conflicting language regarding the number of candidates that are included on the general election ballots after a primary election is performed.

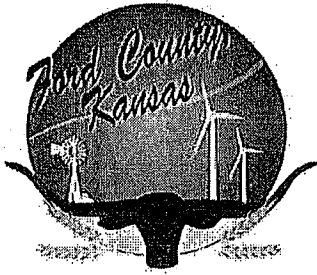
The conflict is between some of the older statutes that address city and school elections and a bill passed a few years ago to reduce the number of primary elections for city and school candidates. After the passage of the new legislation it was discovered that it was unclear if two or three candidates for a particular position would advance to the general election. Senate Bill Number 127 will clean up these discrepancies and make it clear that only two candidates will advance to the general election to vie for one position. As elections continue to come under closer scrutiny each year, we would appreciate your help in clearing up any inconsistencies in the state election statutes.

The Kansas County Clerks and Election Officials work hard to make sure that Kansas Elections are administered in a professional manner. With the support of the Kansas Secretary of State's Office and the Kansas Legislature we will continue to work to make sure that Kansas Elections are a model for the rest of the country. Thank you for your time and support in this matter.

Sincerely,

Donald P. Pyle
Crawford County Clerk and Election Officer
countyclerk@ckt.net

HOUSE ELECTIONS
DATE: 3/14/11
ATTACHMENT: 4



SHARON SEIBEL
FORD COUNTY CLERK
100 GUNSMOKE
DODGE CITY, KS 67801
620-227-4553
sseibel@fordcounty.net

March 14, 2011

TO: House Elections Committee

RE: Testimony on Substitute for Senate Bill 127

FROM: Sharon Seibel, Ford County Clerk and Election Officer

As Ford County Clerk and Election Officer, I would like to testify in support of the Substitute Bill for Senate Bill 127.

At the present time, the KSA 2008 Supplement 25-2021 is quite confusing and should be clarified. As County Election Officers, we are asking you to clarify that two (2) candidates would advance to the General Ballot from the Primary. With the current translation it could be either two (2) or three (3) which causes much confusion.

KCC&EOA supports the legislation and request that the committee supports the Substitute for Senate Bill 127 and pass it.

Thank you for the opportunity to testify in support of this very important piece of legislation.

Sincerely,

Sharon Seibel
Ford County Clerk and Election Officer

SHERMAN COUNTY CLERK

Sherman County
Clerk
813 Broadway, Room 102
Goodland, KS 67735
Phone: 785-890-4802
Fax: 785-890-4809

To: Honorable Members of the Election Committee

From: Janet R. Rumpel, Sherman County Clerk/Election Officer

Re: Substitute for Senate Bill No. 127

Dear Members of the Election Committee:

Thank you for giving me the opportunity to voice my support of the substitute for SB127. The new substitute is so much clearer than K.S.A. 25-2021 in the 2010 Supplement.


As an Election Officer, it is sometimes confusing to figure out exactly what the statutes are actually saying.

Our KCC&EOA Elections committee visits each year with the County Clerks and Election Officers to find out what they feel needs to be addressed as far as legislation. This is one of the laws that they feel has been very confusing. Anything that can be done to clarify when a primary needs to be held and how many candidates advance to the general can only cut down on the possibility of mistakes.

I ask that you seriously consider passing this substitute for the benefit of all County Election Officers to help them do their job to the best of their ability with the least amount of confusion.

Again, thank you very much for allowing me to voice my support and I hope you will pass this piece of legislation.

Sincerely,



Janet R. Rumpel
Sherman County Clerk/Election Officer

HOUSE ELECTIONS
DATE: 3/14/11
ATTACHMENT: 6

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Elections

Testimony on Senate Bill 128

Ryan Kriegshauser, Deputy Assistant Secretary of State
for Policy

March 11, 2011

Chairman Schwab and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 128. This bill would cancel the 2012 presidential preference primary but maintain the laws that call for a primary in future presidential election years. This bill is primarily a cost saving measure.

The Secretary of State's office coordinated with the county election offices to conduct the presidential primary in 1992, the last time a primary was held in Kansas. We are ready to implement whatever policy the Legislature sets, but recognizing that the current state budget climate makes it unlikely that the Legislature will appropriate funding for the presidential primary, we propose this bill to cancel the 2012 primary to ensure that the Secretary of State's office and the county election offices are not left with a statutory obligation to conduct a primary without funding.

If the Legislature chooses not to pass this legislation, there will be a 2012 presidential primary, and in case that happens, the Secretary of State's office is requesting a budget amendment for approximately \$1.3 million to pay the expenses of the primary.

Under current law, counties conduct the primary as they would any other election. They submit bills to the Secretary of State's office requesting reimbursement for their direct expenses associated with the primary. The Secretary of State is directed by law to review the requests in coordination with the Division of Accounts and Reports and to reimburse the counties.

With this legislation, the Secretary of State is not taking a stand either for or against the presidential preference primary. He is raising the policy question for the Legislature to decide. If the Legislature wishes to have a primary, it may appropriate the funds for it and dispose of this bill. If the Legislature does not wish to fund the primary, we urge passage of this legislation.

HOUSE ELECTIONS
DATE: 3/14/11
ATTACHMENT: 7

I should also mention that there are two technical changes included in this bill. The phrase "or darkened oval" has been included alongside language related to "voting square(s)." This language is needed because often ballots include ovals instead of squares. Additionally, there is a change to allow the filing deadline to float because the date of the presidential preference primary can move if at least five other states have a presidential primary the same day. However, the date of the presidential preference primary must be chosen and certified by November 1 of the year before the primary.

Thank you for your consideration.