

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 p.m. on February 9, 2004 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Legislative Research Department
Dennis Hodgins Legislative Research Department
Ken Wilke, Office of Revisor of Statutes
Shirley Weideman, Committee Secretary

Conferees appearing before the committee:

Karen Hartenbower, Lyons County Election Clerk and Election Official
Elizabeth Ensley, Shawnee County Election Commissioner
Pat Rahija, Wyandotte County Election Commissioner (written testimony)

Others attending: See Attached List.

Chairman Myers opened the hearing on **HB 2640 - Elections; limitation on the number of spring primary elections.**

Ken Wilke, Revisor, was asked by Chairman Myers to explain **HB 2640.** Ken said that this bill would eliminate some primary elections, especially if there were only 2 candidates. He said this would include school district, city officer and college district elections, so that only if there are more than 3 candidates, would be a primary election be held.

Karen Hartenbower, Lyons County Election Clerk, appeared before the committee as a proponent of **HB 2640.** She said that this is a bill requested by the Kansas County Clerk's and Election Official's Association-Election Committee. Her concern with present law is that there have been times when a primary was held because there were 3 candidates for one position in city and school board elections, causing the city or school district to pay for the election. She told the committee that there is a provision in the statutes stating that if everyone in the county does not get to vote on any Election Day, then county money will not be spent on that election and the district with the 3 candidates is responsible for the cost of the election. Ms. Hartenbower indicated that larger cities would not be affected by this bill, as it would only effect the 2nd and 3rd class cities and the school districts. (Attachment 1) Ms. Hartenbower answered questions asked by committee members.

Also appearing before the committee as a proponent of **HB 2640** was Elizabeth Ensley, Shawnee County Election Commissioner. She wanted to emphasize that voter turnout in the spring primary elections is very low, so that you could easily have fewer people voting as the majority in the spring primary election than as a plurality in the general election. Ms. Ensley said the average turnout in spring primaries in Shawnee County is 14%. She also told the committee that she would like to see the cost savings by having fewer primary elections as well as having the results of the election determined by a larger percentage of the voters voting at that time. Ms. Ensley responded affirmative to a question asked by a committee member regarding the need of 34% of the votes to win a general election with 3 candidates, and the need of over 50% of the votes to win with 2 candidates.

The hearing on **HB 2640** was closed by Chairman Myers.

Chairman Myers announced that he would wait until Wednesday to work **HB 2640** to resolved some of the problems with Section 3. in regard to having 2 or 3 candidates in a college district election.

The hearing on **HB 2641 - Drainage districts: Definition of taxpayer** was opened by Chairman Myers.

Ken explained that **HB 2641** defines taxpayers for use in certain drainage ditch district elections. He said that Statute K.S.A. 24-414 dates back to 1905 and he indicated that this bill would determine who gets to vote to choose directors in that district. Section 1 (c) defines "taxpayer" as any person who owns real