

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on February 11, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Ken Wilke, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Carolyn Long, Committee Assistant

Conferees appearing before the committee:

Linda Buttron, Jefferson County Clerk  
Don Merriman, Saline County Clerk  
Sherri Riebel, Allen County Clerk  
Brad Bryant, Deputy Assistant Secretary of State for Elections and Legislative Matters  
Kim Winn, League of Kansas Municipalities

Others attending:

See attached list.

The Chair reminded the committee that **SB 56** as amended had a motion on the floor and that it would be addressed later in the proceedings.

Senator Brungardt moved that the minutes of January 15, January 22, January 28, and January 29, 2009 be approved as written. Senator Reitz seconded. Motion carried.

The chair opened the hearing on **SB 79–Election; changing filing deadlines for candidates**. Staff noted that this bill was at the request of the Secretary of State's office and simply moves various filing deadlines approximately one month. As it stands now, the Secretary of State takes certified candidates' applications two days after federal service ballots are mailed.

Linda Buttron, Jefferson County Clerk & Election Officer spoke in favor of the change as it allowed more time for the mailing of federal service ballots overseas (Attachment 1).

Donald R. Merriman, Saline County Clerk and Election Officer also presented testimony in favor as he felt it would help to insure absolute accuracy for each race (Attachment 2).

Also speaking in favor of the bill was Sherrie L. Riebel, Allen County Clerk (Attachment 3)

Written testimony in support of **SB 79** was submitted by:

Janet Rumble, Sherman County Clerk

There being no further testimony, the hearing on **SB 79** was closed.

The chair returned to the hearing on **SB 56–Elections; security of advance voting ballots** as amended stating that Senator Wagle's motion moved the bill out, seconded by Senator Reitz. The amendment added language that would affix a statement to the ballot envelope regarding the designated deliverer. The motion was still open. Senators Faust-Goudeau and Kultala voted nay; bill passed.

Final action on **SB 118–Campaign finance; state-wide offices; electronic filing required** was opened for discussion. There being no objections, Senator Brungardt made a motion, Senator Kutuala seconded. Motion carried on a voice vote.

**SB 71 - Question submitted elections; new reporting requirements** was opened for discussion. Staff explanation indicated that this made the reporting requirements the same as for individual candidates. There is a period for reporting 11 days before the election itself. Modification is basically the same and mirrors the

## CONTINUATION SHEET

Minutes of the Senate Ethics And Elections Committee at 9:30 a.m. on February 11, 2009, in Room 446-N of the Capitol.

individual candidates. Reports are submitted to the county election office. There is an annual report required but the report is not due until the end of the calendar year. This requires a report 11 days before the election. Current law requires that any committee, club, organization, municipality or association promoting the election or defeat of an issue file such a report. Senator Wagle asked if educating the public on both sides of the issue would be included and if there is clarity in the current law. Line 15 covers expressly advocacy. Senator Apple asked what deters school boards from engaging using tax dollars for express advocacy. Staff replied that State Statue 25-4961 addresses this issue.

Senator Brungardt moved for adoption of the balloon, Senator Reitz seconded, to recommend **SB 71** as amended favorably for passage. Motion carried.

The hearing for **SB 103–Elections–certain local units of government; primaries** was opened for discussion. Staff explained that this would put the law back to the status of a year ago. The law was amended last year; amending three statutes dealing with primaries. The first statute deals with school districts, the second with city primary elections and the third with community colleges. The change last year tried to eliminate the necessity for primaries depending on the number of those filing. The wording caused concern and confusion and therefore this bill was requested.

Chair recognized Brad Bryant, Deputy Assistant Secretary of State for Elections and Legislative Matters who says his amendment as proposed would be to require to only hold primaries in those districts in which a fourth candidate files for office. If three or fewer candidates file, there is no primary and all candidate names are printed on the general election ballot in April. If four or more candidates file, a primary will be held to reduce the field to two for the general election. It will also remove the contradictory and confusing language contained in **HB 2973** (Attachment 5).

Don Merriman, Saline County Clerk also spoke in support of this bill and the amendment indicating that the dollar savings would be substantial by not having a primary (Attachment 6)

Also speaking in support of this bill was Kim Winn, League of Kansas Municipalities (Attachment 7).

There being no further conferees the Chair closed the hearing on **SB 103**.

The meeting was adjourned at 10:29 a.m. The next meeting is scheduled for February 12, 2009.