

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on February 24, 2003 in Room 521-S of the Capitol.

All members were present except: Representative Tom Sawyer, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Kathie Sparks, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

HB 2214 Proponent: Pat Rahija, Wyandotte County Election Commissioner

HB 2283 Proponent: Representative Ken Wilk
Opponent: Jim Edwards, Kansas Association of School Boards

Others attending: See attached list.

Chairman Myers told the committee he would work **HB 2149 - Open meetings; inclusion of advisory committees of newly elected officials.**

Representative Siegfried as chairman of the sub-committee on **HB 2149**, gave the sub-committee's recommendations for **amending HB 2149** in response to the chairman's request. The sub-committee suggested that "task forces, advisory committees," be inserted on line 19, page 1. They also recommended striking "pursuant to a governor's" on line 24 and inserting "by the incoming governor" and deleting the next 3 lines, through line 27, leaving line 28. (a) (1) should read: "Meetings of task forces, advisory committees or subcommittees of advisory committees created by a governor or incoming governor shall be open to the public in accordance with this act". Other recommendations were deleting paragraph (a)(2) on page 1, lines 29 through 33 and finally, inserting after (a) (1) "For the purposes of this section 'the incoming governor' will have the meaning subscribed to it in K.S.A. 75-132 and amendments thereto". Representative Huebert moved to accept the sub-committee's **amendment to HB 2149**. Representative Miller seconded the motion. Motion passed. (Attachment 1)

Representative Sharp moved and Representative Gilbert seconded the motion that **HB 2149 as amended** be passed favorably from committee. The motion passed.

Chairman Myers opened the hearing on **HB 2214 - Elections; establishing a procedure for handling sealed bags of ballots after the original canvass.**

Chair Myers requested an explanation of the bill by the Revisor of Statutes, Ken Wilke. Ken said that **HB 2214** basically deals with handling ballots after canvass. If the original canvass failed to provide a tally sheet of write-in votes, the county election officer may appoint a special write-in board to unseal the ballots and count any write-in votes which may appear on the ballots.

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Patricia Rahija, Wyandotte County Election Commissioner, appeared before the committee as a proponent for **HB 2214**. She said that there are 81 counties in Kansas who have optical scan voting equipment. Ms. Rahija noted that in the past seven years since purchasing the system, Wyandotte County has encountered the problem of election workers at the precinct failing to complete the Abstract of Write-In Votes. She also said that since there is nothing in the law addressing how to handle this problem, she has appointed a special board to open the ballots and record the write-in votes. Then she asks the Board of Canvassers to ratify her actions. Ms. Rahija hopes that this bill will provide a solution that will be consistent throughout the state. (Attachment 2) Ms. Rahija answered question asked by committee members.

Since there were no opponents to the bill, Chair Myers closed the hearing on **HB 2214**.

Chairman Myers told the committee that he would work **HB 2214**.

Representative Powers moved that **HB 2214** be moved favorably from committee. Representative Miller seconded the motion. Motion passed.

Committee Chair Myers opened the hearing on **HB 2283 - Capital outlay levy votes at general or primary election only; no special election.**

Chairman Myers welcomed Representative Ken Wilk to the committee as the sponsor and proponent for **HB 2283**. Representative Wilk explained the purpose of the bill is to limit the number of school bond elections that can be held in a certain time period. He is proposing that any capital improvement election for a school shall be held on a regular election day and not have a special election, unless there is a natural disaster.

Jim Edwards appeared before the committee as an opponent to **HB 2283**. He said that limiting and delaying the school district capital outlay levy elections for the next scheduled primary or general election would lead to problems if school repairs were needed. immediately. Mr. Edwards said that current state law allows for protest elections to be held if 10% of the qualified electors file a petition. He also said that since the district is responsible for covering the costs of such an election, they should also be granted the right to schedule it. (Attachment 3)

Committee members asked questions of the conferees and staff regarding the definition of a "natural disaster", whether regular election days include city and county elections, if there is a limit on the mill levy to 4 mills or whether the cap was removed, and the difference between bond issues and capital outlay levy elections.

Representative Wilk said that he proposed the bill for limiting special school bond elections and did not intend it for capital outlay levies.

Chair Myers closed the hearing on **HB 2283**.

Representative Betts moved to table **HB 2283**. The motion was seconded by Representative Huebert.

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The motion passed.

The meeting was adjourned at 4:30 p.m.
