

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 6, 2003 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Ken Wilke, Revisor of Statutes  
Mike Heim, Legislative Research  
Dennis Hodgins, Legislative Research  
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Senator Bunten  
Karen Hartenbower, Lyon County Clerk  
Brad Bryant, Deputy Assistant Secretary of State  
Senator Jackson  
Elizabeth Ensley, Shawnee County Election Commissioner  
Vic Miller, Shawnee County Commissioner  
Bill Yanek, Kansas Association of Realtors  
Whitney Damron, City of Topeka  
Lisa Stubbs, Topeka City Council  
Gary Price, Topeka City Council  
Kim Gully, League of Municipalities

Others attending: see attached list

Chairperson Allen noted the Committee members had been furnished with copies of the fiscal notes for the bills the committee is hearing today.

**SB 69 - Elections; changing the date of certain primary elections**

Chairperson Allen opened the hearing on **SB 69**.

Senator Bunten testified in support of **SB 69** to move the Primary Election closer to the General Election. He explained the change which is suggested by **SB 69** would give more people the opportunity to vote. The Primary is now the first Tuesday after the first Monday in August. **SB 69** would move the election to the first Tuesday after the fourth Monday in August. Families are back from vacations, children are back in school and believes there would be a larger turnout for the primary when the date is moved later. No written testimony was provided.

Brad Bryant appeared before the committee with neutral testimony, providing information and comments. He stated the primary date has been used since 1908 and has worked well. Voter turnout is enhanced more by close races, controversial ballot issues and attractive candidates than by moving the date of the election (Attachment 1).

Karen Hartenbower presented testimony in opposition to **SB 69**. Changing the date of the primary election would have a trickle down effect from the state to the local levels. In Lyon County approximately

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30% of their voters are non-affiliated and choose not to vote in the primary. Currently advance voting begins 20 days before the General Election and believes anyone wanting to vote has time to do so (Attachment 2).

After a brief discussion, there being no others to testify on **SB 69**, Chairperson Allen closed the hearing.

**SB 79 - Cities; protest petitions, requirements on**

Chairperson recognized Senator Jackson, appearing before the committee in support of **SB 79**. Senator Jackson thanked Senator Buntin for his support on **SB 79**. Senator Jackson explained **SB 79** is to correct the by statute, the municipality may extend code enforcement 3 mile beyond the corporate city limits. The petition of 20% of the qualified electors in that area is necessary to provide the matter be decided by ballot at the regular primary/general county election. We believe 20% is excessive and **SB 79** corrects the 20% petition (Attachment 3).

Elizabeth Ensley presented neutral testimony on **SB 79**. Her concern is with the administrative duties outlined in K.S.A. 12-751. She asked the committee to consider her questions when discussing **SB 79** (Attachment 4).

Vic Miller, Chair of the Shawnee County Commission appeared before the committee. He supports **SB 79** and amendments to it that toll the 90 day time limitation until the Election Commissioner certifies who is eligible to sign the petition in question (Attachment 5).

Bill Yanek provided testimony in support of **SB 79** (Attachment 6).

Whitney Damron appeared on behalf of The City of Topeka. He testified in opposition to **SB 79**, stating lack of building codes beyond the city limits will eventually lead to significant problems for cities to expand their boundaries when faced with properties that are out of compliance with previously adopted city building codes (Attachment 7).

Lisa Stubbs, Topeka City Council Member, testified in opposition of **SB 79**. Lisa stated 20% protest is consistent with other petition requirements in similar legislation. The Count's lack of regulation in issuing building permits causes costly problems that our cities will pay for in the future. The Chair requested Lisa to submit her testimony in writing to committee.

Gary Price, Topeka City Council, appeared in opposition to **SB 79**. He stated this is a single County/City issue and should not dictate policy for the entire State. The Chair requested Gary to submit written testimony.

Kim Gulley testified in opposition of **SB 79** on behalf of League of Municipalities, listing concerns they have for the committee to consider when working **SB 79** (Attachment 8).

Following a brief discussion, and no other Conferees to testify, the Chair closed the hearing on **SB 79**.

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**SB 95 - Elections; names of political parties**

The Chair informed the committee **SB 95** was scheduled for a hearing today. Due to the time limit of committee we will move the hearing of **SB 95** next week. We have three other bills from the Secretary of State's office, and are hearing those next week

**Adjournment**

The meeting adjourned at 2:30 p.m. The next meeting is scheduled for Tuesday, February 11, 2003.