

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Ronald R. Hein at
Chairperson

1:30 ~~am~~/p.m. on February 8, 1983 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Ramon Powers, Research Department
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Elizabeth Malloy, Wyandotte County Election Commissioner
Lee Alt, Johnson County Election Commissioner
Senator William Mulich
Representative Ginger Barr
Mr. Jim Burrell

The Chairman called the meeting to order.

Elizabeth Malloy testified in favor of SB 116, referring to the cost factor involved in printing the paper ballots. (Attachment 1)

Questions were asked and a general discussion was held.

Elizabeth Malloy testified in favor of SB 117, stating that it was a clean-up measure.

Lee Alt testified in favor of SB 116. (Attachment 2)

Senator Mulich testified in favor of SB 116 and SB 117.

Representative Ginger Barr testified in favor of HB 2030, stating that it is a corrective measure to validate the election held for the approval of tax levies for improving roads in certain townships in her district. Representative Barr introduced Mr. Tom Schuetz and Mr. Larry Campbell from her district. She said that HB 2030 is a measure similar to HB 2024.

Questions were asked and a general discussion was held regarding HB 2030.

Mr. Jim Burrell testified in opposition to the comparison of HB 2030 to HB 2024 because HB 2024 deals with bonds and HB 2030 deals with levies. Mr. Burrell also stated that it is not right for the legislature to bail out the administration.

Questions were asked and a general discussion was held.

Motion was made by Senator Johnston and seconded by Senator Gannon to report SB 29 favorably for passage. The motion failed.

Motion was made by Senator Talkington and seconded by Senator Meyers to report SB 29 adversely. The motion was adopted.

Motion was made by Senator Norvell and seconded by Senator Gannon to report HB 2024 favorably for passage. The motion was adopted. Senator Roitz requested to be recorded as voting No.

Motion was made by Senator Talkington and seconded by Senator Meyers to report SB 116 favorably for passage. The motion was adopted.

Motion was made by Senator Gannon and seconded by Senator Johnston to report SB 117 favorably for passage. The motion was adopted.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~xx~~ a.m./p.m. on February 8, 1983

Motion was made by Senator Johnston and seconded by Senator Gannon to report HB 2030 favorably for passage. The motion was adopted.

Senator Meyers moved that the minutes of January 24 and February 7 be approved. Senator Norvell seconded the motion. The motion was adopted.

The meeting was adjourned by the Chairman.

WYANDOTTE COUNTY ELECTION COMMISSIONER'S OFFICE

9400 STATE AVENUE
KANSAS CITY, KANSAS 66112ELIZABETH MALLOY
ELECTION COMMISSIONER

334-1414

To: The Election Committee

From: Elizabeth Malloy, Election Commissioner

I wish to thank you for all past consideration and assistance. It is always a pleasure to work with you.

There are two election laws I recommend be amended.

K.S.A. 25-409 covers challenged and emergency paper ballots, and states persons shall be allowed to vote as any other voters. Since this statute does not explicitly exclude the names of the committeemen and committeewomen, it has been deemed necessary to place these names on the challenged and emergency paper ballots. The statute regarding absentee voting sets out that the names of committeemen and committeewomen be excluded from the ballots, which is the practical and common sense method. There are few challenged and emergency ballots counted after each election so the cost for printing the paper ballots is astronomical. The printer has to make changes in every precinct (159) on the Democrat ballot and the Republican ballot. The extra cost amounts to approximately \$3,000. In the 1982 General Election there were 21 challenged ballots counted, and in the 1982 Primary Election there were 22 ballots counted. In my opinion this is a needless expense.

25-2909. Voting persons requiring assistance. These voters vote a challenged-emergency ballot; therefore, if the statute above is amended this statute would need to be amended.

25-620. Ballot form for propositions or questions, except Constitutional amendments. "...If there is more than one proposition or question to be voted on, the different propositions or question SHALL be separately numbered..." In the second paragraph it reads: "...County election officer MAY cause to be printed on the outside of question submitted ballots 'Ballot No. ____.'" I recommend this statute conform to read shall or may.

Thank you for your consideration.

Atch. 1

✓ 25-109. Challenged voters; rejection or acceptance of vote; procedure. (a) If any person challenged pursuant to K.S.A. 25-414 shall refuse to subscribe the oath tendered pursuant to K.S.A. 25-410, the judges shall reject such person's vote.

(b) If the person challenged pursuant to K.S.A. 25-414 subscribes the oath prescribed by K.S.A. 25-410 and the judges are satisfied that such person is a legal voter, the person shall be allowed to vote in the same manner as any other voter. If the judges are not satisfied that such person is a legal voter, such person shall be permitted to mark a paper ballot, which shall thereupon be sealed in an envelope, and the judges shall endorse on the envelope the word "challenged" and a statement of the reason for the challenge, attested by two (2) of the judges. The envelope shall be numbered to correspond to the number of the challenged voter's name in the poll book, and the word "challenged" shall be written following the voter's name in the poll book. Such challenged ballots, together with objected to and void ballots packaged in accordance with K.S.A. 25-3008, shall be opened and reviewed by the county board of canvassers, and such board shall determine the acceptance or rejection of the same.

✓ 25-620. Ballot form for propositions or questions, except constitutional amendments. Except for propositions to amend the constitution, when a proposition or question is to be submitted to the voters of the state or any part thereof, a separate ballot shall be provided by the county election officers. The ballot shall comply with the requirements for ballots for election of officers insofar as such requirements are applicable. On the ballot there shall be printed the proposition or question to be voted on. Each proposition or question shall be preceded by the words, "Shall the following be adopted?" If there is more than one proposition or question to be voted on, the different propositions or questions shall be separately numbered and printed, and be separated by a broad solid line 1/8th inch wide or by double lines approximately 1/8th inch apart.

Opposite and after each proposition and question shall be printed two squares, one above the other. To the left of the upper one of the squares shall be printed the word "Yes," and to the left of the lower one of the squares shall be printed the word "No." Across the entire width of said ballot, at the top, shall be printed the following instructions: "To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word 'Yes'; to vote against it, make a cross or check mark in the square to the right of the word 'No'." On the back of each such ballot shall be printed, in addition to other required matters, the words "questions submitted." County election officers may cause to be printed on the outside of question submitted ballots "Ballot No. _____" with the blank filled with a number to aid in distinguishing such ballots when more than one question submitted ballot is voted upon

✓ 25-2909. Voting by persons requiring assistance. (a) Any voter unable to mark his or her ballot by reason of physical disability, visual handicap or lack of proficiency in reading the English language or any voter sixty-five (65) or more years of age may request assistance in voting.

(b) Upon request as provided in subsection (a), the voter shall be accompanied to the voting booth by a person chosen by the voter or, if no person is chosen, by two (2) members of the election board of different political parties, who shall mark the ballot as such voter directs.

(c) If a voter requests assistance but is challenged, such voter shall be permitted to vote as provided by law for challenged voters.

(d) If a voting place is inaccessible to a disabled voter by reason of stairs or steps, such voter may request that his or her ballot be brought to the entrance to such voting place, for the purpose of allowing such voter to vote. Two (2) members of the election board of different political parties shall take a ballot to the voter so requesting and shall remain with such voter while he or she votes. In voting places where paper ballots are used, such board members shall deposit such voter's ballot in the ballot box. In voting places where voting machines are used, such voter shall vote on a challenged ballot, and, if the county election officer so directs, the two (2) board members, upon returning to the voting place, shall cast the voter's votes, exactly in the manner shown on such voter's ballot, on a voting machine. If the voter's votes are cast on a voting machine, the challenged ballots shall be marked "VOID", with a notation indicating that the votes thereon have been tabulated on a voting machine. Any such ballot, together with objected to and challenged ballots, shall be packaged in accordance with K.S.A. 25-3008.

(e) Intoxication shall not be regarded as a physical disability.

25-1119. Absentee voting, extent of right; absent voters; sick and disabled voters; religious belief or practice; election judges and clerks voting. (a) It shall be lawful for any registered elector of this state who is to be absent from the county in which the elector resides, or in which the elector is authorized by law to vote as a former precinct resident as defined by K.S.A.

25-3701, upon the day of any primary, general or question submitted election, and who is actually so absent during all of the time that polls are open on such day, to vote an absentee ballot on all offices, other than precinct committeeman and committeewoman, and questions submitted on which such elector would otherwise be entitled to vote.

(b) It shall be lawful for any registered elector of this state, who, because of sickness or physical disability or because of religious belief or practice, is unable to vote at such elector's voting place on the day of any primary, general or question submitted election, to vote an absentee ballot on all offices, other than precinct committeeman or committeewoman, and to vote an absentee ballot on questions submitted on which such elector would otherwise be entitled to vote.

(c) It shall be lawful for any registered elector of this state, who, because of service as a judge or clerk on an election board, is unable to vote at such elector's voting place on the day of any primary, general or question submitted election, to vote an absentee ballot on all offices, other than precinct committeeman or committeewoman, and to ~~vote an absentee ballot on questions submitted on which such elector would otherwise be entitled to vote.~~

(d) The votes of such electors shall be cast and received and canvassed as provided in this act.

Johnson County Election Office

P.O. BOX 460

135 SOUTH FIR ST.

OLATHE, KANSAS 66061

Statement for Support of S. B. 116

*Submitted by E. Lee Alt
Election Commissioner
Johnson County, Kansas*

The cost of printing (by a printer) challenged ballots with precinct committeepersons names on the ballots would be estimated at \$3,100.00 for Johnson County.

In 1982 our office printed these ballots in house which cost \$350.00 and required overtime work for employees.

In the 1982 primary election seven (7) challenged ballots were cast in Johnson County but only one (1) was counted.

I do not believe this justifies the expense required to print these ballots.

I strongly urge you to support S. B. 116