

Approved

R. H. February 23, 1984
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Richard L. Harper at
Chairperson

9:00 a.m. a.m./p.m. on Tuesday, February 21, 1984 in room 521-S of the Capitol.

All members were present except: Representative Dean, excused; Representative Justice, excused; Representative Moomaw, excused; and, Representative Runnels, excused.

Committee staff present: Myrta Anderson, Legislative Research Department
Arden Ensley, Revisor
Ramon Powers, Legislative Research Department
Eric Rucker, Secretary of State's Office
Dottie Musselman, Committee Secretary

Conferees appearing before the committee:

Representative Grotewiel, District #92, Wichita
Donna Kaiser, County Clerk, Dickinson County
Gayle Landoll, County Clerk, Marshall County
Patty Jaimes, County Clerk, Douglas County

Chairperson Harper called the Elections Committee meeting to order.

HB 2873, An Act relating to elections; concerning the voting by persons who have moved from one residence to another within the same precinct prior to any primary or general election, was scheduled for hearing at this meeting.

Chairperson Harper called upon Representative Grotewiel, author of HB 2873, to give the Committee an insight of his bill. The Representative handed out copies of the statute election laws #25-3701. (Attachment 1 and 2)

After a short discussion, Chairperson Harper called Donna Kaiser, Dickinson County Clerk, to testify on HB 2873. Ms. Kaiser appeared before the Committee in opposition to HB 2873. (Attachment 3) A letter from Betty DeWitt, Cloud County Clerk, was passed to the committee members by Donna Kaiser. This letter also stated that the Cloud County Clerk was in opposition to this bill. (Attachment 4)

At this time, the Chairperson called upon Gayle Landoll, County Clerk, Marshall County. Ms. Landoll said that she failed to see the need for the change in the present law. (Attachment 5)

Patty Jaimes, Douglas County Clerk, was next to testify before the Committee on HB 2873.

As there was no questions for the above conferees, the Chairperson closed the hearing on HB 2873.

At this time, Arden Ensley, Revisor, handed out copies of a draft of a bill that would be coming to the Election Committee, and explained the content to the members. Draft number RS 2549. (Attachment 6)

Representative Fox made a motion to introduce RS 2549 as a bill for the Committee to consider. Seconded by Representative Knopp. Motion carried.

The meeting was adjourned.

HOUSE BILL No. 2873

By Representative Grotewiel

2-7

0017 AN ACT relating to elections; concerning the voting by persons
0018 who have moved from one residence to another within the
0019 same precinct prior to any primary or general election.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. Any precinct resident who is otherwise a quali-
0022 fied elector of the state of Kansas, who has moved from one
0023 residence to another within the same precinct more than 30 but
0024 not more than 180 days next preceding any primary or general
0025 election may vote in such election in the precinct of their
0026 residence in the same manner as if they had reregistered after
0027 having established the new residence, except as otherwise pro-
0028 vided in this act.

0029 Sec. 2. On the day of the primary or general election such
0030 elector shall make application at the polling place in the precinct
0031 for a notice of election day transfer. Upon determining that the
0032 elector is registered in that precinct but has established a new
0033 residence within the same precinct since such registration, the
0034 election judges shall issue to such elector a certificate of transfer
0035 on a form prescribed by the secretary of state for this purpose.
0036 The election judges shall cause a record of such certificate of
0037 transfer to be entered upon the poll books of such polling place.

0038 Sec. 3. Upon receipt of such certificate of transfer, the elec-
0039 tor shall be permitted to vote in such primary or general election.

0040 Before receiving a ballot such elector shall make an affidavit in
0041 writing on a form to be prescribed by the secretary of state, sworn
0042 or affirmed before one of the election judges, stating the address
0043 or location of their former residence, the date of their removal
0044 therefrom, the address or location of their new residence, and
0045 that they have not previously voted at such election. Such af-

Atch. 1

0046 fidavit shall be delivered to the election judges and transmitted
0047 to the county election officer with the election returns and
0048 supplies.

0049 Sec. 4. The votes of any elector transferring residence pur-
0050 suant to this act shall be subject to challenge for cause to the
0051 same extent, and any such challenges shall be determined in the
0052 same manner, as provided by law with respect to votes of other
0053 electors.

0054 Sec. 5. Election boards receiving ballots of electors transfer-
0055 ring from one residence to another within the precinct pursuant
0056 to this act shall record the names of such electors in the poll
0057 books, with the notation "transferred resident." They shall for-
0058 ward to the county election officer, with the election returns and
0059 supplies, any certificates of transfer, affidavits and statements
0060 submitted by such electors.

0061 Sec. 6. This act shall take effect and be in force from and
0062 after its publication in the statute book.

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0025 election may vote in such election in the precinct of their
0026 residence in the same manner as if they had reregistered after
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0028 vided in this act.

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0031 ~~for a notice of election day transfer.~~ Upon determining that the
0032 elector is registered in that precinct but has established a new
0033 residence within the same precinct since such registration, ~~the~~ and before
0034 ~~election judges shall issue to such elector a certificate of transfer~~
0035 ~~on a form prescribed by the secretary of state for this purpose.~~
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HB 2873

2

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0053 electors.

same as 25-3703 under current law

0054 Sec. ~~4.4~~ Election boards receiving ballots of electors transfer-
0055 ring from one residence to another within the precinct pursuant
0056 to this act shall record the names of such electors in the poll
0057 books, with the notation "transferred resident." They shall for-
0058 ward to the county election officer, with the election returns and
0059 supplies, any certificates of transfer, affidavits and statements
0060 submitted by such electors.

same as 25-3705 under current law except for the words "transferred resident"

0061 Sec. 6. This act shall take effect and be in force from and
0062 after its publication in the statute book.

Sec. 5 same as 25-3706 except the words "transferred voter" should be substituted for "former resident voter".

ELECTION LAWS

Article 37.—VOTING IN PRECINCT OF FORMER RESIDENCE

25-3701. In-state residence change; vote in former residence, when. For the purposes of this act, a "former precinct resident" shall mean a person who is otherwise a qualified elector of the state of Kansas, who has removed from the precinct of his former residence in this state and established residence in another precinct in this state during the thirty (30) days next preceding any election held in the precinct of his former residence. Such person may vote in such election in such precinct of his former residence to the same extent and in the same manner as if he had retained his

residence in such precinct, except as otherwise provided in this act.

25-3702. Affidavits to obtain ballots hereunder. Any such former precinct resident offering to vote in the precinct of his former residence, before receiving a ballot shall make an affidavit in writing on a form to be prescribed by the secretary of state, sworn or affirmed before one of the election judges, stating the address or location of his former residence, the date of his removal therefrom, the address or location of his new residence, and that he has not voted at such election. Such affidavit shall be delivered to the election judges and transmitted to the county election officer with the election returns and supplies.

25-3703. Challenges hereunder. The votes of such former residents shall be subject to challenge for cause to the same extent, and any such challenges shall be determined in the same manner, as provided by law with respect to votes of resident electors.

25-3705. Poll book entries; returns to county election officers. Election boards receiving ballots of such former precinct resident voters shall record the names of such voters in the poll books, with the notation "former resident." They shall forward to the county election officer, with the election returns and supplies, any affidavits and statements in lieu of registration submitted by such voters.

25-3706. Copies of papers to county election officer of county of present residence. The county election officer shall send promptly a copy of each affidavit or application for absentee ballot, received from a former resident voter, to the county election officer of the county to which such former resident has removed, and the latter election officer shall keep the same on file and maintain an alphabetical index thereof for a period of six (6) months after the election.

Article 38.—POLITICAL PARTIES

25-3801. Precinct committeemen and committeewomen; eligibility for office or candidacy; filling vacancies. At each primary election, the members of the party residing in each precinct in each county of the state shall elect a man of their number as precinct committeeman and a woman of



officers and law in making tion of suffi- petitions and ration is re- conclusive of . In counties, er municipal- registration of tration books ermining the electors," or mity with the

Alch. 2

Donna
Kaiser

(attachment 3)

Members of the Committee

I would like to express my opposition to HB 2873

KSA 25-2316C allows a registered voter moving from one place to another within the precinct a period of 30 days preceding an election to vote by signing an affidavit. Upon receipt of this affidavit by the election officer, the name of the voter is removed from the voter registration book and party affiliation list. Under HB 2873 it is possible for a person moving in October, voting under KSA 25-2316C at a November general election and having his name having been removed from the registration books to vote at both the primary and general election for city/school election held in odd years without reregistering.

In this case the persons name has already been purged from the list which make him ineligible to vote and his name will not appear on the registration list at the polling place.

Under the present law with a 30 day grace period we have some problems getting people re registered for the next election. I think the longer period of time they have to sign an affidavit and vote the more they will expect to be able to return to the polls sign an affidavit and vote without registering at their new addresses. When they are denied this privilege we will have some very unhappy voters, unless it is your intentions to fix it so they don't have to re register, since this proposed law has no purging provisions in it.

What are you going to do with the person who moves from one precinct to another? He or she is going to feel discriminated against when they are told you moved more than 30 days so you are ineligible, but the person before and after in line or his next door neighbor who moved up to 180 days can sign an affidavit and vote.

I think it is going to create some real problems in the urban areas where you have a large number of persons moving. It takes just so much time to complete these affidavits and record them on the poll books. In the mean time you have a number

Atch. 3

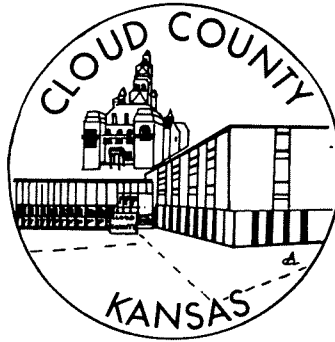
of people waiting in line to vote. This is not going to make for good public relations. If you hve to add another poll worker to take care of the affidavits it will add a great deal of expense to the election cost.

I would like to see you leave the voter registration requirements and moving porvisions as they presently are.

Thank you.

Cloud County
COMMISSIONERS

Board meets Monday each week



CONCORDIA, KANSAS 66901

(Attachment 4)

Betty L. DeWitt
Cloud County Clerk

COURTHOUSE

(913) 243-4319

TO: House Elections Committee Members
FROM: Betty L. DeWitt, Cloud County Clerk/Election Officer
RE: House Bill #2873

As a County Election Officer, I wish to express my opposition to House Bill #2873, which allows electors who have moved within the precinct within 180 days prior to an election to vote without registration. I oppose this bill for the following reasons:

1. 180 days is far too long a period to allow voting without registration. The law as it now stands has understandable and equitable basis - ten days grace period before the books close before an election. One of our main concerns as election officers is keeping voter registration lists as accurate and current as possible. This bill is a step in the opposite direction.
2. Such allowance would place an undue burden on election boards. The verification of new address and subsequent paper work would be time-consuming and adversely affect the efficient process of voting. In some areas extra workers would most likely be required to take care of this one process, necessitating additional election expense.
3. The bill does not require the elector to re-register following the election. This sounds like the first step to election day registration which we opposed last year as leading to election fraud.

For the above reasons, I urge you to oppose House Bill #2873.

Thank you for your consideration.

Betty L. DeWitt

Atch. 4

Gayle Sandall.

(attachment 5)

House Bill 2873

Thank-you for the opportunity to speak to you concerning House Bill 2873.

I fail to see the need for the change in present law.

If this bill is meant to constitute re-registration when a person moves within his or her precinct, it would be unfair to make those persons who moved within 30 days of the election re-register in order to vote at the next election, as the law requires, when someone who moved between 30 days and six months before the election would not have to re-register.

If this bill does not constitute re-registration the 180 day period would cause an overlap in the elections, such as the Primary and General Elections this year. A person could move in June of this year and vote in the August Primary, not re-register, and then could vote again in the November General Election, as both elections fall within the 180 day period. Having been allowed to vote in two elections without re-registering, the voter will assume that his registration is valid for the city and school elections the following spring, and will have his vote challenged due to an incorrect registration address.

This seems to contradict the purpose of registration, if a person can move and vote in more than one election without re-registering and still have the registration books show an incorrect address. With the easy and convenient methods the legislature has prescribed for persons to register or change their registration I feel the 30 days now set by the statutes seems to be an appropriate amount of time for an elector to call for, write for, or personally apply for re-registration.

This bill only addresses the persons who move within their respective precincts, but not those who move from one precinct to another. It would seem appropriate to treat all electors who have moved in the same manner, as the present law does.

Attch. 5

(Attachment 6)

HOUSE BILL NO. _____

By Committee on Elections

AN ACT relating to elective offices of the state and political and taxing subdivisions thereof; prohibiting the holding of more than one elective office; concerning the filing for elective offices by employees in the state classified service; amending K.S.A. 1983 Supp. 75-2953 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. For the purposes of this act, "elective office" means any office of the state or any political or taxing subdivision thereof established under the constitution or laws of the state for which, except for the filling of vacancies, the holder is selected by a majority of the qualified electors of the state or subdivision voting at an election held for such purpose. Elective office shall not mean or include the office of precinct committeeman or precinct committeewoman.

Sec. 2. No person shall hold more than one elective office at any one time. Any person who while holding one elective office accepts election or appointment to any other elective office shall be disqualified to hold and shall forfeit the office held at the time of accepting election or appointment to such additional elective office.

Sec. 3. K.S.A. 1983 Supp. 75-2953 is hereby amended to read as follows: 75-2953. (1) No officer, agent, clerk or employee of this state shall directly or indirectly use ~~his-or--her~~ their authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a member of any organization, or to pay or promise to pay any assessment, subscription or contribution, or to take part in any political activity. Any person who violates any provisions of

Attch. 6

this section shall be guilty of a class C misdemeanor, and, upon conviction, shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, such officer or employee shall be automatically separated from the service.

(2) Any officer or employee in the state classified service shall resign from the service upon filing as a candidate for ~~public~~ an elective office, unless the ~~public~~ elective office filed for is ~~the-office-of~~ a county commissioner elective office or is elected on a nonpartisan basis.

Sec. 4. K.S.A. 1983 Supp. 75-2953 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

OFFICE OF
COUNTY CLERK, ATCHISON COUNTY

Phone: 367-1653
ATCHISON, KANSAS 66002

PAULINE M. LEE
County Clerk

MARYAN MOYER
Deputy

February 17, 1984

Representative Richard Harper
Chairman, Election Committee
Room 175W
State Capitol
Topeka, Kansas 66612

Re: House Bill 2873

Dear Representative Harper:

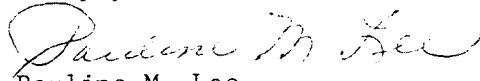
I am writing to you concerning House Bill 2873 concerning the voting by persons who have moved from one residence to another within the same precinct 30 and not more than 180 days prior to any primary or general election may sign a transfer certificate form. I feel that 180 days is too long for any person to go without reregistering to vote.

As an election office, I feel that we give the people every opportunity to reregister to vote, by calling, writing or by late night hours. If people really want to vote they will make the time or take the opportunity to do it. I would greatly appreciate it if you would oppose this bill.

I would also at this time like to bring up concerning House Bill 2717, purging the books after a mail ballot election. I think we need something like this to clean up our records to keep them more current and up to date. I know that this bill was killed but I would like you to reconsider it or put an amendment on to another bill so that we can somehow get names off that do not live in our county anymore.

Thank you very much for taking the time to read my views on these bills.

Truly yours,


Pauline M. Lee,
County Clerk

EDWARDS COUNTY, KANSAS

KINSLEY, KANSAS 67547

Marjory Scheufler, Belpre
FIRST DISTRICT COMMISSIONER

JACK H. MILLER, KINSLEY
SECOND DISTRICT COMMISSIONER

LLOYD BRITTON, KINSLEY
THIRD DISTRICT COMMISSIONER

PHONE: 316-659-2583

OFFICE OF:
BEA COATS

COUNTY CLERK/ELECTION OFFICER

PHONE 316-659-3121

February 17, 1984

Representative Richard L. Harper
House of Representatives
State Capitol
Topeka, Kansas 66612

Dear Representative Harper:

I would like to voice my objections to H.B. 2873. 180 days is entirely too long to wait before re-registering to vote. Kansas has one of the better systems of voter registration, and this would play havoc with the accuracy of registration records. Any legislation aimed toward voter registration at the polls is entirely unacceptable to any of us who work with this.

I would also like to inquire why H.B. 2717 was killed. The provisions made for "purging" of the registration records were practical and would be useful. If you could see our registration records and realize, as we do, how many on the list are no longer residents or have changed names, etc., you could better understand the frustration of county election officers. We have the responsibility of keeping accurate records but have no way of keeping them up to date. Please help us by possibly adding these provisions to another bill.

Thanks so much.

Sincerely,

Bea Coats
Bea Coats

Edwards County Clerk

Courthouse
Phone 257-2232



County Clerk

R I C E C O U N T Y C O U R T H O U S E

RICE COUNTY

LYONS, KANSAS 67554

February 17, 1984

Representative Richard L. Harper
Chairman, House Elections Committee
Capitol Building
Topeka, KS 66612

Dear Representative Harper:

I am writing to you in regard to HB 2873 which allows voters who have moved within the precinct within the last 180 before the election to vote without reregistering.

My reasons for objecting to this bill are as follows;

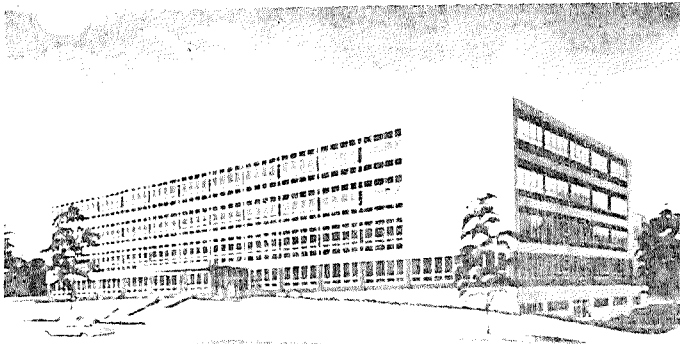
- a. The procedure for signing an affidavit to allow such voting would be very disruptive to the smooth operation of the election board, especially at a busy time.
- b. This would encourage persons to not reregister promptly when they move and thus could easily pass even the 180 day limitation.
- c. We have a good orderly system of controlling the voter registration lists now and we should make changes only after very careful consideration.

Your thoughtful consideration of this bill will be appreciated.

Sincerely,

Mary Bolton
Rice County Clerk

CC: Representative Leroy Fry
Senator Roy Ehrlich



Shawnee County
Commissioner of Elections

Mary F. Hope, Commissioner

SHAWNEE COUNTY COURT HOUSE

TOPEKA, KANSAS 66603

Phone 295-4066

February 21, 1984

Rep. Richard Harper
Chairperson
House Committee on Elections
State Capitol
Topeka, KS 66612

Dear Rep. Harper:

Since very few voters have any idea of their precinct boundary lines in a county the size of Shawnee County, I am writing in opposition to HB 2873.

When we had a law similar to this some years ago, we received calls every election day from people who thought they had moved within their precincts since they had moved only a block or two or even across the street. However, they had moved out of their precinct. They had not reregistered because they thought they had only to fill out an affidavit at the polling place. Unfortunately, since they had moved out of their precinct and had not reregistered, they were unable to vote.

We supported the present law because we believed it would be less confusing for the voter and in our experience, it has been less confusing for the voter.

We would appreciate your taking this into consideration.

Sincerely,

Mary F. Hope

MFH:ns



NEMAHA COUNTY
SENECA, KANSAS
66538

ALVIN BAUMAN
COUNTY CLERK

PATRICIA C. BENTSEN
COUNTY CLERK, DEPUTY

February 17, 1984

Hon. Richard L. Harper
State Representative
Chairman, House Election Committee
Topeka, Kansas 66612

Re: Election Legislation

Dear Representative Harper:

As an Election Officer, may I request a few minutes of your time on election legislation.

I was informed yesterday that House Bill #2717 was killed by the committee. This office felt that was a good bill. Is there a chance that it could be revised? Never heard why there was opposition, I felt this was a good way to clean up the voter registration books.

I wish to **oppose House Bill 2873**. In Nemaha County, we try keeping before the voters the fact if they move, get married & etc., they have to re-register. We have a number of out posts and late hours for registration. To change the present procedure will only cause a lot of confusion at the polling places. Will the forms be filled out correctly, maybe some votes get counted that really should be challenged? I feel the precinct workers have enough to do now, lets keep it as simple as possible.

Runoff Primarys, NO, NO, No! Our present method is plenty good. Look at the extra work, cost and the confusion it could create in the election office. Please, no runoff primary elections.

HB 2240, again I'd vote no. Drivers License Examiners have enough work to do, let's not confuse them with laws & regulation requirements of elections, furthermore, they cross county lines in our area. I wish to work solely with my own electors.

HB 2292, I realize this is not in your committee, but why give special privileges? There is talk we may have four attorneys running for County Attorney this year, so let the voters decide.

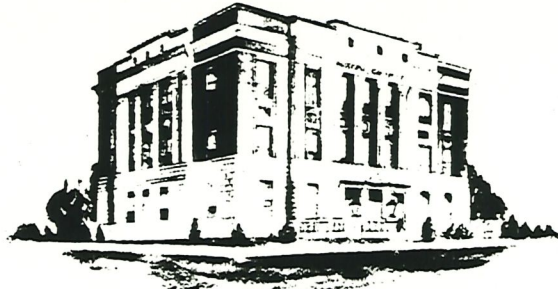
Thanks for listening to my concerns, but I feel we have a good procedure to follow now, let's keep it that way.

Sincerely,

Alvin Bauman
County Clerk-Election Officer

cc: Rep. Lloyd D. Polson
Rep. Richard E. "Dick" Eckert

NORTON COUNTY, KANSAS



NORTON, KANSAS

February 16, 1984

Representative Richard Harper
House Chamber, Third Floor
State Capitol
Topeka, Kansas 66612

Dear Representative Harper:

I would like to state my views on HB 2873 allowing 180 days for people to vote without re-registering. I object to this bill and hope that you can see the problems that it would cause the election officers and election boards. The current 30 days is sufficient time for this.

I also was disappointed when HB 2717, allowing removal of names by using mail ballot envelopes returned as "undeliverable", was killed. This could have served the same purpose as when we do the regular purging and also cut down on expenses. This would serve as another tool to clean up our registration books. Is there a possibility that it could still be made as an amendment on another bill?

Thank you for letting me give my views on the above bills. Your support will be appreciated.

I want to thank you for supporting HB 2774, 4 year term for precinct people.

Sincerely,

Dorothy Shearer

Dorothy Shearer
County Election Officer

Office of Rush County Clerk

P.O. Box 220
La Crosse, Kansas 67548

February 16, 1984

Representative Richard L. Harper
Kansas House of Representatives
Room 175W
State Capitol Building
Topeka, Kansas 66612

Dear Representative Harper:

I am writing to you in regard to **HB 2873** regarding those voters having moved from one residence to another within the same precinct.

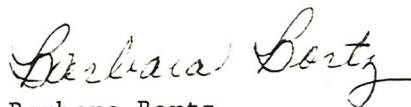
I feel that allowing extra time would greatly interfere with the smooth operation of the election process on election day.

It appears to me that this would create quite a clog in the voting lines and create more confusion on an already confusing day.

I would also like to ask why the HB 2717 was killed? It seems to be an excellent way to keep the voter registrations current following a mail ballot election. Is it possible that this might be reintroduced as an amendment to another bill?

Thank you for taking the time to listen to my point of view and for your consideration in these matters.

Sincerely,



Barbara Bortz
Rush County Clerk

BEB/bb

State of Kansas

BARTON COUNTY COURT HOUSE

Great Bend, Kansas-67530

Office of COLEEN MURPHY
COUNTY CLERK

February 15, 1984

House Elections Committee
Richard L. Harper, Chairman

Representative Harper:

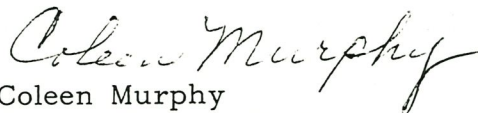
Please be advised that as Barton County Election Officer, I am opposed to House Bill 2873. I feel that 180 days is far too long to allow people to vote without having to re register. It seems to me that since we have registration by mail and outposts other than regular registration points, we are allowing ample time for people to re register if they have moved.

In closing our registration 20 days prior to any Election, we are better able to have a current registration list.

I certainly do not want to see a bill passed allowing registration at the polling place on Election Day. The House Bill discussed above seems to open the way for such a bill to be passed.

Thank you for your attention to this matter.

Sincerely,



Coleen Murphy
Barton County Clerk