

Approved 2-13-84
Date

MINUTES OF THE Senate COMMITTEE ON Elections

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

1:30 ~~xxx~~/p.m. on January 31, 1984 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Arden Ensley, Revisor of Statutes' Office
Myrta Anderson, Legislative Research Department
Sharon Green, Committee Secretary

Conferees appearing before the committee:

Ms. Jean Barber, County Clerk, Allen County
Ms. Mary Bolton, County Clerk, Rice County
Mr. Eric Rucker, Secretary of State's Office

The Chairman called the meeting to order.

Ms. Jean Barber testified with regards to SB 415, stating that she had a problem with the provision in the bill making the County Election Officer a police officer. She asked the Committee how to determine if the local campaign finance report was inadequate and if there was liability on her part if she accepted an inadequate or fraudulent report.

Senator Johnston suggested that the Kansas Public Disclosure Commission be the policing party.

Questions were asked and a general discussion was held.

Ms. Mary Bolton testified with regards to SB 415, stating that in some townships there were only 22 registered voters, and that she would recommend that in those types of offices that they would not even have to file any forms. She indicated that it is often difficult to even get someone to fill the positions in such small districts.

The Chairman asked Ms. Bolton if she thought it would be a burden for the County Election Officers to mail out notices and instructions regarding the filing of campaign finance reports. Ms. Bolton stated that that would be workable.

Questions were asked and a general discussion was held.

Eric Rucker testified in favor of SB 570, stating that there was more time needed for the transmission of absentee ballots, and that the offices of lieutenant governor and governor had been overlooked upon changing the dates in a previous bill. He also offered an amendment to clarify the date in this bill. (Attachment 1)

Motion was made by Senator Reilly and seconded by Senator Norvell to amend SB 570 by inserting "business" on page 1, line 31, preceeding the word "day", and to change "Kansas register" in line 41 to "statute book". The motion was adopted.

Motion was made by Senator Reilly and seconded by Senator Meyers to report SB 570 favorably as amended. The motion was adopted.

Eric Rucker testified in favor of SB 571, stating that this bill would allow assistance for the sick and physically disabled voter in marking or transmitting an absentee ballot. He also stated that this bill requires the person assisting the sick or disabled voter to sign an affidavit to the effect that the person assisting did not influence the sick or disabled voter, and marked the ballot according to the sick or disabled voter's wishes.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~am~~/p.m. on January 31, 1984

Mr. Rucker also offered an amendment to SB 571, which would include illiterates in this bill. (Attachment 2)

Mr. Rucker stated that Kansas is in an unconstitutional position as the present law stands on this matter. He stated that the Justice Department favors the amendment.

Questions were asked and a general discussion was held.

Motion was made by Senator Talkington, and seconded by Senator Norvell to adopt the amendment proposed by Eric Rucker (Attachment 2). The motion was adopted.

Motion was made by Senator Talkington and seconded by Senator Norvell to report SB 571 favorably as amended. The motion was adopted.

Motion was made by Senator Talkington to report HB 2400 adversely. Senator Meyers seconded the motion. The motion was adopted.

The Chairman adjourned the meeting.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 570

"AN ACT relating to elections; concerning candidates for governor and lieutenant governor; concerning dates for filing nomination papers or declarations of intention to become a candidate; amending K.S.A. 25-4004 and repealing the existing section."

Be amended:

On page 1, in line 31, preceding the word "day" by inserting "business";

And the bill be passed as amended.

Chairperson

Atch. 1

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that Senate Bill No. 571

"AN ACT relating to elections; concerning absentee voting; concerning marking and transmission of absentee ballots; amending K.S.A. 25-1124 and repealing the existing section."

Be amended:

On page 1, in line 33, by striking the word "or" and inserting a comma; also in line 33, after the word "disabled" by inserting "or illiterate"; in line 39, by striking the word "or" and inserting a comma; also in line 39, after "disabled" by inserting "or illiterate"; in line 42, by striking the word "or" and inserting a comma; also in line 42, after "disabled" by inserting "or illiterate";

On page 2, in line 47, by striking the word "or" and inserting a comma; also in line 47,, after "disabled" by inserting "or illiterate"; in line 50, by striking the word "or" and inserting a comma; also in line 50, after "disabled" by inserting "or illiterate"; by striking all of line 54 and inserting three new sections to read as follows:

"Sec. 2. K.S.A. 1983 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any person described in K.S.A. 25-1119, and amendments thereto, or any qualified elector of such person's county of residence, on behalf of such person, may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an absentee ballot.

(b) Applications made by or on behalf of persons specified in subsection (a) of K.S.A. 25-1119, and amendments thereto, for absentee ballots to be transmitted to the voter by mail or by the person making application on behalf of the voter shall be filed only at the following times:

- (1) For the primary election occurring on the first Tuesday

in August in even-numbered years, between April first of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January first of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January first of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of absentee ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January first of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (b) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed

on that date.

(c) Applications made by persons specified in subsection (a) of K.S.A. 25-1119, and amendments thereto, for ballots to be transmitted to the voter in person in the office of the county election officer shall be filed only on the Tuesday next preceding the election or such earlier date as the county election officer may designate, on each subsequent business day and, if the county election officer so provides, on Saturday, until 12 o'clock noon on the day preceding such election. Upon receipt of any such application, properly executed, the county election officer shall deliver to the voter, in the ballot envelope, such ballots and instructions as are provided for in this act.

(d) Applications made by or on behalf of persons specified in subsection (b) of K.S.A. 25-1119, and amendments thereto, for absentee ballots to be transmitted to the voter by mail, messenger or by the person making application on behalf of the voter shall be filed not more than 90 days prior to the election or later than 12 o'clock noon on the day of such election.

(e) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, or in whose behalf such applications have been filed, together with their correct post-office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant, which names and addresses shall remain so listed until the day of such election available for inspection upon request in compliance with this subsection (e) by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each such person, which record shall conform to the list above required. Before inspection of any absentee

ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the identifying number on ballots and ballot envelopes and records of such number shall in no case be made public.

Sec. 3. K.S.A. 25-1122a is hereby amended to read as follows: 25-1122a. The county election officer of any county in which voting machines are used may authorize persons filing applications for absentee ballots as provided by subsection--(e) of K.S.A. 25-1122, and amendments thereto, to cast their votes upon voting machines. If the county election officer authorizes the use of voting machines by absentee voters said such officer shall equip the office of the county election officer with enough voting machines to enable all absentee voters to cast their votes upon such machines.

Such machines shall be of a make certified by the secretary of state and shall be sealed in a manner to allow tabulation of the total vote only at the time of the closing of the polls on the day of the election for which such machines are used.

Sec. 4. K.S.A. 25-1122a and 25-1124 and K.S.A. 1983 Supp. 25-1122 are hereby repealed.";

Also on page 2, in line 55, by renumbering section 3 as section 5;

In the title, in line 17, by striking all after "K.S.A." and inserting in lieu thereof "25-1122a and 25-1124 and K.S.A. 1983 Supp. 25-1122 and repealing the existing sections.";

And the bill be passed as amended.

Chairperson