

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by Senator Gordon at
Chairperson

1:30 a.m./p.m. on March 28, 1985 in room 522-S of the Capitol.

All members were present except: Senator Norvell (excused)

Committee staff present:

Myrta Anderson - Legislative Research Department
Ramon Powers - Legislative Research Department
Theresa Kiernan - Revisor of Statutes' Office
Phil Lowe - Secretary to Committee

Conferees appearing before the committee:

Mr. Blumenthal - House of Representatives
Ray Petty - Legislative Liaison - Kansas Advisory Committee
on Employment of the Handicapped
Eric Rucker - Election Deputy of Secretary of State's Office
Harriet Lange, Kansas Association of Broadcasters
George Logan - General Manager of WIBW
Horace Eubanks - Topeka

HB 2192 - Myrta Anderson briefed the members of the committee and stated that the bill provides that if a voting place is inaccessible to a disabled voter by reason of stairs or steps such voter may request that such person's ballot be brought to the entrance to such voting place. A notice shall be displayed outside the voting place. The bill also provides that at any voting place inaccessible to disabled voters at the main entrance which is accessible at some other entrance, signs directing voters to such other entrance shall be displayed.

Mr. Blumenthal, House of Representatives, introduced the bill and appeared in support of the measure. He said the bill deals with handicapped persons who would like to go to polling places and vote. It provides that signs be posted directing voters to such entrance and it would facilitate voting for handicapped persons. Mr. Blumenthal said he hoped the bill would be recommended favorably for passage.

Ray Petty, the legislative liaison for the handicapped, said they would like to support this bill. We think it is important that handicapped people can vote at the same time and place other people do.

Committee discussion centered around the question as to what the fiscal note to the bill would be for the cost of signs as it was pointed out that signs are expensive. It was agreed that a fiscal note should be obtained to determine the exact cost to enforce putting up signs.

Senator Hoferer moved to favorably recommend HB 2192 to the Senate for passage. Senator Strict seconded the motion and the motion carried.

HB 2486 - Concerns disorderly election conduct - exit polling. Myrta Anderson, Legislative Research Department, in giving a brief explanation of the bill said the first part of the bill is current law. The new language prohibits activities within 150 feet from the entrance of a polling place during the hours the polls are open on election day. This bill was recommended by the Secretary of State's office.

Eric Rucker, the Deputy of Elections for the Secretary of State, gave facts leading up to the introduction of this measure. He stated that the bill does not prohibit exit polling but wants polling places which are free from any other activities and no outside interference. Mr. Rucker had several handouts he distributed which are attached. (Attachment #1).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S Statehouse, at 1:30 ~~xxx~~ p.m. on March 28, 19 85

Harriet Lange - Kansas Association of Broadcasters introduced George Logan, General Manager of WIBW to speak in opposition to HB 2486 - exit polling. Mr. Logan said he appreciated the opportunity to appear before the committee in opposition to HB 2486. He said this piece of legislation attempts to correct problems that really don't exist by interfering with the First Amendment rights of free speech and with the right of the public to have information. His remarks are contained in Attachment #2.

In answer to a question whether he opposed the provision disallowing any activities within 150 feet from the entrance of a polling place during the hours the polls are open on election day he answered that it was up to the individual whether or not they want to talk and give interviews as we respect the individuals rights.

Senator Walker moved to amend the bill on page 1, line 33, by striking the figures "150" and inserting in lieu thereof the figures "250".
Senator Strick seconded the motion and the motion lost.

Senator Strick then moved to recommend the bill favorably for passage.
The motion died for lack of a second.

HB 2535 - Presidential preference primaries. Senator Johnston moved to recommend the bill favorably for passage. Senator Martin seconded the motion.

The chairman announced that at the March 27 meeting Mr. Horace Eubanks had requested to testify against HB 2535 but for lack of time he could not be heard and we would hear him at this time.

Mr. Horace Eubanks said he would like to see the committee table this bill and do more research on it to improve it. He also suggested that school board elections be moved to the primary elections in August.

Senator Johnston then renewed his motion to recommend HB 2535 favorably for passage. Senator Martin renewed his second.
Senator Vidricksen then offered a substitute motion that the provisions of subsection (a) of the bill shall not become effective unless and until all the states hold presidential primary elections on the same day.

In discussing the amendment Senator Vidricksen stated that he would even support the concept of a regional type of a presidential primary.

Senator Walker seconded the motion made by Senator Vidrickson for a national presidential primary to be held on the same day by all 50 states. The motion carried.

Senator Johnston then moved to recommend HB 2535 favorably to the Senate for passage as amended. Senator Martin seconded the motion and the motion carried.

HB 2534, Senator Walker moved to not recommend HB 2534 for passage. Senator Hoferer seconded the motion. Motion lost. The bill will remain in committee.

The meeting was adjourned.

Attachments:

- #1 - Handouts from Secretary of States' Offices
- #2 - Testimony from George Logan
- #3 - Guest List
- #4 - Proposed Amendment HB 2535
- #5 - Fiscal Note 2192
- #6 - Report of Standing Committees HB 2535
- #7 - Report of Standing Committees HB 2192

Editorials

Wednesday, March 27, 1985

The Hutchinson News

Boosting the turnout

The Kansas presidential primary election may yet arise from the ashes of '84.

If it does (and it should), it will stand as a superior achievement of the 1985 Kansas Legislature.

The achievement is near. The House of Representatives has approved the primary. Now the Senate is considering the proposed new law. As proposed by Secretary of State Jack Brier, the new Kansas presidential primary would coincide with both school board elections in the state, and with a possible Missouri presidential primary election.

That would achieve two superior side effects to the already superior results of the 1980 primary elections. The cost would be essentially eliminated. And with Missouri and Kansas both holding a primary on the same day, the nucleus of a regional presidential vote would be set.

The presidential primary elections of 1980 were a massive success in Kansas. Nearly a half million Kansans participated, in the first such preferential vote. Despite that success, the primary was discontinued. Four years later, only a fraction of that number of Kansans participated in the selection of the Democratic and Republican nominees.

The caucuses held by the Democrats in 1984, especially, showed the flaws. Few people participated, and the selection was dictated mainly by a handful of organized groups.

A far better approach would be to have a preferential primary election, as now proposed.

The Kansas Senate's elections committee should be urged to give its enthusiastic support to the proposal, en route to a similar amount of enthusiasm in the Senate itself.

*Attachment #1
S. Elect. 3/28/85*



STATE OF KANSAS
Secretary of State

CAPITOL

PHONE (913) 296-2236

TOPEKA, KANSAS 66612

JACK H. BRIER
SECRETARY OF STATE

February 8, 1985

Mr. Robert Chandler
Senior Vice President, Administration
CBS News
524 W. 57th St.
New York, N.Y. 10019

Dear Mr. Chandler:

Your letter of January 29 served to clarify CBS News' policy in regard to election night projections. I find that policy as unacceptable as ever.

True, your policy had no effect on the presidential race in Kansas. Neither did it have an impact on the Senate race nor any of the state's five congressional campaigns. And you are correct that only a very small percentage of Kansas voters are affected by this policy.

But that does not justify CBS' position.

Your projections, and those of the other networks, lead many people to believe that the polls have closed. Results from the 1984 general election clearly illustrate that the failure of a single voter to go to the polls can throw a race into confusion, create a needless burden for elected officials and shackle taxpayers with unnecessary expenses.

Hamilton County, Kansas, is in the Mountain Time Zone, which you dismiss so casually. In the 1984 general election, only three votes separated the candidates for Hamilton County sheriff. A recount ended in a tie.

Despite two lawsuits, the outcome of that race has yet to be decided. It may not be resolved until April, if then.

Attachment #1

Mr. Robert Chandler
Page Two
February 6, 1985

By your own estimate, 20 percent of the registered voters in the four counties in the Mountain Time Zone vote in the final hour that the polls are open. That amounts to 1,743 voters. Yet, in November, 10 races for the state house or senate were decided by less than 700 votes - far less than half the total votes that you have dismissed.

It is time that the television networks based their election night decisions on sound news judgment, rather than on the commercial merits of being the first to forecast an election outcome.

It is time that New York City executives exhibited concern for the Kansas citizen. The outcome of a sheriff's race in Hamilton County, Kansas, may hold no interest for CBS, but it is of vital importance to the citizens of that county.

CBS' policy of issuing projections before all the polls close in a state is a haughty, irresponsible act. Your claims to the contrary, it can, and does, keep people from voting. And if network projections prevent even one person from exercising his right to vote, then CBS has thwarted democracy.

Repeatedly, I have asked that you reconsider your policy, and I do so again. It is journalism at its most irresponsible, and threatens the very fabric of our democratic society.

With every good wish.

Cordially,



JACK H. BRIER
Secretary of State

JHB/jr

Attachment # 1

CBS NEWS

A Division of CBS Inc.
524 West 57 Street
New York, New York 10019
(212) 975-2787

Robert Chandler
Senior Vice President, Administration

Dear Mr. Brier: January 29, 1985

Thank you for your letter of January 23rd.

I am afraid you are not correct in your interpretation of Mr. Joyce's letter to Congressmen Swift and Thomas.

What Mr. Joyce pledged to do on behalf of CBS News is no longer to use exit polls to characterize the likely outcome of races before the polls close in a state. This has to do essentially with our characterizations nationally in the Presidential race or in Presidential Primaries, although it will extend to all races.

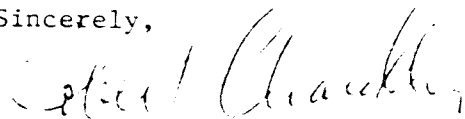
He further indicated to the Congressmen that our policy on projections remains unchanged, i.e., we do not project the outcome in a state until all the polls have closed in that state, or in states with more than one closing time, until the vast majority of polls in that state have closed.

As this policy relates to the State of Kansas, our research indicates that 97% of the state's voters reside in the Central Time Zone, and 3% in the Mountain Time Zone. Of those 3%, we estimate that at least 80% have voted before the final hour of balloting for the Mountain Time Zone. Therefore, since returns are being made available from the vast majority of the state's polling places during the last hour of balloting in the Mountain zone, and since a conservative estimate is that only six-tenths of one percent of the state's electorate vote during that hour, we think it perfectly appropriate to project the outcome of a race if the trends are clear after the majority of polls have closed.

The same reasoning is true of other states with multiple closing times where the vast majority of polls close earlier than the rest.

I trust this clarifies our position.

Sincerely,



The Honorable Jack H. Brier
Secretary of the State of Kansas
Topeka Kansas 66612

Attachment # 1

ABC News 7 West 66th Street New York, New York 10023 Telephone 212 887-4000

Roone Arledge, President

Dear Mr. Secretary:

Mr. Leonard H. Goldenson, Chairman of the Board of American Broadcasting Companies, Inc., has asked me to reply to your letter of January 23rd.

It is the basic policy of ABC News to make an election projection only after the polls have closed in any given state.

However, we do make exceptions in a few split-closing states when the vote in the late-closing area is so small as to be both politically and statistically inconsequential.

Kansas is such a state. Of the 106 counties in Kansas, 101 close the polls at 8:00 PM EST and only five close at 9:00 PM EST. Taking previous elections as a guide, we know that 99.2 percent of the state's total vote is cast in the counties which close at eight and only 0.8 percent of the vote is cast in counties which close at nine (and even most of that 0.8 percent is cast before eight o'clock since few voters wait until the last hour).

Observing those figures, there is no practical reason to withhold the count of the 99.2 percent for a full hour. No ordinary election result would be changed by the remaining 0.8 percent. Furthermore, officials in the 101 eight o'clock counties begin announcing the results as soon as the polls close, so any election result would become obvious to the public at large before the 9:00 PM closings even if we did withhold a formal projection.

As I have stated, all of this reasoning is based on an ordinary election. If, on the other hand, we were faced with an unusually close race which could conceivably be affected by the 0.8 percent of the vote in the nine o'clock counties, we would certainly delay a projection until these final votes were tallied.

Attachment #1

The Honorable Jack H. Brier
February 19, 1985
Page 2

Our policy has two goals. The first is to make certain that no individual election is projected until it is virtually over. The second is to assure the accuracy of our projections by never making premature judgments. We are confident that the policy now achieves both goals.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ross Sledge", with a long horizontal flourish extending to the right.

The Honorable Jack H. Brier
Secretary of State
State of Kansas
Capitol
Topeka, Kansas 66612

February 19, 1985

cc: Mr. Leonard H. Goldenson

Attachment # 1

TUESDAY AFTERNOON, MARCH 26, 1985

THE SOUTHWEST DAILY TIMES — Liberal, Kansas

Citizens Would Prefer A Primary

Kansans responded wholeheartedly in 1980 to the state's first presidential preference primary election and thereby had a say as to who would represent the respective parties at the top.

Now the Kansas House has passed and sent to the Senate a bill that would establish a presidential primary in Kansas, beginning in 1988. We feel it's time the state did away with the outdated caucus system and gave average voters a greater say in choosing presidential candidates.

Indicative of the desire of voters to have a say in selecting the presidential standardbearers, was the 1980 showing of 479,316 voters casting ballots. By contrast, only 11,000 voters turned out for the Democratic caucus last year.

We were told the primary wasn't to be held last year because of criticism that the process, with a price tag of \$1 million, was too expensive. Not only that, but party officials complained the primary weakened party leadership by allowing campaign organizations, rather than party officials, to choose the delegates.

But Secretary of State Jack H. Brier tells us that the primary plan currently before the Senate avoids these pitfalls. The high costs of the primary would be avoided by holding it concurrently with school board elections. Although this would necessitate delaying those elections one year (they're now held on odd-numbered years), the school board lobby has expressed no objections to the change.

The plan also would allow each party's leaders to name delegates to the national conventions—the numbers of those delegates, though, would have to reflect proportionally the support each candidate received in the primary.

A presidential primary will do much to stimulate lagging voter interest, and the high voter turnout for the primary would serve to also increase citizen participation in the selection of school board candidates. Brier also points out that newly-elected county election officers—there were 20 this year—will not be faced with administering an election weeks after they take office. County clerks serve as election officers.

A statewide poll has indicated a majority of Kansans would like to have another opportunity to vote in a presidential primary. In fact, only 26 percent of the people surveyed expressed disapproval with the concept.

The Senate Elections Committee will debate H.B. 2535 at 1:30 p.m. Wednesday and may take action the following day. It is therefore imperative that we immediately get in touch with our Sen. Bob Frey, Leroy Hayden and other area state senators to let them know we want a say in naming the presidential candidates who will have a great impact on our daily lives.

Frey can be reached at (913) 296-7359 and Hayden at 296-7378. The toll-free number is 800-432-3924.

Thought For Today

Thought for today: "One man with courage makes a majority." — Andrew Jackson, U.S. President (1767-1845).

Attachment #1



BOX 119 · TOPEKA, KANSAS 66601 · 913/272-3456

March 29, 1985

TESTIMONY BEFORE THE SENATE COMMITTEE ON ELECTIONS / HB 2486

Mr. Chairman, members of the committee, my name is George Logan and I am General Manager of WIBW-TV as well as the Immediate Past President of the Kansas Association of Broadcasters.

I appreciate this opportunity to appear before you in opposition to House Bill 2486. This ill-advised piece of legislation attempts to correct problems that really don't exist by interfering with the First Amendment rights of free speech and with the right of the public to have information.

Those who favor banning "exit polling" complain that giving results ... or projected results ... of elections in eastern time zones will influence voters in areas where polls are still open. There are very real doubts as to whether this is the case but, even if it were true, curtailing the right of the media to ask questions is not a solution.

It might be noted that, during the last Presidential election, President Reagan had already received about 90% of the electoral vote needed for election in the eastern time zone. When the remaining 10% came in from the central time zone, the President had, in fact, been elected. I'm talking about the reporting of election returns, not projections from exit polls. Should these facts be withheld from the public? Don't the people have a right to know and doesn't the media have a responsibility to report such facts? To bring the question closer to home, should the media delay reports on all races in Kansas until the few polling places in the Mountain Time Zone have closed? In my view, that would not be providing the public with the service to which they have become accustomed. The answer is not restricting the access of reporters to the voting public, but establishing a uniform poll-closing time ... and there are strong signals that Congress will pass such a law.

BROADCAST SERVICES OF STAUFFER COMMUNICATIONS, INC.

*Attachment #2
S. Elect. 3/28/85*

WIBW-TV AM-FM
CBS-Topeka, Kansas

KCOY-TV
CBS-Santa Maria, Calif.

KCBJ-TV
NBC-Columbia, Missouri

KRNT-KRNQ
CBS-Des Moines, Iowa

KGNC AM-FM
CBS-Amarillo, Texas

KGFF RADIO
ABC-Shawnee, Okla.

TOTAL TELEVISION
Amarillo, Texas

KANSAS CITY ROYALS NETWORK
Kansas City, Missouri

STAUFFER SPORTS NETWORK
Topeka, Kansas

BULLDOG NETWORK
Des Moines, Iowa

WEATHER VUE
Topeka, Kansas

KANSAS AGRICULTURE NETWORK
Topeka, Kansas

The major reason I am opposed to this bill is that it would deprive the public of essential information. We live in a sophisticated age ... an age where the public needs and even demands more information than just which candidate won or lost. They want to know why ... and that's the kind of information exit polling can supply.

For example, reports following the 1984 election indicated that:

- ... 57% of the blue collar workers in New Jersey voted for Regan.
- ... 55% of the 18 to 24 year old voters in Pennsylvania also voted for Regan.
- ... 63% of the Italian vote in New York went against Geraldine Ferraro.
- ... Women chose Regan over Mondale by 55% to 45%.
- ... 65% of the Jewish voters voted for Mondale.

#

Attachment # 2
S. Elect. 3/28/85

PROPOSED AMENDMENT TO HOUSE BILL NO. 2535

On page 1, in line 23, before "On", by beginning a subsection as follows:

"(a) Subject to the provisions of subsection (b),";
following line 26, by inserting a subsection as follows:

"(b) The provisions of subsection (a) shall not become effective unless and until all states holding presidential preference primaries hold such elections on the same day."

*Attachment #4
S. Elect. 3/28/85*

The Honorable Richard Harper, Chairperson
Committee on Elections
House of Representatives
Third Floor, Statehouse

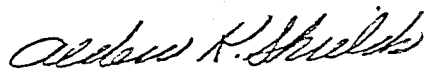
Dear Representative Harper:

SUBJECT: Fiscal Note for House Bill No. 2192 by Committee
on Elections

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2192 is respectfully submitted to your committee.

House Bill No. 2192 amends K.S.A. 25-2909 to provide for a notice to be prominently displayed outside the voting place. The notice informs voters of the right to request a paper ballot if the voting place is inaccessible to them due to a disability. The bill also provides for a notice to be prominently displayed outside an inaccessible main entrance of a voting place, giving directions to some other accessible entrance, if available.

Enactment of House Bill 2192 could pose an additional expense to the counties in printing the notices for those voting places deemed inaccessible by reason of stairs or steps. The fiscal impact on the counties for printing the notices cannot be determined.


Alden K. Shields
Director of the Budget

AKS:SKS:sr

Attachment # 5
S. Elect. 3/29/85

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that House Bill No. 2535

"AN ACT relating to elections; concerning the presidential preference primary; amending K.S.A. 25-4501 and 25-4507 and repealing the existing sections and also repealing K.S.A. 25-4504."

Be amended:

On page 1, in line 23, before "On", by beginning a subsection as follows:

"(a) Subject to the provisions of subsection (b),";
following line 26, by inserting a subsection as follows:

"(b) The provisions of subsection (a) shall not become effective unless and until all states holding presidential preference primaries hold such elections on the same day."

And the bill be passed as amended.

Chairperson

Attachment # 6

S. Elect. 3/28/85

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Elections

Recommends that House Bill No. 2192

"AN ACT concerning elections; relating to voting places; amending K.S.A. 1984 Supp. 25-2909 and repealing the existing section.

Be passed.

_____ Chairperson

Attachment # 7
S. Elect. 3/28/85