

Approved February 26, 1986
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Gordon at
Chairperson

1:30 ~~xx~~/p.m. on February 19, 19 86 in room 522-S of the Capitol.

All members were present except: Senator Walker who was excused.

Committee staff present:

Theresa Kiernan, Revisor's Office
Myrta Anderson, Legislative Research Department
Ramon Powers, Legislative Research Department
Phil Lowe, Secretary to Committee

Conferees appearing before the committee:

Senator Morris, State Senate
Harley Duncan, Secretary Department of Revenue
Fred Allen, Kansas Association of Clerks
Senator Francisco, State Senate
Senator Winter, State Senate
Earl Nehring, Common Cause/ Kansas
Karen McClain, Kansas Association of Realtors

The minutes of January 29 were approved.

Senate Bill 589 was introduced by Senator Morris and relates to the registration of voters. The Chairman introduced Senator Morris, sponsor of the bill, who said he introduced the bill to implement the Kansas voter registration and he thought it would promote more participation in the election process. This bill would enable driver's license examiners to inquire of an applicant if he wishes to register to vote. If so, the examiners will assist the applicant in registering. Senator Morris stated there might be problems, but he felt sure that they could be worked out.

The Chairman stated he had received numerous calls regarding the bill from County Clerks throughout the state and one clerk thought there would be no problem if the word "shall" would be changed to the word "may" in the bill.

Harley Duncan, Secretary of Revenue Department, was the next conferee. His testimony is herewith attached (attachment #1). He also stated in answer to a question that driver's license examiners were designated because at some point residents come through the driver's license station either to apply for new licenses or for a renewal, and it was the opinion that this would be a convenience and create voter participation.

Fred Allen representing the Kansas Association of Clerks spoke in opposition to the measure. Mr. Allen stated that the word "shall" in the measure if changed to "may" would take care of most of the problem. He also stated that most of the registrations are handled by volunteers and thought it would have an effect on people volunteering.

Senate Bill 599 relates to political advertising on billboards. The Chairman introduced Senator Francisco who sponsored the bill. Senator Francisco thanked the committee for allowing him to appear on behalf of his bill and gave each member of the committee a copy

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Elections,
room 522-S, Statehouse, at 1:30 ~~xxx~~/p.m. on February 19, 1986

of his testimony. (Attachment #2). Senator Francisco also passed out copies of the Attorney General's opinion (Attachment #3) regarding the issue involved. Committee discussion centered around the size of a billboard and instructed the revisor to make a report as to the size of billboards at the next meeting.

Senate Bill 602 was introduced by Senators Winter and Yost and concerns campaign finances and the limitation of contributions. Senator Winter appeared before the committee and passed out copies of his testimony. (Attachment #4). He stated that this bill places limits on campaign contributions from political action committees and although no insult was intended to PACS the seeds of the problem are beginning to sprout and the problem needs to be addressed.

Carol Williams from the Public Disclosure Commission said she would not make any statement regarding the measure, but if anyone had a question in regard to the issue she would try to answer them.

Earl Nehring representing Common Cause/Kansas read from a prepared statement. (Attachment #5). Mr. Nehring also stated that one step in the right direction would be to limit PAC contributions and encourage greater reliance on citizen and party financial support to elections.

Karen McClain representing the Association of Realtors Board in her testimony (Attachment #6) said they oppose Senate Bill 602 because its practical effects are devastating and hoped the committee would give it an unfavorable recommendation.

Senator Martin moved and Senator Vidricksen seconded the motion to introduce a bill as a committee bill concerning elections relating to campaign finances. Motion carried. The bill is to be referred back to the committee for consideration.

At the request of Senator Burke the committee agreed to introduce a bill which would provide something similar to the state of Connecticut statute which provides for voting rights of military and overseas citizens. Senator Reilly moved and Senator Martin seconded the motion to introduce such a bill and have it referred back to the committee for consideration and action. (Attachment #7). Motion carried.

The meeting was adjourned.

- Attachments: #1 Harley Duncan's testimony
#2 Senator Francisco's testimony
#3 Attorney General's opinion
#4 Senator Winter's testimony
#5 Earl Nehring's testimony
#6 Karen McClain's testimony
#7 Material concerning voting rights of military
#8 Guest List
#9 SB relating to campaign finance

GUEST LIST

COMMITTEE: Elections

DATE: 2/19/86

NAME	ADDRESS	ORGANIZATION
Geoff Hetley	600 W. 8th #7	WU LAW
Masha Hutchison	Topeka	Ks Medical Society
Fred Allen	Topeka	A. A. C.
EARL NEHRING	LAWRENCE	COMMON CAUSE/KS
MURIEL NACE	KANSAS CITY	COMMON CAUSE
Ron E Thornburgh	Topeka	Sec. of state
Nancy Spillman	Topeka	" "
Good Williams	Topeka	KS Public Disclosure
Jane Atchison	Topeka	" " "
Lynn Hellobust	Topeka	
CHARLES BELT	WICHITA	CHAMBER OF COMMERCE
Milan Lambertson	Ottawa	KS Common Cause
DAVID ADKINS	Lawrence	KU Law School
Ann Henry	Lawrence	KU J-school

MEMORANDUM

SB589

TO: Senator Gordon
Chairman, Senate Elections

FROM: Secretary Harley Duncan
Department of Revenue

DATE: February 19, 1986

RE: S.B. 589-Registration of voters at D. L. E. stations.

The Department of Revenue, Division of Vehicles, currently registers voters at the Topeka examining stations.

Based on the experience of the Topeka stations we offer the following observations:

1. The Examiners do not register large numbers of license applicants. There are a few individuals each week who register to vote. The Department does not have an exact count of the number of license applicants who have registered to vote at the examining station.
2. Those who register to vote at the examining stations are usually new residents of Kansas.

The Department respectfully requests that the examining officer not be required to inquire of every applicant whether they desire to register to vote. The Department suggests that voter information be placed in a conspicuous place and materials on voter registration be made available to applicants at the examining station. Should the applicant indicate that they would like to register to vote the examiner could then assist the individual in completing the necessary form. Mandatory registration of voters by examiners may increase the waiting time of other applicants, especially in metropolitan areas.

Thank you for your consideration of this request.

Attachment I
2/19/86 S. Elections

Attachment #1

CHAIRMAN GORDON:

Thank you for the opportunity to appear on S.B. 599 which is an act concerning elections relating to electioneering.

S.B. 599 amends KSA 25-2430 by adding a new sub-section (b) in line 28 by exempting advertisement on billboards within a 250 ft. radius of a polling place.

Billboards are one of many "mass media" forms of advertising. Other "mass media" advertising includes, but are not limited to, newspapers, magazines, radios and TV's.

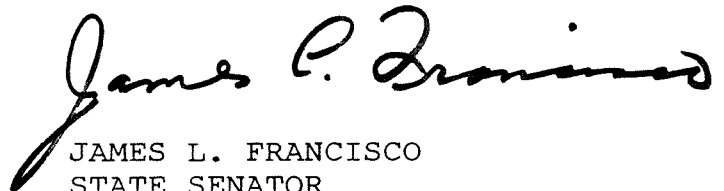
Prior to the November 1984 general election, I received a written communication from the Sedgwick County Election Commissioner informing me that a complaint had been filed and requested my cooperation in having a billboard advertisement poster removed from the board prior to the opening of the polls on the day of the general election. I immediately called the Don-Rey Outdoor Advertising firm and requested that they have the poster removed the day before the election. I was informed by them that this was the first time they had ever experienced having to do this. They also informed me that they being "mass media" would not come under the 250 ft. requirement. None the less, they did remove the poster from the board per my request.

After the election, in January 1985 I requested an Attorney General opinion relating to this matter. Enclosed please find a copy of his opinion.

This legislation is introduced for the sole purpose of clarifying the electioneering law and to seek an updated opinion from the current members of this Legislature as to whether or not "mass media" comes under this act.

The billboard companies in this State have expressed to me that they are not informed as to where the voting is going to take place. Many times space is rented and paid for months in advance of an election by the candidate or his treasurer. Voting places may be determined months later.

Again, I want to thank you for your allowing me the opportunity to be heard on this matter.



JAMES L. FRANCISCO
STATE SENATOR
TWENTY-SIXTH DISTRICT

Attachment 2



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

January 29, 1985

MAIN PHONE (913) 296-2215
CONSUMER PROTECTION: 296-3751

The Honorable James L. Francisco
217 East English
Mulvane, Kansas 67110

Dear Senator Francisco:

This letter is to respond to your telephone request for an interpretation of K.S.A. 25-2430 which prohibits electioneering at polling places. The statute provides:

"Electioneering at polling places is knowingly electioneering on election day within any polling place or within a radius of two hundred fifty (250) feet from the entrance thereof. As used in this section, electioneering means an attempt to persuade or influence by any means, eligible voters, to vote for or against a particular candidate, party or question submitted.

"Electioneering at polling places is a class C misdemeanor." (Emphasis added.)

Your inquiry concerns whether this prohibition applies to political advertising which is placed on a billboard and which is located within 250 feet of a polling place. You indicated that certain members of an advertising firm had raised the question of whether billboards might be excepted from these provisions as a form of "mass media."

The language of the statute is unambiguous and applies to any attempt to influence an eligible voter to cast his or her vote in a certain way "by any means" within 250 feet of a polling place on election day. While there is no Kansas case law interpreting this statute, it is common sense that the purpose of political adver-

Attachment III
2/19/86 S. Elections

tising on a billboard is to influence eligible voters to cast their votes in a particular fashion. It is difficult to imagine that the billboard would be placed for any other purpose. Thus, any such advertising displayed on a billboard which is located within 250 feet of a polling place should be removed or covered on election day in order to avoid violation of K.S.A. 25-2430. Statutes similar to K.S.A. 25-2430 are common and are designed to prevent disturbance, intimidation or simple attempts to influence voters at the polling place. The general purpose of the statute is to protect the integrity of the electoral process and as such it should be regarded as a valid exercise of the police power. See 26 Am.Jur.2d Elections §374, p. 186.

On the specific matter of billboard advertising, my research has failed to reveal any cases which pertain directly to billboards displaying political advertising. The United States Supreme Court, however, has addressed the question of restrictions on billboard advertising in the context of the First Amendment's guarantee of free speech. The court has not addressed the specific questions raised by your request but has established certain general rules in other circumstances which may be useful here.

It is clear that the state may sometimes curtail speech when it is necessary to advance a significant and legitimate state interest. It is a general principle, however, that the First Amendment forbids regulation of speech in a manner which favors some viewpoints or ideas at the expense of others. See Schenck v. United States, 249 U.S. 47, 52, 63 L.Ed. 470 (1919); Bolger v. Youngs Product Corp., _____ U.S. _____, 77 L.Ed.2d 469 (1983); City Council v. Taxpayers for Vincent, _____ U.S. _____, 80 L.Ed.2d 772, 786 (1984). As the court stated in United States v. O'Brien, 391 U.S. 367, 377, 20 L.Ed.2d 672 (1968):

"[A] government regulation is sufficiently justified if it is within the constitutional power of the Government; if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest."

Although we cannot speculate on how a court would view K.S.A. 25-2430 if challenged on First Amendment grounds, it would appear that the Kansas statute would pass muster under the standards quoted above. The Kansas statute is clearly within the constitutional power of the state government to enact and furthers the important and substantial interest of protecting the integrity of

Attachment 3

The Honorable James L. Francisco
Page Three

the electoral process. The governmental interest served by the statute is not related to the suppression of free expression and the restrictions caused by the statute are narrowly drawn (they apply only on election day and only within 250 feet of a polling place) and are content neutral within the framework of political expression (the statute bans any attempt, by any means, to influence an eligible voter on election day).

The Supreme Court has held in the past that the state may legitimately ban certain forms of expression to protect esthetic values. See Metromedia v. City of San Diego, 453 U.S. 490, 69 L.Ed.2d 800 (1981). In City Council v. Taxpayers for Vincent, _____ U.S. _____, 80 L.Ed.2d 772 (1984), the court concluded that a city could properly decide that esthetic interest in avoiding visual clutter justified an ordinance banning the posting of signs (including political signs) on certain public property. It would appear that the state's interest in protecting the integrity of an election is at least equal to the importance of the state's interest in esthetic values.

Thus, it appears that K.S.A. 25-4320 requires the removal of political advertising on a billboard located within 250 feet of a polling place on election day. The restrictions in the statute do not permit any exception for billboards nor does it appear that billboards are entitled to any special consideration in this context.

I trust this discussion is responsive to your rather general questions. Should you wish to discuss this matter further, please do not hesitate to call me.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN



Mary F. Carson
Assistant Attorney General

MFC:crw

Attachment 3

CAMPAIGN FINANCE REFORM

Placing Limits on Political Action Committees' Influence in Campaigns
Proposed by Senator Wint Winter

Proposal: Enact legislation to limit campaign contributions from political action committees to no more than one half (50%) of all contributions received by a candidate in a state legislative campaign.

Purpose: The purpose of this proposal is to minimize the significant role special interest groups currently play in financing state legislative races.

Justification: Political action committees were the single largest source of campaign contributions in the 1984 legislative campaigns in Kansas. Nearly one half (48.9%) of the money contributed to candidates for the House of Representatives and over a third (33.6%) of the contributions received by state Senate candidates came from political action committees in the 1984 elections. Contributions from individuals have now become a secondary source of campaign funds. Individuals contributed a total of 23.0% of the campaign contributions given to state House of Representatives candidates in 1984 and individuals contributed a total of 25.4% of the donations received by Senate candidates. As political action committees have mushroomed in the last ten years, the percentage of campaign funding provided by small donors has declined. As state legislatures accept increasing responsibility for deciding public policy and shepherding more public programs inherited from the federal government, PACs are going to become involved increasingly in the financing of statehouse election campaigns. There were 281 PACs registered in Kansas during the 1984 election cycle. Of those candidates elected to the House, 72.8% received over half of their contributions from PACs while 47.5% of those elected to the Senate received over half of their campaign dollars from PACs.

These figures evidence an alarming trend. The cost of running for office has been increasing steadily and with it the amount and importance of special interest money. When PAC dollars are underwriting a significant portion of campaign expenses it is no longer necessary for a candidate to acquire broad based support among the citizens of a legislative district. Since cooperation among PACs is common it is possible for allied PACs to recruit candidates and bankroll campaigns in some districts.

The dominate role PACs play in the elective process discourages active citizen participation. Citizens develop the perception that decisions on public policy are controlled by special interests. The public's credibility in the democratic process is eroded when citizens perceive that their support of a candidate is insignificant compared to the vast resources of political action committees. The average voter sees little incentive to participate in a PAC dominated process. PACs themselves tend to be rather undemocratic. The policy choices of most PACs are determined by a very small number of individuals and at least one study has shown that the average contributor to a PAC is much less informed and less politically active than the citizen who makes his own decisions and contributes directly to the candidate of his choice. PAC dominance of the elective process encourages fragmentation and single issue politics by focussing resources on narrow self-interested policy areas. The increase in PAC influence has been at the expense of the more broadly based political parties.

This proposal is needed to insure that candidates would be required to receive at least half of their campaign's financial support from sources other than PACs. This proposal increases the incentive for candidates to solicit support from individuals in their legislative district and affords political parties a greater opportunity to become involved in legislative races. The ideals and goals of a representative democracy are furthered by limiting the proportion of a candidate's contributions that can be given by special interests.

February 19, 1986

Statement in support of Senate Bill 602
presented to the Senate Committee on Elections
by Earl Nehring for Common Cause/Kansas

Increases in the number of PACs and rapid growth of their financial involvement in election campaigns has become a major political concern at both national and state levels of government. Congress currently is considering proposals to limit PAC contributions to campaigns and many state legislatures also are debating such legislation. Common Cause shares this concern and supports efforts at all levels to achieve effective limits on PAC contributions.

In all cases a major concern is the power, real and potential, placed in the hands of PACs and the special interests they represent. Money can and usually does buy influence. Unfortunately PACs represent only a small segment of the many interests found in society. Thus PACs tend to distort the overall public interest and the increasing flow of PAC money into elections is making this situation worse. As PAC money increases, public concern about the integrity of our political system grows.

There are two matters Common Cause would like to call to your attention today. First, as the national government continues to shift responsibility for many policy programs to the states, there will be growing efforts by out-of-state organizations to influence state officials. In Kansas, contributions by out-of-state organizations increased over 300% between 1982 and 1984. While the dollar totals may not yet be significant, they will be. We should be concerned now about limiting that development.

Second, there is a clear relationship between PAC contributions and contributions from individual citizens. The more candidates rely on PAC contributions to finance their campaigns, the less likely they are to obtain individual contributions. Activities which diminish participation by individual citizens in the political system should be controlled.

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2/19/86 S. Elections

Let me cite just a few figures in support of these statements. In 1984, 19 present members of the Kansas Senate each received over 50% of their campaign contributions from in-state PACs. Including out-of-state contributions (since they are almost entirely PAC money), the number who received over 50% of their contributions from PACs is 24. These 24 Senators received an average of 71% of their total contributions from these sources.

If we lump together individual contributions and unitemized contributions (assuming the latter to be largely small individual contributions), we find that these 24 Senators received an average of 19% of their total contributions from individuals.

In contrast, those Senators who received less than 50% of their contributions in 1984 from PACs (both in-state and out-of-state) received an average of 48% of their total contributions from individuals. The difference is striking.

Common Cause recognizes that it is much easier to get campaign funds from PACs than through asking for small individual contributions from citizens and that it is easier for incumbents to get PAC money than it is for challengers. If we want to maintain respect and support for our system of government, however, it would seem a wise move to take steps which can help citizens feel their participation will carry some weight in the halls of government.

One step in the right direction would be to limit PAC contributions and encourage greater reliance on citizen and party financial support in elections.

Attachment 5

Contributions Data for Kansas Senators

(Compiled by Common Cause/Kansas from data on 1984 legislative races reported by the Kansas Public Disclosure Commission)*

	<u>Percentage of total contributions from source</u>	
	<u>Average</u>	<u>Range</u>
Senators receiving over 50% of total contributions from source indicated:		
In-state PACs (N=19)	65.7%	52.3 - 87.7%
In-state PACs and out-of-state organizations (N=24)	70.7	51.5 - 93.2
Senators receiving less than 50% of total contributions from source indicated:		
In-state PACs (N=21)	32.9	0 - 49.2
In-state PACs and out-of-state organizations (N=16)	34.6	0 - 49.0

Individual and unitemized contributions:		
For Senators receiving over 50% of total contributions from in-state PACs (N = 19)	17.4	4.1 - 35.3
For Senators receiving over 50% of total contributions from in-state PACs and out-of-state organizations (N=24)	19.1	4.1 - 40.8
For Senators receiving less than 50% of total contributions from in-state PACs (N=21)	42.3	11.9 - 86.2
For Senators receiving less than 50% of total contributions from in-state PACs and out-of-state organizations (N=16)	47.6	24.6 - 86.2

* Source: Statistical Compilation of Campaign Finance Data from the 1984 Kansas Legislative Races, Kansas Public Disclosure Commission, December 18, 1985.

Attachment 5



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE SENATE ELECTIONS COMMITTEE
FROM: KAREN MCCLAIN, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 19, 1986
SUBJECT: SB 602

On behalf of the Kansas Association of REALTORS®, I appear today to oppose SB 602.

Our opposition is based on two points. First, the Kansas Association of REALTORS® opposes any further limitation on amounts which political committees may contribute to a candidate. From the time the colonists put on warpaint and dumped the English tea into the Boston harbor, they were affirming the natural inclination of Americans to band together to take political action. They organized a group of like-minded citizens to right what they felt was a political wrong. Similarly, modern political action committees are simply groups of citizens who organize to raise money to help elect or defeat candidates running for public office. Given the strict limits placed on personal contributions from individuals, more and more people with common interests form and participate in PACs in order to pool their political and financial resources. Any further restrictions on PAC contributions are restrictions on political participation.

Second, those of us who must read the campaign finance laws and figure out how to abide by them will have a nightmare on their hands, as will, we are sure, the Public Disclosure Commission. On its face, it appears to say that, for example, in order for a candidate to accept a \$500 contribution from the REALTORS® Political Action Committee (RPAC), he or she will have to have

Attachment # 6)
Attachment VI
2/19/86 S. Elections

collected \$1,000 from other, non-PAC contributions. (This is assuming that no other PAC contributions have been made, it becomes more complicated as more PACs contribute.) At what point will this "aggregate" be measured? At the time of our RPAC contribution, or at the end of the campaign? Campaign committees have ongoing expenditures that must be paid for. Will a candidate now have to wait until the end of the campaign, total all non-PAC contributions, divide that number by two, return any PAC contributions that exceed that 50% figure, and then pay the campaign bills?

Though the intent of this bill may have been noble, its practical effects are devastating. Accordingly, we ask that you pass this bill with an unfavorable recommendation.

Attachment 6

STATE OF KANSAS

SENATOR
PAUL "BUD" BURKE
MAJORITY LEADER
P O BOX 6867
LEAWOOD, KANSAS 66206



TOPEKA

SENATE CHAMBER
OFFICE OF
MAJORITY LEADER

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN ORGANIZATION, CALENDAR
AND RULES
MEMBER ASSESSMENT AND TAXATION
COMMERCIAL AND FINANCIAL
INSTITUTIONS
INTERSTATE COOPERATION
JUDICIARY
LEGISLATIVE AND CONGRESSIONAL
APPORTIONMENT
LEGISLATIVE COORDINATING
COUNCIL

February 3, 1986

The Honorable Francis Gordon
Chairman, Senate Committee on Elections
State Capitol, 128-S
Topeka, Kansas 66612

Dear Mr. Chairman:

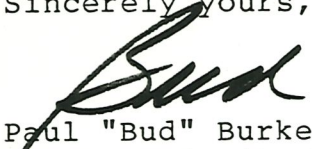
I am enclosing a copy of correspondence and other information I have received from Samuel F. Wright and which I believe you have also previously received.

I am requesting that you bring his request to the attention of the committee, and consider it also to be my request, that the committee give consideration to legislation which would provide something similar to that which is in place in the State of Connecticut.

I realize it sometimes becomes complicated when we try to provide for exceptions to our laws--particularly when the numbers of individuals affected would be so small. However, considering the sacrifices that are being made by many who are being denied a very basic right, I am sure you can understand the importance of such legislation to them.

Thank you in advance for your consideration.

Sincerely yours,


Paul "Bud" Burke
Senate Majority Leader

PBB:jan
enc. 1
cc: Mr. Samuel F. Wright

Attachment #7
Attachment VII
2/19/86 S. Elections

SAMUEL F. WRIGHT
ATTORNEY AT LAW
(MEMBER OF THE TEXAS BAR)
3224 S. STAFFORD ST.
ARLINGTON, VIRGINIA 22206
—
(703) 845-8944

JAN 31 1986

January 28, 1986

Senator Paul Burke
Senate Majority Leader
Senate Chamber
State Capitol
Topeka, KS

Re: Voting rights of military and overseas citizens

Dear Senator Burke:

Thank you for your kind letter of January 15, which I received on January 27. Please note my new address (above).

Most local election officials in Kansas mail absentee ballots 40-50 days before the election. That is better than most States, and it is sufficient for most overseas voters, but there are some voters who need even more time. I am thinking particularly about personnel on nuclear submarines, which remain submerged for 70 days at a time, as well as missionaries and Peace Corps volunteers, serving God and Man in remote villages in underdeveloped countries. For voters like that, we favor the "Connecticut ballot."

I am talking about a special absentee ballot that can be mailed up to 90 days before the election to voters who apply that early and certify that they probably won't be able to vote in the usual absentee manner. The special ballot does not contain names of candidates, only titles of offices. The voter can mark the ballot by writing in the name of his favored candidate or by expressing a party preference for each office.

We recognize that the "Connecticut ballot" is imperfect. The idea is that it is better to receive an imperfect ballot in a timely manner than a perfect ballot in an untimely manner. Connecticut has had this system since 1978, and it has worked well. In the last four years, California, Georgia, Maine, and Washington State have adopted similar provisions. I am enclosing a copy of the Connecticut legislation, as well as a copy of a Department of Defense release describing the five "Connecticut ballot" provisions.

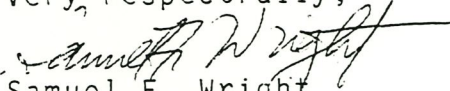
In addition to seeking more ballot transmission time, we are also trying to simplify the absentee voting process from the point of view of the military or overseas voter. You must remember that many servicemen are voting for the first time, and voting assistance officers are not always as helpful as they might be. For this reason, we want to make absentee voting procedures as simple and as uniform as possible.

Attachment # 7

I understand that Kansas law requires a separate application for each election. We would like to see your law amended to permit the military or overseas citizen to use a single Federal Post Card Application (FPCA) to simultaneously request a primary ballot and a general election ballot. About 20 States currently permit this streamlined form of application. Many voters check "All as permitted by State law" on the FPCA when applying for a primary ballot, thinking that a general election ballot will be sent automatically. Adopting our proposal would eliminate this source of confusion, and it would also substantially reduce the number of pieces of paper that the local election official would be required to process during an election year.

Thank you for your kind assistance.

Very, respectfully,


Samuel F. Wright

Enclosures

Copy to: Senator Francis Gordon
Representative Richard Harper
Honorable Jack Brier
Mr. Henry Valentino (Department of Defense)
Mr. Robert S. Carter (Republicans Abroad)
Ms. Ursula Shears (Democrats Abroad)
Captain Eugene McDaniel, USN (ret.)(American Defense Found.)
Mr. Huck Walther (United States Defense Committee)
All Kansas contacts

Attachment # 7

VOTING INFORMATION 184

NUMBER:

97

DATE:

August 23, 1984

FIVE STATES PROVIDE SPECIAL WRITE-IN BALLOTS FOR CERTAIN ABSENTEE VOTERS

Five states, California, Connecticut, Georgia, Maine and Washington, provide special procedures for certain individuals unable to vote by regular absentee ballot or in person due to living or working in remote areas.

California:

Californians, who are members of the U.S. Armed Forces, Merchant Marine, and their spouses and dependents, or U.S. citizens temporarily residing outside the U.S., who will not be able to vote in California during the course of an election because they can not meet mailing deadlines or because of military or other contingencies may utilize the write-in ballot. The eligible person should send a written statement requesting a write-in absentee ballot explaining the reasons why it is not possible to vote within the regular deadlines and should include the reason why a write-in absentee ballot is necessary. Such a request will be accepted not earlier than 60 days before the election for which the ballot is being requested. A special write-in absentee ballot will be sent to the voter which must be completed and returned before the close of polls on election day.

Connecticut:

Connecticut provides a special procedure for a general election write-in absentee ballot for those members of the U.S. Armed Forces and their spouses and dependents residing with or accompanying them who, due to military contingencies, cannot follow the regular application procedures.

To request a special write-in absentee ballot, voters should write to their town clerk for the prescribed form. On the written request the applicant should state that "due to military contingencies, the regular application procedures for an absentee ballot cannot be followed."

Application for the Connecticut special write-in absentee ballot may not be made earlier than 90 days before the general election. The special write-in absentee ballot will contain the following offices: presidential electors and Representative in Congress.

Georgia:

Georgia has adopted a special write-in ballot for general elections for use by persons who are unable to vote by regular absentee ballot or in person due to military service or due to living in isolated areas or extremely remote areas of the world.

This ballot is available 90 days before an election. The ballot is limited to general elections for presidential electors, United States Senators and Representatives for Congress.

Application for this ballot may be made by using the FPCA by checking Item 10 as follows: Check only one of the following - Check 10a, 10b, 10c,

WHEN PEOPLE VOTE, PEOPLE LISTEN

Telephone AC (202) 694-4928/4960 Autovon 224-4928/4960

Attachment # 7

10d, 10e, 10f, or 10g as appropriate - and check 10h SPECIAL, writing in the blank "I request the special write-in ballot."

Upon receipt of the application, the voter will be sent a ballot which permits the voter to vote by writing a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office.

Maine:

Maine's special write-in ballot for Armed Forces members will be similar to regular ballots except no candidate's name will appear on them. Instead, it will list all offices to be selected with a space after each for the voter to write in a candidate's name. Application for the ballot may be made anytime prior to an election.

Maine law defines Armed Forces members as members of the U.S. Armed Forces while in active service and Merchant Marine, and their spouses and dependents, civilian employees of the United States serving outside the U.S. and their spouses and dependents who are with them, members of religious groups or welfare agencies who are officially attached to and serving with the U.S. Armed Forces, and their spouses and dependents who are with them.

Washington:

The State of Washington provides a special write-in absentee ballot for voters who will be residing, working, or stationed outside the continental United States and thus unable to vote and return a regular absentee ballot within the period normally provided.

The write-in ballot is available 90 days prior to each state primary and general election. It can be obtained by writing the County Auditor in the county of voting residence (Department of Records and Elections in King County) stating voter's last Washington address, voter's current mailing address, the qualifying facts as an Absentee Service Voter or Overseas Elector, and a statement that the voter will be residing, stationed or working outside the continental United States and will be unable to vote and return a regular absentee ballot by formal mail delivery within the period provided for regular absentee ballots. An FPCA may be used to obtain the ballot if the above statement is written on the FPCA.

The special ballot will list the offices, but not the candidates' names. The voter must write in the name. Along with the ballot will be sent a list of the candidates who have filed for office as of the time the request for the ballot is received.

Questions a voter might have on the special write-in procedures for the five states, or on any other aspect of absentee voting can be answered by visiting a voting assistance office or any U.S. embassy or consulate. If the answers are not available at the local level write Director, Federal Voting Assistance Program, Office of the Secretary of Defense, Rm1B457, Pentagon, Washington, D.C. 20301 or call autovon 224-4928/4960 or commercial (202) 694-4928/4960.

END

Attachment # 7

§ 9-143a. Alternate application procedure for certain military personnel

Notwithstanding the provisions of sections 9-140 and 9-143, a member of the armed forces who is an elector or an applicant for admission as an elector, or the spouse or dependent of such member of the armed forces who is living where such member is stationed, may apply before a regular election for an absentee ballot to vote for all offices being contested at such election, such ballot to be made available by the municipal clerk beginning not earlier than ninety days before such election. Such application shall be made upon a form prescribed by the secretary of the state or on the Federal Postcard Application Form provided pursuant to the Federal Voting Assistance Act of 1955, 69 Stat. 584, 50 U.S.C. 1451 et seq., as amended from time to time, or any other applicable law and shall be issued only upon the statement of the applicant for the absentee ballot that due to military contingencies the regular application procedure, as set forth in section 9-140, cannot be followed. Upon receipt of said application, the municipal clerk shall issue the ballot, which shall be prescribed by the secretary of the state. Such special ninety-day ballot shall contain the titles of all offices being contested at such election and shall permit the elector to vote by writing in a party preference or the names of specific candidates. Any contrary provisions of section 9-265 notwithstanding, the write-in of a candidate's name shall not invalidate the ballot, if such name appears on the ballot label. In the event that the military contingency no longer exists, application for an additional ballot for all offices may be made pursuant to the provisions of section 9-142.

(1978, P.A. 78-94, § 1, eff. May 4, 1978; 1984, P.A. 84-319, § 45, eff. Jan. 1, 1985.)

1984 Amendment

1984, P.A. 84-319, § 45, eff. Jan. 1, 1985, deleted "not earlier than ninety days" following "may apply", substituted "a regular" for "an", deleted "for presidential electors, United States senator, representative in Congress or governor," following "election", substituted "all" for "said" preceding "offices", and inserted "being contested at such election, such ballot to be made available by the municipal clerk beginning not earlier than ninety days before such election" in the first sentence; inserted "or on the

federal postcard application form provided pursuant to the Federal Voting Assistance Act of 1955, 69 Stat. 584, 50 U.S.C. 1451 et seq., as amended from time to time, or any other applicable law", in the second sentence; deleted "and provided" following "prescribed" in the third sentence; inserted "special ninety-day", inserted "contain the titles of all offices being contested at such election and shall" in the fourth sentence.

For effective date provision of 1984, P.A. 84-319, see Historical Note following § 9-1.

§ 9-143b. Alternate application procedure and early ballot for electors residing outside United States

Notwithstanding the provisions of section 9-140 and section 9-143, any elector who is living outside the territorial limits of the several states of the United States and the District of Columbia may apply for an absentee ballot to vote for all offices being contested at a regular election. Such application shall be made upon a form prescribed by the secretary of the state or on the federal postcard application form provided pursuant to the Federal Voting Assistance Act of 1955, 69 Stat. 584, 50 U.S.C. 1451 et seq., as amended from time to time, or any other applicable law. After receipt of said application, the municipal clerk shall, as soon as a complete list of candidates and questions to be voted upon at such election becomes available, issue the ballot, which shall be prescribed by the secretary of the state. Such ballot shall contain the titles of all offices being contested at such election and shall permit the elector to vote by writing in a party preference or the names of specific candidates. Any contrary provisions of section 9-265 notwithstanding, the write-in of a candidate's name shall not invalidate the ballot, if such name appears on the ballot label. The clerk shall include a complete list of the nominated candidates and questions to be voted upon with the ballot, and if application for an absentee ballot is made at the time of availability of regular absentee ballots as provided in section 9-140, the provisions of said section 9-140 shall prevail. The procedures governing the issuance of ballots under this section shall conform as nearly as may be to the procedures provided in said section 9-140.

(1984, P.A. 84-319, § 3, eff. Jan. 1, 1985.)

For effective date provision of 1984, P.A. 84-319, see Historical Note following § 9-1.

Connecticut General Statutes

Annotated, 1985 Pocket Part.

SENATE BILL NO. 673

By Committee on Elections

AN ACT concerning elections; relating to campaign finance; amending K.S.A. 25-4172 and repealing the existing section.

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

Section 1. K.S.A. 25-4172 is hereby amended to read as follows: 25-4172. (a) ~~Notwithstanding any other provisions of the campaign finance act~~ Except as provided by subsection (b), any combination of three or more individuals or a person other than an individual, not domiciled in this state, which makes or intends to make a contribution or contributions to a candidate, candidate committee, party committee or political committee in this state shall either:

(1) Prepare a verified statement containing: (A) The names and addresses of the responsible individuals; (B) the name and address of each person who has made one or more contributions to such out-of-state combination of individuals or person other than an individual in an aggregate amount in excess of \$50 within the preceding 12 months, together with the amount and date of such contributions; and (C) the aggregate amount of all other contributions to such out-of-state combination of individuals or person other than an individual within the preceding 12 months. Such statement shall be submitted to each treasurer receiving any contribution from such out-of-state combination of individuals or person other than an individual. Such statement shall be a part of and attached to the report required of such treasurer by K.S.A. 25-4148, and amendments thereto; or

(2) file a statement of organization as provided by K.S.A. 25-4145, and amendments thereto, establish a separate fund for the purpose of receiving contributions and making expenditures relating to any election for state office in this state and file

statements and reports involving such fund in the manner provided by K.S.A. 25-4148, and amendments thereto, for political committees and party committees. Any transfer from another fund to the separate fund herein provided for shall be subject to the requirements of subsection provision (1).

(b) The provisions of subsection (a) shall not apply to:
(1) Any political party having a national organization; (2) a bona fide corporation organized under the laws of another state;
or (3) a union, if the contribution is made from union funds.

~~(b)~~ (c) Each combination of individuals or person other than an individual which is subject to this section shall maintain, in its own records, the name and address of any person who has made one or more contributions to such combination of individuals or person other than an individual, together with the amount and date of such contributions, regardless of whether such information is required to be reported.

Sec. 2. K.S.A. 25-4172 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Attachment 9