

MINUTES OF THE Senate COMMITTEE ON ElectionsThe meeting was called to order by Senator Gordon at  
Chairperson1:30 a.m./p.m. on March 19, 1986 in room 522-S of the Capitol.All members were present except: Senator Johnston (excused)

## Committee staff present:

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

## Conferees appearing before the committee:

Eric Rucker, Republican State Headquarters  
Rex Crowell, House of Representatives  
Dan Thiessen, State Senate  
Harold Guldner, House of Representatives  
Jean Barber, Allen County Clerk  
Ron Thornburg, Secretary of State's office

By motion of Senator Strict and second by Senator Martin the minutes of March 5 were approved.

House Bill 2893. Myrta Anderson from the Legislative Research Department explained the bill and said that it provided that the president of the political parties' official state organization for women shall be a member of the state committee of each party. It was further explained that there was considerable discussion in the House Elections Committee and later it was amended by the House Committee of the Whole to provide that the chairperson of the political parties' official state organization for young persons shall be a member of the state committee of each party.

Eric Rucker from the Republican State Headquarters appeared briefly in support of the measure and said that both the Democratic and Republican parties were in favor of the bill.

Senator Vidricksen said that since this is a non-controversial piece of legislation he would move that HB 2893 be recommended favorably for passage and placed on the Senate Consent Calendar. Senator Hoferer seconded the motion and the motion passed.

House Bill 2984. Representative Rex Crowell appeared before the committee in support of the bill. Mr. Crowell said the bill relates to vacancies in the office of county clerk, county treasurer, sheriff and register of deeds and that if a vacancy does occur on or after May 1 of the second year of the term, the person so appointed shall serve for the remainder of the unexpired term and until a successor is elected and qualified. If a vacancy occurs before May 1 of the second year of the term, the person appointed to fill the vacancy shall serve until a successor is elected and qualified at the next general election. It was pointed out that this measure will clarify the way vacancies are filled in certain county offices.

Senator Thiessen attended the hearing and said he supported the measure. Shirley Mackender was unable to testify but left her testimony with the committee for distribution. (Attachment No. 1). The question was asked of the representative from the Secretary of State's office if they had a position on the matter and the reply was that they had none.

CONTINUATION SHEET

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

Senator Hoferer made the motion to recommend HB 2984 favorably for passage. Senator Reilly seconded the motion and the motion carried.

House Bill 2919. Representative Guldner explained the bill which he introduced and which passed the House of Representatives. He said the bill relates to delivery of mail ballots to provide that the elector may return the marked ballot to the county election officers by mail. Mr. Guldner said the measure would simplify the procedure relating to delivery of mail ballots. Jean Barber distributed copies of her testimony (attachment 2) and said this bill would allow the elector or his designee to deliver the ballots to the office of the county election officer and would urge the committee to support this legislation.

Ron Thorsburg of the secretary of state's office testified against the bill and said this could lead to serious problems with fraud (attachment No. 3). He also stated the bill has no limitations on the designee and the number of ballots he may return thus allowing another chance for fraud. In answer to a question Mr. Thornburg, said his testimony was not presented to the House Committee on Elections.

Senator Walker moved and Senator Strict seconded the motion that HB 2919 be not recommended for passage. Motion carried.

The meeting was adjourned.

Attachments:

- No. 1 - Testimony by Shirley Mackender, Clay County Clerk
- No. 2 - Jean M. Barber, Allen County Clerk
- No. 3 - Memorandum, Secretary of State's office
- No. 4 - Guest List.

GUEST LIST

COMMITTEE: Elections

DATE: 3/19/86

NAME	ADDRESS	ORGANIZATION
Constance K. Lopez	Sedan	Rt. 1 Republican Chairman
Earl Nehring	Lawrence	Common Cause/Kansas
Jack Anderson	Lindsborg	Wichita City Clerks
Jan Barber	Solaf	Allen Co. Clerk
<del>K. Isa</del>	Highway 7/Topeka	Ks. Republican Party
Steve Biter	Pittsburg	Gov
Shirley Raibich	Topeka	KFRW
Fran E. Thompson	Topeka	SOS

# CLAY COUNTY CLERK

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Box 98

Clay Center, Kansas 67432

Phone 632-2552

March 19, 1986

Honorable Members of the Elections Committee

Re; HB #2984

Chairman Gordon & Committee Members

I am Shirley Mackender, County Clerk of Clay County, and I thank you for the opportunity to testify in favor of HB #2984.

It is important that in our democracy that the electors are awarded every opportunity to express their desires by voting as soon as possible for an official. The appointment of such an official is often influenced by a very small number of people.

I feel this bill should be passed to coincide with the change of terms of the four offices mentioned from the previous 2 year to a 4 year term.

Thank you for the support of this bill.

Shirley Mackender  
Clay County Clerk

Attachment I  
3/19/86 S. Elections

# COUNTY OF ALLEN

Courthouse

IOLA, KANSAS 66749

Office of:

ALLEN COUNTY CLERK

(316) 365-7491

March 19, 1986

Senator Francis Gordon  
Chairman, Senate Elections Committee  
State Capitol, Room 522-S  
Topeka, KS 66612

Re: HOUSE BILL No. 2919

Dear Senator Gordon and Members of the Elections Committee:

I wish to speak in behalf of the passage of House Bill No. 2919. This bill concerns the delivery of mail ballots and would allow the elector or his designee to deliver the ballots to the office of the county election officer. K.S.A. 25-433 presently states that the mail ballot may be personally delivered by the elector.

Allen County held a mail ballot election in Unified School District No. 257 on October 15, 1985. It was our experience that numerous electors wished to return their ballots to the county election office, rather than deposit them in the mail.

There were instances where the husband brought in his mail ballot and also the ballot for his wife, or the wife brought in her mail ballot and the ballot for her husband. They were incredulous when they were informed that the only ballot that could be deposited in the ballot box was their personal ballot. They were apprised of the wording of the statutes and informed that the wife, or husband, must either deliver their personal ballot or deposit the same in the mail. It was difficult for them, as it is for me, to understand the reasoning behind the wording and intent of the law in this respect.

Following the mail ballot election, a letter was written by this office to Eric Rucker, who was then Deputy for Elections, Office of the Secretary of State. In my letter of October 16, 1985, four points were outlined that I felt should be addressed by the Legislature and the Secretary of State in the operation of mail ballot

Attachment II  
3/19/86 S. Elections



Senator Francis Gordon  
Chairman, Senate Elections Committee  
State Capitol, Room 522-S  
Topeka, KS 66612

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elections held in the State of Kansas. One of the four points addressed was the delivery of ballots to the county election office. I am enclosing a copy of the letter for your information.

The ballots are returned in a "return envelope" that bears the signature of the elector. The signature is verified and determined to be either valid or invalid. I do not feel there would be any additional risk of fraud in allowing someone other than the elector to return a mail ballot.

As I stated earlier, Allen County has held a mail ballot election. The percentage of ballots returned was 90.5%. If the special school election had been held in all the district's precincts, instead of by mail, the percentage of voter turnout would have been anywhere from 35% to 65%. I am an advocate of mail ballot elections. I feel the law is a good one and should be improved as outlined in HB-2919.

I, therefore, would urge that this committee recommend that it be passed.

Respectfully submitted,



Jean M. Barber  
ALLEN COUNTY CLERK

*Attachment # 2*

# COUNTY OF ALLEN

Courthouse

IOLA, KANSAS 66749

Office of: ALLEN COUNTY CLERK

(316) 365-7491

October 16, 1985

Eric Rucker, Deputy for Elections  
OFFICE OF THE SECRETARY OF STATE  
State Capitol - 2nd Floor  
Topeka, KS 66612

Re: Mail Ballot Election, Unified School District No. 257  
Allen County, October 15, 1985

Dear Eric:

I am enclosing a recap of the log for return identification envelopes in our mail ballot election held yesterday. Also enclosed are forms that I devised for post office use in reporting daily ballot return, and a sheet for the election board in their counting procedure for each day's ballots.

I feel there are several points that need to be addressed in future mail ballot plans. They are outlined as follows:

1. Assistance to Voter. We had several instances of someone other than the voter signing the affidavit on the return envelope. When inquiries were made, it was learned that one of the voters was blind, some were incapacitated by stroke and one was a victim of multiple sclerosis. None of these individuals is listed on the permanent log of persons who request an absentee ballot by reason of sickness or disability. An affidavit of assistance was sent to the individual assisting the voter. When it was returned, it was attached to the return envelope for the election board's determination as to whether it was a valid vote. I am sending you a copy of the letter I wrote in one particular instance.
2. Name Change. Two women had remarried. Both are going by former name and the married name. Perhaps some determination should be made as to the validity of their voter registration and whether their ballot should count in this type of election.



*Attachment 2*

Eric Rucker, Deputy for Elections  
OFFICE OF SECRETARY OF STATE  
State Capitol - 2nd Floor  
Topeka, KS 66612

3. Signature Card. I am sending you a copy of the letter sent to those individuals for whom we had no card and when a question developed as to validity of signature on the return envelope.
4. Delivery in Person of Return Envelope. I personally feel there should be additional provision to return someone else's ballot. We had numerous instances where the husband (or wife) attempted to return more than their own ballot. I personally don't feel there is any additional risk of fraud. We verify the signatures in all instances.

Eric, I want to thank you for all the assistance you have given this office during this mail ballot election. When I needed some question answered or had a problem of any kind, you were always there to give me encouragement or to lend a hand. The school for the election board was very instructive and I know the election board appreciated the time you took to outline the procedure they would be following the next day.

Thanks again for all your help.

As ever,

Jean M. Barber  
ALLEN COUNTY CLERK

Enclosures

*Attachment 2*





\* M E M O R A N D U M \*

TO: SENATE ELECTIONS COMMITTEE  
FROM: SECRETARY OF STATE  
DATE: MARCH 19, 1986

RE: CONSIDERATIONS FOR HB 2919

1. The "personally delivered" provision of the mail ballot act was specifically placed in the act to provide a deterrent to fraud.
2. Mail Ballot elections and Absentee voting are not the same.

It would be much easier to collect multiple ballots during a mail ballot election than those of absentee voters in a conventional election.

By allowing anyone to return as many ballots as they wish, nursing home residents and the elderly would become very vulnerable to fraud. "Door-to-door ballot collectors" could collect many ballots and destroy them. With the absentee voting system, a person must sign a form and show identification before they can get a list of the absentee voters in order to collect their ballots.

It would be much easier to collect mail ballots than absentee ballots because everyone received them on the same day. With the absentee voter, the potential designee would have to guess, not only who received a ballot, but also which day they received their ballot.

3. The bill has no provisions or definitions of who is to be the designee. This again could lead to serious problems with fraud. Anyone could pick up several ballots and destroy them.
4. The bill has no limitations on the designee and the number of ballots he may return thus allowing another chance for fraud.

Attachment III  
3/19/86 S. Elections