

Approved 2-17-88
Date

MINUTES OF THE Senate COMMITTEE ON Elections

The meeting was called to order by Senator Gordon at
Chairperson

1:30 ~~xxx~~ p.m. on February 11, 1988 in room 522-S of the Capitol.

All members were present except:

Senator Johnson (excused)

Committee staff present:

Theresa Kiernan - Revisor of Statutes
Myrta Anderson - Legislative Research Department
Phil Lowe - Committee Secretary

Conferees appearing before the committee:

The Chairman called the meeting to order for the consideration and possible action on SB 500 and SB 46.

SB 500 - relates to voter registration. The revisor distributed a revised draft of SB 500 containing the amendments which were considered in two previous committee meetings. (Attachment 1). The committee agreed that the new draft was very acceptable. Senator Hoferer moved and Senator Norvell seconded the motion to recommend the bill as amended to the Senate with a favorable recommendation. Motion carried.

SB 46 - relates to the recognition of political parties and is a hold-over bill from last year. Myrta Anderson gave a brief explanation of the bill and distributed a list of amendments that were considered in last year's meeting. (Attachment 2). The bill at that time was recommended for passage but the committee's action was rescinded at the following meeting. Copies of a letter by Douglas Merritt, Chairman of the Libertarian Party of Kansas, were distributed. (Attachment 3). The committee considered amendments to SB 46 by inserting "qualified electors equal to at least 1% of the total vote cast". Also, an amendment by inserting that a copy of an affidavit by the election officer of the county of residence of the circulator of such petition is a duly registered voter of the state of Kansas and that a copy of an affidavit by the circulator that the circulator personally witnessed the signing of the petition by each person whose name appears thereon.

Senator Hoferer moved and Senator Bond seconded the motion that SB 46 be tabled.

Senator Reilly made a substitute motion that the Revisor be instructed to draw up the amendments as they were considered by the committee to SB 46, and that the bill be passed as amended. Senator Norvell seconded the motion and the motion carried.

The chairman announced that next Wednesday, February 17, the committee would hold hearings on SB 582 relating to presidential preference primary elections.

The meeting was adjourned.

SENATE BILL No. 500

By Committee on Elections

1-21

Attach 1

0016 AN ACT concerning elections; relating to voter registration;
0017 amending K.S.A. 25-2309c and repealing the existing section.

[25-2316c and 25-3702

sections

0018 Be it enacted by the Legislature of the State of Kansas:

0019 Section 1. K.S.A. 25-2309c is hereby amended to read as
0020 follows: 25-2309c. ~~(a) Except as provided by subsection (c),~~

[Unless otherwise specifically provided

0021 whenever any notice or other official mailing is required to be
0022 mailed to a registered voter at the place of residence specified in
0023 the registration books, such notice shall be addressed to the
0024 current mailing address of that voter as it appears in the regis-
0025 tration records and shall be sent by nonforwardable first class
0026 mail.

[If such a mailing is returned by the post office as undeliverable and the voter is still a resident of the state of Kansas, the county election officer shall send by forwardable first-class mail a notice that it is necessary to reregister to vote. The notice also shall include voter registration materials if the voter is still a resident of the county of the original registration. The notice authorized by this section shall be on a form prescribed by the secretary of state.

~~0027 (b) Whenever any notice or other official mailing is required
0028 to be mailed to a registered voter and such notice or mailing is
0029 returned as undeliverable, the county election officer may re-
0030 move the name of such person from the registration books and
0031 the party affiliation lists.~~

~~0032 (c) Whenever a voter's name has been removed from the
0033 registration books and party affiliation lists, the county election
0034 officer may send, by first class mail, a notification of removal
0035 along with voter registration information or material to such
0036 person. If such person has moved to another county, the county
0037 election officer may notify the county election officer of the
0038 county where such person currently resides that such person is a
0039 new resident of the county.~~

[Secs. 2, 3 and 4, attached.

0040 Sec. 2. K.S.A. 25-2309e is hereby repealed.

0041 Sec. 3. This act shall take effect and be in force from and
0042 after its publication in the statute book.

[Kansas register

Attachment 1
Senate Elections
Committee
2/11/88

Sec. 2. K.S.A. 25-2316c is hereby amended to read as follows: 25-2316c. (a) When a registered voter changes name by marriage, divorce or legal proceeding, such voter must re-register in order to be eligible to vote, except that when a registered voter legally changes name during the period of 30 days preceding an election, such voter shall be allowed to vote at such election on the condition that such voter first gives an affidavit to the election judges stating the facts relevant to such change of name. Upon receipt of an affidavit of change of name, the county election officer shall send to the address specified on the affidavit, by forwardable first-class mail, a notice that it is necessary to reregister to vote. The notice also shall include voter registration materials if the voter is still a resident of the county of original registration. The notice authorized by this subsection shall be on a form prescribed by the secretary of state.

(b) When a registered voter changes residence, such voter must reregister in order to be eligible to vote, except that when a registered voter changes residence from one place in a precinct to another place within the same precinct during the period of 30 days preceding an election, such voter shall be allowed to vote at such election on the condition that such voter first gives an affidavit to the election judges stating the facts relevant to such change of residence. Whenever the county election officer receives from any election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer, such officer shall remove the name of such voter from the registration book and party affiliation list.

(c) When a voter fails to vote at a general election at which members of the United States presidential electoral college are elected, such voter's name shall be subject to removal from the voter registration book and the party affiliation list in the manner provided in subsection (d). When a voter fails to vote at any other general election held on the Tuesday following the first Monday in November in an even-numbered year, such voter's name may be subject to removal from the voter registration book and the party affiliation list in the manner provided in subsection (d) if the county election officer determines that the

removal of the names of voters who failed to vote in such election is necessary to the maintenance of accurate voter registration records.

(d) When a voter's name is subject to removal from the registration book and the party affiliation list as provided in subsection (c), the county election officer shall attempt to notify such voter by first-class mail at the mailing address specified in the registration book. Such notification shall advise that the registration books show that the person did not vote in the applicable November general election and that it is necessary to reregister if the residence of such person has changed. Such notification shall be mailed in an envelope or on a postcard which clearly indicates that it is not to be forwarded to another address. If such notification is not returned undelivered to the county election officer and no address correction which indicates that the voter has moved is received by the county election officer, the voter's name shall not be removed from the registration book or party affiliation list. If such notification is returned undelivered to the county election officer or if an address correction which indicates that the voter has moved is received by the county election officer, the county election officer shall check to verify that the mailing address on the notification is the same as that on the voter registration list. If it is determined that an error was made in addressing the notification, another notice shall be sent to the correct mailing address. If it is determined that no error was made in addressing the original notification or if the second notification is returned undelivered or an address correction is received therefor, the name of such person shall be stricken from the registration books.

(e) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent

jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, or (5) pursuant to K.S.A. 25-2316d, and amendments thereto, a registered voter fails to vote in two consecutive state general elections the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased. The county election officer shall not use or permit the use of such lists of deceased residents or copies for any other purpose than provided in this section.

(f) Election board judges are hereby authorized to administer oaths for the purpose of taking affidavits under this section. All such affidavits shall be made upon forms approved by the secretary of state. Every affidavit given under this section shall be returned to the county election officer with the registration books.

(g) Except as otherwise provided in this section, no person whose name has been removed from the registration books shall be entitled to vote until such person has registered again.

Sec. 3. K.S.A. 25-3702 is hereby amended to read as follows: 25-3702. Any such former precinct resident offering to vote in the precinct of his such person's former residence, before receiving a ballot shall make an affidavit in writing on a form to be prescribed by the secretary of state, sworn or affirmed before one of the election judges, stating the address or location of his former residence, the date of his removal therefrom, the address or location of his such person's new residence, and that he such person has not voted at such election. Such affidavit shall be delivered to the election judges and transmitted to the county election officer with the election returns and supplies. Upon receipt of an affidavit of a former precinct resident, the county election officer shall send to the current address specified on the affidavit, by forwardable first-class mail, a notice that it is necessary to reregister to

vote. The notice also shall include voter registration materials if the voter is still a resident of the county of the original registration. The notice authorized by this section shall be on a form prescribed by the secretary of state.

Sec. 4. K.S.A. 25-2309c, 25-2316c and 25-3702 are hereby repealed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS,
room 522-S, Statehouse, at 1:30 ~~am~~/p.m. on February 11, 1987

to the committee for further action.

By motion of Senator Martin and second by Senator Streck the minutes of February 4 were approved.

SB 46 relates to the recognition of political parties on which the committee had hearings at the January 28 meeting.

Senator Martin moved that the bill be passed out of the committee favorably. Senator Norvell seconded the motion.

Senator Vidricksen made a substitute motion to amend SB 46 by changing the 2% to one-half of 1% of an equal amount in each of the five congressional districts. Senator Johnston seconded the substitute motion.

Discussion followed and it was pointed out that it would be in violation of the supreme court ruling if this motion were adopted.

Senator Vidricksen withdrew his substitution motion and Senator Johnston withdrew his second.

Senator Bond made a substitute motion to change the percentage from 2% to 1% statewide to qualify as a party and not use the five congressional districts. Senator Vidricksen seconded the substitute motion. Motion carried.

Senator Martin moved to amend SB 46 by striking the new language in lines 47 thru 51 and restore the original language in the bill. Senator Strict seconded the motion and the motion carried.

Nancy Ryan of the Secretary of State's office said they requested the following technical amendments. In lines 27 and 28 they suggested that it should be amended to read "qualified electors". In lines 47 - 55 it should be amended as follows: "Appended to each petition page or set of pages shall be an affidavit by the circulator of the petition affirming that such circulator is a duly registered voter of the state of Kansas and that the circulator personally witnessed the signing of the petition by each person whose name appears thereon. The affidavit shall be executed before a person authorized to administer oaths and include the address of the circulator."

Senator Johnston moved to recommend the changes as suggested by the Secretary of State's office. Senator Martin seconded the motion and the motion carried.

Senator Johnston moved to recommend SB 46 as amended favorable for passage. Senator Martin seconded the motion and the motion carried.

The meeting was adjourned at 2:25 p.m.

Attachment 2
Senate Elections Committee
2/11/88

LIBERTARIAN PARTY OF KANSAS

DOUGLAS N. MERRITT, CHAIRPERSON

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(913) 233-4734
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WICHITA

Sen. Francis Gordon
128-S
State Capitol Building
Topeka, Kansas 66612

Feb. 5, 1988

REGARDS: SENATE BILL 46

Dear Senator Gordon:

Kindly allow me one last word on small party ballot access in Kansas. One would think that I had said all that I could in the past year and I will be the first to admit you have been more than kind in listening to my attempts. I thank you.

Three points:


I. There is no problem in SB 46 about the signature solicitor being confined to his county as there was in SB 501. 501 concerned single citizens exercising an individual right to petition. In SB 46 the subject matter is party recognition which by definition requires a multiple effort of several people banded together in the petitioning effort. In SB 46 the county limitation is not prohibitive nor even particularly onerous.

II. To be effective in the election of 1988 the statute must be "in effect upon publication". When the bill was introduced last year urgency was not a problem; this year it is.

III. Time of passage is critical in this bill. Under present law, 17,000 petitions must be filed 60 days prior to June 10, that is, on April 10. If 60 days is sufficient lead time for the secretary to process 17,000 signatures perhaps 30 days would be enough time to for him to authenticate 1,000 signatures. Assuming passage of the bill by the end of March and a shortening of the lead time by half the small parties would then have 40 days until May 10, which is sufficient time, to gather the names.

Thank you for hearing me.

Sincerely


Douglas N. Merritt
Chair, Libertarian Party of Kansas

Attachment 3
Senate Elections Committee
February 11, 1988