

Approved 4-9-91 Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

The meeting was called to order by SENATOR DON SALLEE at
Chairperson

1:30 ~~xxx~~ p.m. on April 1, 1991 in room 529-S of the Capitol.

All members were present ~~xxxxx~~ or excused.

Committee staff present:

Pat Mah, Legislative Research Department
Ardan Ensley, Office of the Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Representative Anthony Hensley
Representative Carol Sader
Ron Thornburgh, Office of the Secretary of State
Michael Woolf, Common Cause
Martha Gabehart, Department of Human Resources, Kansas Commission on Disability Concerns
John Smith, Kansas Department of Revenue, Division of Vehicles
Others attending: see attached sheet

The meeting was called to order at 1:30 p.m.

HB-2022 - Application of voter registration on application for driver's licenses

Representative Anthony Hensley appeared in support of HB-2022 and noted this bill addressed the problem of the increasing lack of voter participation in elections; also whether burdensome voter registration procedures contribute to this lack of participation. (Attachment 1)

Representative Hensley noted that following a change of address one of the first places people go is to change the address on their driver's license. Therefore, it would appear sensible to combine the two functions and allow people to register to vote at the time they change their driver's license. Testimony included information concerning Colorado, Arizona and Michigan, all of which have implemented the "motor-voter" legislation which in turn raised the percentage of voter turnout. Representative Hensley noted the House committee had added two amendments, one which would give the Secretary of State authority to adopt rules and regulations, the second amended the bill to set the effective date of the bill in 1993.

Ron Thornburgh, Office of the Secretary of State, appeared in support of HB-2022 noting there has been considerable talk about such legislation on the federal level and the last thing desired by the Office of the Secretary of State was to be told how the state must register voters. Passage of the bill would show that the state is taking steps to remedy the problem of voter turnout. (Attachment 2) Mr. Thornburgh noted that the Secretary of State's office could work with the Department of Revenue in designing the necessary forms as well as training the clerical staff that will be registering voters.

Michael Wolff, Common Cause, appeared before the Committee in support of HB-2022 noting states with the "motor-voter" programs in effect have higher voter registration and voter turnout than states without such a law. (Attachment 3)

Martha K. Gabehart, Kansas Commission on Disability Concerns, Department of Human Resources, appeared in support of HB-2022 noting the bill would be especially beneficial to Kansas voters with disabilities who cannot drive, since voter registration would be included in the driving license application as well as the application for a nondriving identification card. (Attachment 4)

John Smith, Department of Revenue, Division of Vehicles, appeared in support of the concept of HB-2022 but did note it could incur some increased delay in processing driver license applicants and could exacerbate some problems caused by fraudulent applications. He further noted they were in the process of implementing a new computer system for drivers licenses as well as revising the current application form to comply with the Commercial Motor Vehicle

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S, Statehouse, at 1:30 ~~xxx~~/p.m. on April 1, 1991.

Safety Act enacted by the U.S. Congress. It was noted that information from noncomputer stations would have to be manually keyed to enter voter information. (Attachment 5)

A member questioned Mr. Smith about the requirements of his department should such a change be implemented. Mr. Smith stated the department felt 7 new positions would be needed in the more heavily populated areas and noted the department favored the bill if methods to comply could be worked out.

Mr. Thornburgh was questioned as to why the state was concerned about federal legislation and he replied there were some provisions in the federal law with which his office did not agree, one of which would be marking the box for voter registration. This would connote registering but would give access to no other information.

HB-2068 - Minimum write-in votes in primary to have name printed on general election ballot.

Ron Thornburgh, Office of the Secretary of State, told the committee that HB-2068 changes the number of votes required by a write-in candidate in the primary election to gain access to the general election. He noted this change is required because the office cannot calculate the number of votes needed in some districts due to the Federal Block Boundary project and legislative reapportionment. This proposal would apply the percentage to the number of registered voters rather than the number of votes cast for the office of Governor. (Attachment 6)

HB-2069 - Concerning the signing of petitions.

Ron Thornburgh appeared for the office of the Secretary of State, noting HB-2069 was legislation to clarify the way nomination petitions for the office of Governor and recall petitions may be circulated. The change would allow recall petitions to be circulated only in the election district of the officer being recalled. (Attachment 7)

Mr. Thornburgh, in answer to a question, noted that Kansas did have recall procedures but it was a very difficult process.

HB-2319 - Write-in blank for election of governor and lieutenant governor.

Representative Carol Sader appeared and presented testimony in support of HB-2319 noting this bill amends the Kansas election code to provide for write-in votes for the offices of governor and lieutenant governor.

Representative Sader told the committee that the legislature, in a misguided attempt to avoid making the law meaningless, enacted a clearly unconstitutional law that is violative of the federal constitution's first amendment right of freedom of expression and the fourteenth amendment's guarantee of due process and equal protection of the laws. It was further noted the write-in prohibition may also violate rights of expression, association and suffrage guaranteed by sections of the Bill of Rights and Article V of our state constitution.

Representative Sader told the committee the District Court had deferred granting injunctive relief until the 1991 Session of the Kansas Legislature to give an opportunity to amend the Kansas election code to provide for write-in votes for the offices of Governor and Lieutenant Governor. (Attachment 8)

When asked whether the Lieutenant Governor was a constitutional office, Representative Sader noted that such was her understanding. The House Elections Committee amended the bill as recommended by the Secretary of State in a manner which would require the submission of names of those in contention to be write-in candidates be submitted to the office of the Secretary of State for vote tallying purposes.

When asked whether people could vote separately for Governor and Lieutenant Governor with Representative Sader noted one would vote for the pair.

Ron Thornburgh, Office of the Secretary of State, appeared in support of HB-2319 noting that prior to the 1990 general election, the 10th District Federal Court ordered the state of Kansas to provide write-in opportunities for the office of Governor in future elections. He further noted the Secretary of State proposed to amend this bill in order to prevent

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S, Statehouse, at 1:30 ~~xxx~~/p.m. on April 1, 1991.

court costs and attorney's fees and requested the committee consider making these same amendments for the office of president and vice-president to avoid going back to court prior to next year's presidential election. Therefore, he requested the same pre-filing procedures, the same counting procedures apply to office of president and vicepresident. (Attachment 9)

A member questioned Mr. Thornburgh about the House bill and he noted that HB-2025, for reasons unknown to him, was not passed out of the House Elections Committee. Mr. Thornburgh noted his office had had a bill to cover both write-in procedures but the House chose to run two other bills.

Senator Rock moved, with a second by Senator Lee, to amend HB-2319 to include the president and vice-president write-in provisions. The motion carried.

HB-2326 - Voting by registered voter whose name has been changed.

Representative Tom Sawyer appeared concerning HB-2326 noting it would take care of a problem that arose out of the contested house seat election between Wells and Wellman concerning a name change. The bill would allow the voter to sign an affidavit at the polling place that the only thing changed was the name. Following the election the election commissioner would change the voter registration records.

A member noted this issue had been dealt with in SB-83 which had been passed out of committee early in the session.

Ron Thornburgh, Office of the Secretary of State, noted their office had addressed the issue in SB-83 but stated it was their feeling that HB-2326 contained better procedures to follow.

Following discussion it was suggested SB-83 and HB-2326 be joined by amending one into the other.

Senator Lee moved, with a second by Senator Martin, to pass out HB-2319 favorable as amended. The motion carried.

Senator Lee moved, with a second from Senator Martin, to approve minutes of March 25 and 26, 1991. The motion carried.

The meeting adjourned at 2:26 p.m. The committee will meet at 12:30 p.m., April 2, Room 519-S for a briefing on HB-2454. The regular committee meeting will follow at 1:30 p.m. in Room 529S.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE April 1, 1991

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Martha Gabelhart, Topeka
Michael Woolf Topeka
Ron Kornburg
John W. Smith
Rebecca Bossemeyer TOPEKA

Com. on Disability Concerns
CC/KS
SOS
Dept of Revenue
SOS

ANTHONY HENSLEY
 REPRESENTATIVE, FIFTY-EIGHTH DISTRICT
 SHAWNEE COUNTY
 2226 VIRGINIA AVENUE
 TOPEKA, KANSAS 66605-1357
 232-1944—HOME
 OFFICE:
 ROOM 278-W
 STATEHOUSE
 TOPEKA, KS 66612
 296-7690



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 CHAIRMAN: LABOR AND INDUSTRY
 MEMBER: APPROPRIATIONS
 EDUCATION

April 1, 1991

TO: Senate Elections Committee
 FROM: Anthony Hensley *AH*
 RE: House Bill No. 2022

I appear before you today to speak in favor of 1991 House Bill No. 2022. This legislation intends to address two real problems in our form of government: the increasing lack of voter participation in elections and whether burdensome voter registration procedures contribute to this lack of participation.

We all know in a representative democracy such as ours the primary voice the people have is the right and opportunity to vote. However, the 1988 election for President barely brought out 50% of the U.S. electorate to vote. This was the lowest turnout in 64 years.

When the United States is compared to 20 other democratic countries, it ranks almost dead last in voter participation. As elected officials, we should ask questions: What is wrong? Why are we so far behind other countries? How can we increase voter participation?

In my opinion, one of the answers to these questions lies in our current voter registration procedures. One basic reason why other democratic countries have higher voter turnout is because they have made registering to vote easier.

According to a 1988 New York Times/CBS News poll, the common reason people do not vote is because they are not registered. This poll also showed that once people are registered, they will most likely vote. The problem a lot of people have is remembering to re-register to vote after they have moved.

The purpose of House Bill No. 2022 is to make voter registration easier in the state of Kansas by allowing people to register at the same time they apply for, renew, or change their driver's license. Estimates show that nearly 90% of all eligible voters visit driver's license offices on a regular basis. When people move, very often the first place they go to is the driver's license office to change the address on their driver's license. Also, in Kansas when a person moves he or she is required to re-register to vote. Why not make it easier on every Kansan and combine the two procedures? Our constituents already have enough bureaucratic red tape to endure as it is.

Senate Elections Committee
 April 1, 1991
 Attachment 1

Making voter registration easier will increase voter turnout at election time. There have been some very positive results in states that already have "motor voter" laws. For example, in Colorado over 51,000 people were registered to vote through motor vehicle license offices in the first four months of implementation of the new law. Since "motor voter" was enacted, voter turnout in Colorado has dramatically increased.

In Arizona, 66,000 new "motor voter" registrations were taken in the first six months of the new law. Arizona also experienced a reversal in declining voter registration. Since 1972, the percentage of registered voters in Arizona was declining at a rapid rate. After the "motor voter" law took effect in 1983, Arizona's voter registration and turnout have increased significantly.

Michigan, the birthplace of "motor voter" legislation, is a prime example of positive trends in voter registration and turnout which resulted from passage of a law such as proposed in House Bill No. 2022. In the 16 years that "motor voter" has been used in Michigan, voter registration in that state has greatly increased. In 1974, the percentage of registered voters compared to the total eligible was 79.3%, which is high for any state. The registration rate after "motor voter" was implemented is over 90%. The 1974 turnout rate in Michigan was a very low 44%. Today, the turnout rate is over 60%.

Those who may oppose House Bill No. 2022 will argue that "motor voter" is too expensive. This is not true. In those states that have already implemented "motor voter" laws, the costs are relatively low. In Michigan, for example, the Secretary of State's office found the costs there are about 17-cents per voter registered at the driver's license offices. In addition, they did not need extra staff to process the applications.

Opponents will also argue that this bill will increase voter fraud. This is not true. People who register in motor vehicle license offices will have to meet identification requirements at least as stringent as requirements under the current voter registration system.

Opponents will argue that "motor voter" will increase the amount of "deadwood" (deceased or moved voters) on the registration books. This is not true. As a matter of fact, the "motor voter" system will reduce the amount of "deadwood" by catching up with the people who have moved and need to re-register as they change their address on their driver's license.

Opponents of "motor voter" will argue that this system will cause longer lines at driver's license offices and make license examiners' jobs more complicated and time consuming. In states with "motor voter" laws, it is true that longer lines resulted in the initial implementation period. Once in effect, however, it has been proven that the "motor voter" system saves time for people and for election officials. Other states' experience also shows that any extra work for license examiners is minimal and can be handled with no additional staff.

The right and act of voting is very important to the future of our democratic form of government. We should do everything we can to not only protect that right, but promote it as well. We can promote peoples' participation in the electoral process by making it easier for them to register to vote. There is no doubt in my mind that the passage of House Bill No. 2022 will make it much easier for people to register. I strongly urge you to vote for this bill.

A sampling of statistics from democratic countries shows most have higher electoral participation than the U.S.

UNITED STATES	1984	53.1%
AUSTRALIA*	1984	94.2%
AUSTRIA	1983	92.6%
BELGIUM*	1985	93.6%
CANADA	1984	75.7%
DENMARK	1984	88.4%
FINLAND	1983	75.7%
FRANCE	1981	85.8%
GREAT BRITAIN	1983	72.8%
GREECE	1983	80.2%
ISRAEL	1985	78.8%
ITALY*	1984	89.0%
JAPAN	1983	71.4%
NETHERLANDS	1986	85.7%
NEW ZEALAND	1986	88.5%
NORWAY	1981	81.2%
PORTUGAL	1985	78.2%
SPAIN	1986	70.7%
SWEDEN	1986	89.8%
SWITZERLAND	1985	48.9%
WEST GERMANY	1983	89.1%

* Voting is compulsory
 Source: Congressional Research Service

Colorado Driver's License/Voter Registration Form

MOTOR VEHICLE USE ONLY		APPLICATION FOR: <input type="checkbox"/> IDENTIFICATION CARD <input type="checkbox"/> DRIVER LICENSE <input type="checkbox"/> VOTER REGISTRATION												
AGE GROUP		FIRST NAME			MIDDLE NAME			LAST NAME			JR SR ETC	COUNTY CLERK USE ONLY		
CLASS		RESIDENCE ADDRESS (Street and Number, Apartment No., Space No., etc.)										VOTER ID NUMBER		
PHOTO NO PHOTO		CITY/TOWN			ZIP CODE			COUNTY				PRECINCT NUMBER		
FEE		DATE OF BIRTH	CHANGE DOB FROM	SEX	WEIGHT	HEIGHT	HAIR COLOR	EYE COLOR	ORGAN DONOR			CITY CODE		
<input type="checkbox"/> DRIVER LICENSE <input type="checkbox"/> T.I.P. <input type="checkbox"/> ENDORSEMENT <input type="checkbox"/> DUPLICATE LICENSE <small>Type _____</small> <small>License # _____</small> <small>Expires _____</small>		OLD LICENSE NUMBER		RESTRICTIONS		SOCIAL SECURITY NUMBER *		ARE YOU A U.S. CITIZEN? <input type="checkbox"/> Yes <input type="checkbox"/> No		ALIEN REG # or NIA STATUS			MUNICIPAL WARD	
<input type="checkbox"/> IDENTIFICATION CARD <input type="checkbox"/> DUPLICATE I.D. CARD <small>ID # _____</small> <small>Expires _____</small>		I CERTIFY BY MY SIGNATURE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT										MUNICIPAL PRECINCT		
<input type="checkbox"/> CORRECTION: CHANGE <input type="checkbox"/> Address <input type="checkbox"/> Name <input type="checkbox"/> Date of Birth <input type="checkbox"/> Other _____ <input type="checkbox"/> Party Affiliation		DRIVER LICENSE / ID CARD APPLICANT SIGNATURE			DATE		EXAMINER / CLERK SIGNATURE					SCHOOL PRECINCT		
		FOR VOTER REGISTRATION, MUST BE 18, U.S. CITIZEN AND RESIDENT OF COLORADO FOR 32 DAYS BEFORE NEXT ELECTION.										REMARKS		
		POST OFFICE ADDRESS			CITY/TOWN			ZIP CODE		TELEPHONE				
		U.S. CITIZEN By: <input type="checkbox"/> Birth <input type="checkbox"/> Naturalization		PARTY AFFILIATION <input type="checkbox"/> Republican <input type="checkbox"/> Democrat <input type="checkbox"/> Political Organization _____ <input type="checkbox"/> Unaffiliated				--- COLORADO ONLY --- TRANSFER AFFILIATION <input type="checkbox"/> Yes <input type="checkbox"/> No						
		FORMER NAME - FIRST			MIDDLE NAME			LAST NAME						JR., SR., ETC.
		FORMER RESIDENCE ADDRESS			CITY/TOWN			STATE		ZIP CODE		<input type="checkbox"/> REGISTRAR ADVISED		
		WARNING: It is a crime to swear falsely as to your qualifications to register to vote. I CERTIFY THE ABOVE FACTS ARE TRUE.												
		I, _____, do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least thirty-two days and in my precinct at least thirty-two days before the election. I further swear (or affirm) that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence.												
DRIVE NO DRIVE		VOTER REGISTRATION APPLICATION SIGNATURE			DATE		OATH ADMINISTERED BY			DATE				
T.I.P. OFFICE NUMBER														

* Optional

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

TESTIMONY OF RON THORNBURGH
HOUSE ELECTIONS COMMITTEE
MARCH 5, 1991

House Bill 2022

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

We are happy to support the concept of House Bill 2022. We firmly believe the State of Kansas has a responsibility to register voters in an efficient and safe manner. Providing the opportunity to register while obtaining a drivers license is an idea whose time has come.

Motor voter will provide voter registration at an outlet used by the vast majority of citizens in our state. Through the increased visability of the registration process, we hope to increase actual turnout.

We ask that you report House Bill 2022 favorably.

Senate Elections Committee
April 1, 1991
Attachment 2



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

TESTIMONY TO THE SENATE ELECTIONS COMMITTEE
IN SUPPORT OF HOUSE BILL 2022
BY MICHAEL WOLF, EXECUTIVE DIRECTOR

Thank you Mr. Chairman, members of the Committee for allowing me to testify today in strong support of House Bill 2022. Our organization works, not only for reform of our ethics and campaign finance laws, but also for proposals that will make it easier for more people to exercise the most basic right in a democracy--the right to vote.

A poll of voters taken after the 1988 elections found that 37 percent of non-voters surveyed did not vote because they were not registered; 75 percent of those respondents agreed that state laws should be changed to make it easier to register and vote.¹ In another survey of election officials and voters across the country, the most often heard complaint was that registration procedures were complicated, inconvenient, and time-consuming.²

Motor-voter programs are currently in effect in offices statewide, throughout the year in Arizona, Colorado, District of Columbia, Iowa, Michigan, Minnesota, Nevada, North Carolina, Ohio, Oregon, Vermont, and Washington. In other states, motor-voter programs are offered in only some offices and only during certain periods of the year. In addition, Hawaii, Louisiana, Maine and New York have recently passed laws or issued executive orders to establish motor-voter programs. In 1989, Rhode Island passed a law to establish a pilot motor-voter system for the 1992 elections.

According to a recent Congressional Research Service study:

A comparison of voter registration and turnout rates between States with and without a motor-voter registration system consistently shows that States with motor-voter registration

¹ New York Times/CBS News 1988 post-election survey cited in National Voter, the League of Women Voter's magazine, April/May 1989.

² Citizens' Commission on Civil Rights/CPA; April 1988; p. 60.

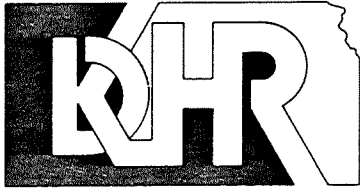
Senate Elections Committee
April 11, 1991
Attachment 3

systems have higher voter registration and turn-out rates than do States without such a registration system.³

The success of such programs have been clearly demonstrated in recent years. In Colorado, 175,000 citizens were registered during the program's first year, 84% of which were new voters. In 1988, Nevada implemented a staff-active motor-voter system. Subsequently, Nevada was one of only five states to see an increase in voter turn-out between 1984 and 1988--and Nevada's was the largest increase in the country.

Motor-voter programs have proven to be cost-effective. Minnesota's program, which registered about 200,000 people in 1988, its first year, spent only 33 cents per voter. Michigan, which has had motor-voter laws since 1976 and which registers about 750,000 voters each year, spends only 13 cents per registration. And the District of Columbia estimated the cost to register 2,400 voters in its first month, May 1989, to be only 3 cents per registration.

³ The study notes, however, that such a comparison may ignore the impact of the many other factors that might contribute toward increasing or decreasing voter registration and turnout in the various states. (U.S. Library of Congress; Congressional Research Service; Washington, D.C.; February 23, 1990; p. 27.)



Commission on Disability Concerns
1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877
913-296-1722 (Voice) -- 913-296-5044 (TDD)
913-296-4065 (Fax)

Joan Finney, Governor

Michael L. Johnston, Secretary

Testimony on HB 2022 to the
Senate Elections Committee
by Martha K. Gabehart,
Executive Director
Kansas Commission on Disability Concerns
April 1, 1991

The opinions stated here are those of the Kansas Commission on Disability Concerns (KCDC) and do not necessarily reflect the opinions of the administration.

KCDC supports HB 2022 which makes voter registration a part of applying for driver's licenses and non-driving identification cards. The purpose of the bill is to make voter registration easier and more accessible.

This change in registration procedure would be especially beneficial to Kansas voters with disabilities who cannot drive, because included is the application for a non-driving identification card. A non-driver's identification card is issued to people who do not drive, but need an official form of identification in order to function in the community.

This method of registering people to vote has two benefits. The first benefit is that it makes voter registration more easily accessible to people who have limited mobility and might not be able to arrange for a special trip to a voter registration site. Public transportation is almost nonexistent in rural Kansas. People with disabilities have to rely on friends and service

Senate Elections Committee
April 1, 1991
Attachment 4

Testimony on HB 2022, Voter Registration

April 1, 1991

Page 2

organizations for transportation. Since many people with disabilities are on fixed incomes at or near the poverty level, paying for transportation is difficult and only done when the need is great.

The second benefit is that some people do not know that voting is their right. This method of voter registration would inform people of their right to vote.

Currently, public offices are filled by individuals who receive the support of a smaller proportion of eligible voters than in any other industrialized democracy. Elsewhere 80 per cent turnout is common. In the Congressional election this past November, only about 36 per cent of the U.S. citizens bothered to cast their votes. In 1988, according to the Harris Poll, 39 per cent of all Americans with disabilities did not vote because they were not registered to vote. KCDC believes that making it easier to register to vote will increase the participation of all voters, especially the participation of voters with disabilities, in the electoral process.

KCDC urges your support of HB 2022. Voting is a right in this country. Making it as easy as possible to register keeps it a right and not a test of ability.

\hb2022



KANSAS DEPARTMENT OF REVENUE

Division of Vehicles

Robert B. Docking State Office Building
Topeka, Kansas 66626-0001

TO: Senate Elections Committee
FROM: Mark Beshears
Secretary of Revenue
DATE: April 1, 1991
RE: House Bill No. 2022

The Department of Revenue supports this bill but is concerned that we could incur increased costs, some increased delay in processing driver license applicants and the problems caused by fraudulent applications.

We are in the process of implementing a new driver license computer system and revising the current application form to comply with the Commercial Motor Vehicle Safety Act enacted by the U.S. Congress. This legislation will require a major revision of the computer system plus a redesign of the application form.

Fraudulent applications are a problem in this state as well as in all other states. Such actions would cause a person to be registered, de-registered or change the person's voting precinct or political party affiliation without the person's knowledge.

The department would also have to manually key enter the voter information received from non-computer stations.

MB/bmh

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

TESTIMONY OF RON THORNBURGH
SENATE ELECTIONS COMMITTEE
APRIL 1, 1991

House Bill 2068

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

House Bill 2068 changes the number of votes required by a write-in candidate in the primary election to gain access to the general election.

This change is required because we cannot calculate the number of votes needed in some districts because of the Federal Block Boundary project and legislative reapportionment. Similar legislation was enacted last year for petition signature requirements. In fact, several laws have been amended to reflect this kind of change in the last two sessions.

Under current law, a candidate must obtain votes equal in number to 10% of the votes cast for that party's candidates for the office of governor in the state, county or district in which the office is sought. This proposal would apply the percentage to the number of registered voters rather than the number of votes cast for the office of Governor. The 5% of registered voters is roughly equal to 10% of the number of votes cast for the office of Governor.

Thank you for your consideration. We ask that you pass House Bill 2068 favorably.

Senate Elections
April 1, 1991
Attachment 6

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
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STATE OF KANSAS

TESTIMONY OF RON THORNBURGH
SENATE ELECTIONS COMMITTEE
APRIL 1, 1991

House Bill 2069

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

House Bill 2069 changes the way nomination petitions for the office of Governor and recall petitions may be circulated.

Currently, petitions for Governor and recall are restricted to circulation by precinct. Legislation enacted in 1989 changed all other petition circulation requirements to allow them to be circulated throughout a county or election district. Petitions for Governor and recall were simply overlooked.

Page three, line 33 needs to be amended to reflect the changes in the petition format in line 10 of page three. The word "county" should be amended to read "election district". This change will allow recall petitions to be circulated only in the election district of the officer being recalled.

We ask that you recommend House Bill 2069 favorably for action.

Senate Elections
April 1, 1991
Attachment 7

CAROL H. SADER
REPRESENTATIVE, TWENTY-SECOND DISTRICT
JOHNSON COUNTY
8612 LINDEN DR.
SHAWNEE MISSION, KANSAS 66207
HOME: (913) 341-9440
CAPITOL OFFICE: (913) 296-7675



TOPEKA

HOUSE OF
REPRESENTATIVES

TESTIMONY ON HB 2319
SENATE COMMITTEE ON ELECTIONS

April 1, 1991

COMMITTEE ASSIGNMENTS
CHAIRPERSON: PUBLIC HEALTH AND WELFARE
VICE-CHAIRPERSON: ECONOMIC DEVELOPMENT
VICE-CHAIRPERSON: JOINT COMMITTEE ON HEALTH
CARE DECISIONS FOR THE
1990'S
RANKING DEMOCRATIC MEMBER: SRS TASK FORCE
MEMBER: PENSIONS, INVESTMENTS AND BENEFITS
JOINT COMMITTEE ON ECONOMIC
DEVELOPMENT

I come before you today as a sponsor and proponent of HB 2319. Very simply, this bill amends the Kansas election code to provide for write-in votes for the offices of governor and lieutenant governor.

In 1973, the Kansas Legislature passed a law that required the governor and lieutenant governor to be elected jointly. At the same time, the legislature passed the law prohibiting write-in votes for these offices. The rationale was that because candidates for governor and lieutenant governor ran as a team, a write-in for one candidate and not the other would be meaningless.

In a misguided attempt to avoid making the law meaningless, the legislature created a clearly unconstitutional law that is violative of the federal constitution's first amendment right of freedom of expression and the fourteenth amendments' guarantees of due process and equal protection of the laws. The write-in prohibition may also violate rights of expression, association and suffrage guaranteed by sections of the Bill of Rights and Article V of our state constitution.

The ACLU filed suit in October, 1990 alleging that the ban on write-in votes violates Kansas voter's rights to freedom of speech and equal protection. Kansas law permits write-in votes for every office except president, governor, and lieutenant governor.

In the lawsuit, the state conceded that the statute, which has been on the books for 17 years, is unconstitutional. In fact similar lawsuits have been won in two other states this year. The District Court's findings of fact and conclusions of law in the Kansas case states that "this court will defer granting injunctive relief in this action until the 1991 Session of the Kansas Legislature has had an opportunity to amend the Kansas election code to provide for write-in votes for the offices of Governor and Lieutenant Governor."

This is the 1991 Session of the Kansas Legislature and HB 2319 is our opportunity to amend the Kansas election code to restore to the people of our state their constitutional right to vote for whomever they choose and to make it legal for them to do so.

Thank you.

Carol H. Sader

*Senate Elections
April 1, 1991
Attachment 8*

Bill Graves
Secretary of State



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STATE OF KANSAS

TESTIMONY OF RON THORNBURGH
SENATE ELECTIONS COMMITTEE
APRIL 1, 1991

House Bill 2319

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

We stand in support of House Bill 2319. Prior to last year's general election, the 10th District Federal Court ordered the state of Kansas to provide write-in opportunities for the office of Governor in future elections.

We would like to amend this proposal to provide similar write-in opportunities for President and Vice-President. Although the court order specified that we provide write-ins for Governor, we do not want to have to pay court costs and attorney's fees again in the upcoming presidential election. Legislation was introduced in the House to rectify this problem, but failed to pass.

Again thank you for the opportunity to appear before you and I urge your acceptance of our proposals and the adoption of House Bill 2319.

Senate Elections
April 1, 1991
Attachment 9