

Approved 4-2-92 _____
Date

MINUTES OF THE House COMMITTEE ON Elections

The meeting was called to order by Representative Sherman Jones at
Chairperson

9:12 a.m./p.m. on March 25, 1992 in room 521-S of the Capitol.

All members were present except:
Representative Bishop (excused)

Committee staff present:
Pat Mah, Research
Arden Ensley, Revisor
Shirley Lee, Committee Secretary

Conferees appearing before the committee:

Joe de la Torre, Secretary of State Office
Representative Sheila Hochhauser

Others attending: see attached list.

Chairman Jones opened the hearing for **HB 2325** - Blank Lines for Write-in Votes for Presidential Candidates.

Joe de la Torre appeared before the Committee in support of **HB 2325**. In his testimony he stated the bill provided the same criteria for presidential write-ins that were passed last session for gubernatorial candidates, and asked the Committee to report favorably for passage (see attachment 1).

Chairman Jones opened the floor for questions. Committee members addressed questions to Joe de la Torre as it related to the language of the statute, the affects on the presidential preference primary, write-in candidates and a concern regarding section 3 of the statute. Arden Ensley explained to the Committee the bill would not affect existing law.

Chairman Jones called for opponents and there were none, and the hearing was closed.

Chairman Jones opened the hearing for **HB 3154** - Elections; Numbers of Signatures on Valid Petition.

Joe de la Torre appeared before the Committee in support of the bill. In his testimony he stated the bill clarified which voter registration figures to use when computing the number of signatures needed for candidates and special question elections (see attachment 2).

There were no questions nor opponents, and the hearing was closed.

Chairman Jones requested the appointed subcommittee to provide a report to the Committee regarding **HB 3124**.

The Committee was provided a balloon with the recommended changes (see attachment 3). Vice Chair Macy stated the changes were made by request of Representative Hochhauser because of the problems she had experienced in her district.

Representative Hochhauser appeared before the Committee. She stated she concurred with the subcommittee's report, but had a concern with the language on page two of the balloon regarding the notary. Arden Ensley stated he could clarify line 41.

Chairman Jones opened the floor for final action on **HB 3124**. Representative Shallenburger made a motion to pass the bill favorably and Representative Macy seconded the motion.

Representative Macy moved to amend the bill adopting the balloon with the added change to line 41. Representative Thompson seconded the motion and the motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Elections

room 521-S, Statehouse, at 9:12 a.m./p.m. on March 25, 1992

Representative McKechnie offered a conceptual amendment to have the County Attorney or the District Attorney to defend the legality of the petition. Arden Ensley stated he did not believe the hands of the court could be bound. He suggested instead a statement be included to state the petition is binding upon the approval of the County Attorney or District Attorney. Representative Stephens seconded the amendment. Through further discussion, Representative McKechnie withdrew the motion and Representative Stephens followed. There were no objections.

Representative McKechnie made a motion to rebuttal presumptuous instead. Representative Stephens seconded the motion and the motion carried.

Representative Love made a conceptual motion to copy the State of Colorado's statute to have the Secretary of State Office review the petition as to form. Chairman Jones ruled the motion out of order as it was in opposition to what the bill does. A vote was made on the original bill and the motion was carried.

Chairman Jones stated the agenda for tomorrow's meeting would include **HB 2867, SB 84**, and final action on previously heard bills.

With no further business, the meeting adjourned at 9:45 a.m.



Bill Graves
Secretary of State

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

STATE OF KANSAS

TESTIMONY OF JOSE DE LA TORRE
HOUSE ELECTIONS COMMITTEE
March 25, 1992
House Bill 2325

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 2325 provides the same criteria for presidential write-ins that were passed last session for gubernatorial candidates.

We ask that you report House Bill 2325 favorable for passage.

Thank you.

*House Elections
3-25-92
Attachment 1*

[As Amended by House Committee of the Whole]

1991 Supp. 25-305

Session of 1991

HOUSE BILL No. 2325

By Representatives Whiteman, Hochhauser, Sader, Sawyer, Sebellius and Shallenburger

2-13

12 AN ACT relating to elections; concerning blank lines for write-in
13 votes for electors of [the selection of] presidential candidates;
14 amending K.S.A. [25-612 and 25-616] and [K.S.A. 1990 Supp. 25-
15 4501 and] repealing the existing sections.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. [25-612] is hereby amended to read as follows:

18 ~~[25-612. The arrangement of the names certified under K.S.A. 25-
19 610, and amendments thereto, by the secretary of state shall govern
20 the county election officer in arranging the ballot, and the county
21 election officer in preparing the ballot for the county shall follow
22 the same arrangements as provided in K.S.A. 25-610 and 25-611,
23 and amendments thereto, for the secretary of state, for the candidates
24 nominated for county offices, using the township and precincts of
25 the county in making his division.~~

26 ~~Except for presidential candidates and governor and lieutenant
27 governor, blank spaces shall be left at the end of the list of candidates
28 for each different office equal to the number to be elected thereto,
29 in which the voter may insert the name of any person not printed
30 on the ballot for whom the voter desires to vote for such office.]~~

31 ~~[Sec. 2. K.S.A. 25-616 is hereby amended to read as follows: 25-
32 616. The national offices part of the official general ballot for national
33 and state offices shall be in the form shown in this section and the
34 state offices part of such ballot shall be in the form shown in K.S.A.
35 25-617, and amendments thereto.~~

36
37 STATE OF KANSAS
38 OFFICIAL GENERAL BALLOT

39 National and State Offices

40 County of _____

41 November _____, 19____

25-305. Deadlines for filing certificates of nomination by convention or caucus and independent nomination petitions; deadline for filing affidavit of write-in candidacy for offices of governor and lieutenant governor.
(a) Certificates of nomination by convention or caucus for the nomination of candidates for national, state, county and township offices shall be filed with the secretary of state, or the county election officer, not later than 12:00 noon, June 10, preceding the national, state, county and township general election, except when such date falls on Saturday, Sunday or a holiday, and then not later than 12:00 noon the following day that is not a Saturday, Sunday or a holiday.

(b) Independent nomination petitions for the nomination of candidates for national, state, county and township offices shall be filed with the secretary of state or the county election officer no later than 12:00 noon on the Monday preceding the first Tuesday of August preceding a national, state, county or township general election.

(c) An affidavit of write-in candidacy for the offices of governor and lieutenant governor shall be filed with the secretary of state no later than 12:00 noon on the 2nd Monday preceding the general election for those offices.

(d) An affidavit of write-in candidacy for the offices of president and vice-president shall be filed with the secretary of state no later than 12:00 noon on the 2nd Monday preceding the general election for those offices.

New sec. 2. Any person who desires to be a write-in-candidate for president and vice-president shall file an affidavit of write-in-candidacy with the Secretary of State no later than noon on the second monday preceding the general election for those office.

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1 [-----
2 NATIONAL OFFICES-
3

4 To vote for presidential electors for candidates for president and vice-president
5 make a cross or check mark in the square at the right of the names of the candidates.
6 To vote for presidential electors to be selected by candidates for president and vice-
7 president whose names are not printed on the ballot, write the persons' names in
8 the appropriate blank spaces and make a cross or check mark in the square at the
9 right of the names of the candidates.

- 10
- 11 FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
- 12 JONESTERN AND DOE Republican
- 13 FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
- 14 ROEHEAD AND RICHARDBY Democrat
- 15 FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
- 16 JANE BRAND AND JOHNBERG Independent

17 Nominations-
18 FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT
19 _____ and _____

20 -----
21 To vote for a person make a cross or check mark in the square at the right of the
22 person's name. To vote for a person whose name is not printed on the ballot, write
23 the person's name in the blank space and make a cross or check mark in the square
24 to the right.

- 25 FOR UNITED STATES SENATOR Vote for One
- 26 DAN BOBING, Brussell Republican
- 27 ROBERTA SMITH, Salina Democrat
- 28 _____

- 29 FOR UNITED STATES REPRESENTATIVE
- 30 _____ DISTRICT _____
- 31 Vote for One
- 32 ELMER O'BRIEN, Wichita Democrat
- 33 WM.T. MILLER, Maple City Republican
- 34 _____

35 When any office is not to be elected, it shall be omitted from the
36 ballot.

37 See 3. K.S.A. 25-612 and 25-616 are hereby repealed.
38 ["Sec. 3. K.S.A. 1990 Supp. 25-4501 is hereby amended to read
39 as follows: 25-4501. On the first Tuesday in April of 1992 1996,
40 and every fourth year thereafter, there shall be held a presidential
41 preference primary election.]

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25-3002. Rules for canvassers; validity of ballots or parts thereof. (a) The rules prescribed in this section shall apply to:

- (1) The original canvass by election boards.
- (2) Intermediate and final canvasses by county boards of canvassers.
- (3) Final canvass by the state board of canvassers.
- (4) All election contests.
- (5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) Any ballot upon which an identifying mark has been made shall be wholly void and no vote thereon shall be counted. Determination of whether a mark is an identifying mark shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest. The secretary of state may adopt rules and regulations describing certain types of marks upon ballots which may be considered identifying marks, but such rules shall not be considered as either all inclusive or as conclusive.

(3) Any ballot which has been defaced, mutilated or torn shall be wholly void and no vote thereon shall be counted.

(4) The occurrences listed in this subpart (4) shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in said portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this subpart (4) shall apply are:

1-4

(A) Whenever a voting mark shall be made in the square at the right of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

(B) Whenever a voting mark is placed in the square at the right of a space where no candidate is listed.

(c) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and:

(d) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and:
(1) Both candidates' names are written on the ballot; or
(2) only the name of the candidate for president is written on the ballot.

- (1) Both candidates' names are written on the ballot; or
- (2) only the name of the candidate for governor is written on the ballot.

*

- 1 ~~{Sec. 4. K.S.A. 25-612 and 25-616 and K.S.A. 1990 Supp. 25-~~
- 2 ~~4501 are hereby repealed.}~~
- 3 ~~{Sec. 3. K.S.A. 25-612 and 25-616 are hereby repealed.}~~
- 4 ~~{Sec. 4 [5] [4]. This act shall take effect and be in force from and~~
- 5 ~~after its publication in the statute book.~~

Sec. 4. K.S.A 1991 Supp. 25-305 and 25-3002 are hereby repealed.

Sec. 5.

Bill Graves
Secretary of State



2nd Floor, State Capitol
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(913) 296-2236

STATE OF KANSAS

TESTIMONY OF JOSE DE LA TORRE
HOUSE ELECTIONS COMMITTEE
March 25, 1992
House Bill 3154

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 3154 clarifies which voter registration figures to use when computing the number of signatures needed for candidates and special question elections.

Since the statutes read the most current on file, the number could change daily. By stating the numbers certified to our office all petition requirements will be computed on the same set of numbers.

We ask that you report House Bill 3154 favorable for passage.

Thank you.

*House Elections
3-25-92
Attachment 2*

HOUSE BILL No. 3124

By Committee on Judiciary

2-25

Handwritten: H. Elections, 3-25-92, AH 3

8 AN ACT concerning elections; relating to petitions; amending K.S.A. 25-3601 AND
9 1991 Supp. 25-3602 and repealing the existing section sections
10 sections

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

Section 1. K.S.A. 1991 Supp. 25-3601 is hereby amended to read as follows:

25-3601. Application to all state and local elections; determination of sufficiency of petition signatures. [See Revisor's Note] When under the laws of this state a petition is required or authorized as a part of the procedure applicable to the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof, the provisions of this act shall apply, except as is otherwise specifically provided in the statute providing for such petition. The sufficiency of each signature and the number thereof on any such petition shall be determined in accordance with the provisions of K.S.A. 25-3601 to 25-3607, inclusive, and amendments thereto by the county election officer or such other official as designated in the applicable statute. When any statute makes specific provisions concerning matters that K.S.A. 25-3601 et seq. and amendments thereto also has requirements which are different therefrom, the provisions of the specific statute shall control.

History: L. 1970, ch. 147, § 1; L. 1989, ch. 107, § 4; July 1.

Before any petition requesting an election in any political or taxing subdivision of the state is circulated, a copy thereof containing the question to be submitted shall be filed in the office of the county attorney of the county or district attorney of the district in which all or the greater portion of the political or taxing subdivision is located for an opinion as to the legality of the form of such question. The county or district attorney shall within five calendar days following the receipt of such question furnish a written opinion as to the legality of the form of the question submitted.

The county election officer or other official with whom the petition is required to be filed in accordance with the applicable statute shall give to persons requesting information regarding the filing of petitions a copy of K.S.A. 25-620 and article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

Handwritten: House Elections, 3-25-92, Attachment 3

12 Section 1. K.S.A. 1991 Supp. 25-3602 is hereby amended to read
13 as follows: 25-3602. (a) Each petition shall consist of one or more
14 documents pertaining to a single issue or proposition under one
15 distinctive title. The documents shall be filed with the county elec-
16 tion officer or other official, if another official is designated in the
17 applicable statutes. The filing shall be made at one time all in one
18 group. Later or successive filings of documents relating to the same
19 issue or proposition shall be deemed to be separate petitions and
20 not a part of any earlier or later filing.

21 (b) Each petition shall, unless otherwise specifically required: (1)
22 ~~Clearly state the question which petitioners seek to bring to an~~
23 ~~election and an explanation of the effect of voting for or against~~
24 ~~such question;~~

25 (2) name the taxing subdivision or other political subdivision in
26 which an election is sought to be held; and

27 (3) contain the following recital above the spaces provided for
28 signatures: "I have personally signed this petition. I am a registered
29 elector of the state of Kansas and of

30 _____
31 (here insert name of political or taxing subdivision)
32 and my residence address is correctly written after my name."

33 The recital shall be followed by blank spaces for the signature,
34 residence address and date of signing for each person signing the
35 petition.

36 When petitioners are required by law to possess qualifications in
37 addition to being registered electors, the form of the petition shall
38 be amended to contain a recital specifying the additional qualifica-
39 tions required and stating that the petitioners possess the qualifi-
40 cations; and

41 (e) Every petition shall (4) contain ~~the following recital~~, at the
42 end of each set of documents carried by each circulator, a verifi-
43 cation, signed by the circulator, to the effect that the circulator

in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 and amendments thereto

signed verification upon oath or affirmation before a notarial officer in the manner prescribed by K.S.A. 1991 Supp. 53-501, et seq. and amendments thereto

20-88

1 personally witnessed the signing of the petition by each person
 2 whose name appears thereon. The circulator of a petition shall
 3 be duly registered to vote and a resident of the political or
 4 taxing subdivision in which the election is sought to be
 5 held. "I am the circulator of this petition. I have personally wit-
 6 nessed the signing of the petition by each person whose name appears
 7 thereon. I am a registered elector of the state of Kansas and of

resident and a

, the political or taxing subdivision in
 which the election is sought to be held.

(here insert name of political or taxing subdivision)

(Signature of circulator)

(Circulator's residence address)

14 (d) (c) Any person who has signed a petition who desires to
 15 withdraw such person's name may do so by giving written notice to
 16 the county election officer or other designated official not later than
 17 the third day following the date upon which the petition is filed.

18 (e) (d) Any petition shall be null and void unless submitted to
 19 the county election officer or other designated official within 180
 20 days of the date of the first signature on the petition.

21 (f) (e) Unless the governing body of the political or taxing sub-
 22 division in which the election is sought to be held authorizes a special
 23 election, all elections which are called as a result of the filing of a
 24 sufficient petition shall be held at the next succeeding primary or
 25 general election as defined by K.S.A. 25-2502, and amendments
 26 thereto, in which the political or taxing subdivision is participating.

25-3601 and 25-3602 are

3. 27 Sec. 2. K.S.A. 1991 Supp. 25-3602 is hereby repealed.

4. 28 Sec. 3. This act shall take effect and be in force from and after
 29 its publication in the statute book.