

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 March 30, 1992 in room 529-S of the Capitol.

All members were present ~~except~~ or excused:

Committee staff present:

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

Conferees appearing before the committee:

Representative Denise Everhart
Representative Elaine Wells
Joe de la Torre
Others attending: see attached list

The meeting was called to order shortly after 1:30 p.m. by Chairman Sallee.

HB-2843 - Representative Denise Everhart presented written testimony and appeared in support of HB-2843. Representative Everhart noted that staggering the terms of Township board members would provide continuity by allowing some experienced members to remain on the board at all times. (Attachment 1)

HB-2876 - relating to elections; concerning ballots.

Representative Elaine Wells appeared in support of HB-2876 and presented written testimony. (Attachment 2) This bill deals with changes in ballot format, eliminates that portion of the statute relating to "identifying marks, defaced, mutilated, or torn ballots" and posting a notice informing a voter they may receive a new ballot if a mistake is made.

HB-2877 - concerning the contest of elections.

Representative Elaine Wells appeared and presented written testimony concerning HB-2877. (Attachment 3) The bill would require that grounds used to contest an election must be stated in writing with specific facts and circumstances. A second issue addressed by this bill would require that "five calendar days" be allowed for filing a contest.

HB-2880 - concerning changes in names of voters.

Representative Elaine Wells appeared in support of and presented written testimony on HB-2880. (Attachment 4) Representative Wells noted this bill would ensure there was no discrimination especially to women in voting when they have had a name change.

Joe de la Torre, Office of the Secretary of State, appeared and noted concern about the amendment added to HB-2880 by the House Committee of the Whole which would allow same day voting following completion of an affidavit regarding a change of address providing the voter was legally registered in another precinct.

The chairman requested the wishes of the committee concerning HB-2876. Senator Yost moved, with a second by Senator Martin to pass HB-2876 favorably. The motion carried.

The chairman placed HB-2877 before the committee.

Senator Bond, with a second by Senator Martin, moved to report HB-2877 favorably. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS

room 529-S Statehouse, at 1:30 ~~xxx~~p.m. on March 30, 1992

The chairman placed HB-2880 before the committee.

Senator Bond moved to strike the floor amendment by the House Committee of the Whole from HB-2880. Senator Martin seconded the motion and the motion carried.

Senator Martin, with a second by Senator Rock, moved to pass out HB-2880 favorable as amended. The motion carried.

The chairman placed HB-2843 before the committee.

Senator Yost, with a second from Senator Martin, moved to report HB-2843 favorable. The motion carried.

Following discussion Senator Martin moved to amend HB-2878 to allow a period of five days for a candidate to decline a recount of election results with the request being made in writing. The motion carried.

Senator Martin moved to pass HB-2878 out favorable as amended. Senator Reilly seconded the motion and the motion carried.

The meeting adjourned at 2:12 p.m.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE March 30, 1992

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

EARL WENNING - LAWRENCE

CONCRETE PAUSE/KS

J. G. Della Torre TBP/PA

SOS

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

VICE-CHAIR: JUDICIARY
MEMBER: LABOR AND INDUSTRY
TRANSPORTATION
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE

DENISE L. EVERHART

REPRESENTATIVE, FIFTY-THIRD DISTRICT
3741 S.E. 61ST
BERRYTON, KANSAS 66409
(913) 862-4808

LEGISLATIVE ADDRESS

STATE CAPITOL
ROOM 281-W
TOPEKA, KS 66612
(913) 296-7654

Chairman Sallee and members of the committee:

Thank you for this opportunity to appear before you today
in support of **HB 2843**.

The purpose of **HB 2843** is to provide for the staggering
of terms of Township board members. Tecumseh Township has
in the past experienced the installation of an entire
new board. By staggering the terms some continuity will
be provided.

I urge your support of **HB 2843**.

ELAINE L. WELLS
 REPRESENTATIVE, FIFTY-NINTH DISTRICT
 OSAGE AND NORTH LYON COUNTIES
 R.R. 1, BOX 166
 CARBONDALE, KANSAS 66414
 (913) 665-7740



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ELECTIONS
 INSURANCE
 PENSIONS, INVESTMENTS AND
 BENEFITS

TESTIMONY ON HB2876

Thank you Mr. Chairman, and committee for the opportunity of allowing me to testify on the bills we are hearing today and tomorrow. I also want to thank you Mr. Chairman for giving the attention and the time needed to study these issue in a Sub-committee.

The 1990 Elections brought out many flaws in the statutes relating to the governance of how elections are conducted in the State of Kansas. Most of you should remember the letter of my opponent which was read at the microphone. The following is a quote from that letter, "If we want fair elections, we must have clear laws. I urge you as a House to address this problem this session, so that no candidates will have to face what I and Rep. Wells have faced."

Mr. Chairman, I appreciated very much being selected to serve on the Sub-committee that studied these issues. At those hearings we also received testimony from Rep. Hackler which indicated the need for addressing the statutes on elections. I have also visited with the attorneys who represented both parties in the Fifty-ninth District election lawsuit and advised them of the hearings on these bills. Both agreed to the need for these changes.

This first bill is one that was debated and passed by the Senate last session (SB 98). The Sub-committee recommended that the other bills relating to the same statutes be amended into this one.

The first part of this bill deals with ballot format. Although the contested election did not in particular relate to this, an easier understanding for voters in marking their ballots would have resulted if this format would have been in place. One of the problems in our election was the similarity of our last names. With the boxes to mark being place directly beside the name of the candidate, it will be easier for the voter to mark his ballot.

Page 8 of HB2876 addresses the concerns of both myself and my opponent from the lawsuit. Of the 651 ballots that became questionable by the Board of Inspection, most were due to the statute relating to "identifying marks, defaced, mutilated, or torn ballots". By eliminating this section of the statute, such ballots will be counted.

One suggestion to improve the language and to provide assurance against the possibility of voter fraud on recommendation from the Secretary of States office, we may want to add that a voter cannot identify his ballot with his/her

name.

I have attached several copies of ballots from the election that were in question due to this statute.

The last change in the statutes is on page 9, which requires a notice to be posted that informs a voter he/she may receive a new ballot if he/she made a mistake. The only suggestion may be to replace the word "booth" with "polling place". In precincts which have paper ballots, this will eliminate the possibility of a voter marking on the notice if it is placed in the booth.

Again, thank you for the attention and time given to these issues and I respectfully request that this bill be recommended favorable for passage.

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HOUSE OF
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 TESTIMONY ON HB2877

COMMITTEE ASSIGNMENTS
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Thank you, Mr. Chairman, for the opportunity to testify on HB2877.

This legislation proposal is a result of the need to clarify the statutes regarding election contests. Currently the law states that any contest of election shall be brought on any one or more of the six grounds listed in KSA 25-1436. But the grounds are not required to be stated in writing with specific facts and circumstances.

This problem created undue time and expense in the contested election, by requiring the judge to determine on his own if there was sufficient evidence (much like a preliminary hearing) to continue with the suit and court action. We all spent almost a whole day trying to determine when the ballots could be opened, according to the current statutes.

When Rep. Hackler came before the Sub-committee, she also stated that there needed to be further clarification as to the grounds for a contest.

HB2877 rectifies the situation by requiring on page one, starting with line 34, that specific facts and circumstances alleged to constitute such grounds are to be stated when an election contest is filed. By requiring this, the judge will better be able to determine if sufficient evidence has been produced to continue with a court hearing.

It is my understanding that in other court filings, grounds for the case have to be stated with particularity.

The other issue addressed in this bill is on page two which requires five "calendar" days for filing the notice of contest.

In Rep. Hackler's situation because there was a delay in the filing of the contest, the Christmas holidays were interrupted with having to get subpoenas, etc. With this requirement of calendar days the latest a contest could be filed is five actual days which would avoid the holiday season.

The final revision of the statute is on page two which once more reflects the need for the grounds to be specifically stated.

Again, thank you, and I respectfully urge the committee to recommend favorable passage for HB2877.

Senate Elections
 March 30, 1992
 Attachment 3



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TESTIMONY ON HB2880

Thank you, Mr. Chairman, for the opportunity to testify on HB2880.

A similiar bill as HB2880 passed out of this committee last year.

It simply allows voters who have a name change to vote after giving an affadavit stating the facts relevant to the change in their name.

In the election contest at least two voter's ballots were challenged because of a name change. One additional voter told me personally she was not even allowed to vote at the polls.

This bill will help ensure that there is no discrimination especially to women in voting when they have had a name change.

I encourage the committee to pass this bill favorably.