

MINUTES OF THE SENATE ELECTIONS, APPORTIONMENT & GOVERNMENTAL STANDARDS COMMITTEE.

The meeting was called to order by Chairperson Sen. Janice Hardenburger at 1:30 p.m. on January 26, 1995 in Room 529-S of the Capitol

All members were present except: Senator Brady, Excused and Senator Martin, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Stacey Soldan, Committee Secretary

Conferees appearing before the committee: Elizabeth Ensley, Shawnee County Election Commission
Brad Bryant, Secretary of State's Office
Joan Davison, Rice County Clerk

Others attending: See attached list

Senator Hardenburger requested any new bills to be introduced. Mr. Brad Avery requested a bill previously introduced last session (**SB 593**). It allowed state classified employees to run for elected office on a statewide basis without first having to resign their job. Last year it was passed in its original version by the Senate and was amended in the House, and then went to conference committee, but was not enacted into law. Discussion followed as to the Hatch Act, as it applies to elections involving federal employees.

Senator Mark Parkinson made a motion to introduce this bill. The motion was seconded by Senator Clark. The motion carried.

SB 89: Relating to elections; concerning the order of names of candidates upon the ballot

Elizabeth Ensley, Shawnee County Election Commissioner, appeared before the committee and testified on **SB 89**. (Attachment 1) She stated that she was appearing on behalf of County Clerks. She testified that county clerks feel that the elimination of rotation would be of great benefit to the state. She briefly discussed the county clerks association's concern of position of names on the ballot and she suggested there is no evidence to prove one way or another that name position makes a difference for whom people vote. Discussion followed that if it could not be proved one way or another that it should go in the direction of continuing rotation.

Joan Davison, President; County Clerks Association, Rice County Clerk, appeared before the committee to testify on **SB 89**. She testified, according to the county clerks, that how the name is positioned on the ballots does not make a difference.

Brad Bryant, Secretary of State's Office, appeared before the committee to testify on **SB 89**. (Attachment 2) He stated the Secretary of State's office had, in 1993, submitted a bill that would institute a system where the secretary of State would determine the alphabetical order of candidates for each election cycle by drawing letters out of a container. He also discussed the cost savings of and the additional duties of, county election officers. Passage of this bill would remove one costly administrative burden and allow them to concentrate on additional duties assigned to them.

Beverly Ewing, Doniphan County Clerk, made brief statements about how costly rotating the names on ballots are to very small counties. She would like to modernize her county and this would be an area that could be deleted. She strongly urged the committee to pass **SB 89**.

The hearing on **SB 89** was closed.

The minutes were approved from January 24, 1995, Committee Meeting.

The meeting adjourned at 2:00 p.m.

The next meeting is scheduled for January 31, 1995.

SENATE ELECTIONS, CONGRESSIONAL &
 LEGISLATIVE APPORTIONMENT AND
 GOVERNMENTAL STANDARDS COMMITTEE GUEST
 LIST

DATE: January 26, 1995

NAME	REPRESENTING
Bunchy Kuning	Doniphan Co Clerk
Joan Harrison	Rice Co Clerk
Brend Boyhart	Sec. of state
Grand Jury	SEAK
Calleen Attyner	Sen. Judiciary
Curt Welleney	RCGSC
Charlie Smithson	RCGSC



Shawnee County Commissioner of Elections

Elizabeth Ensley
Election Commissioner
Norine Staab
Asst. Election Commissioner

911 S.W. 37th, Suite A
Topeka, Kansas 66611-2378
(913) 266-0285

DATE: January 26, 1995

TO: The Honorable Janice Hardenburger, Chairman and
Committee Members of the Elections, Congressional and
Legislative Apportionment and Governmental Standards

FROM: Elizabeth Ensley, Elections Committee Chairman
Kansas County Clerks' Association *EE*

RE: SB 89 - ELIMINATION OF ROTATION

Thank you for the introduction of SB No. 89.

The County Clerks Association believe that when voters speak,
they mean what they say.

VOTERS DON'T VOTE on candidates and issues that they are not
familiar with or are undecided on. Hard data shows that 98%
of the voters may vote for Governor at the top of the ballot
and 96% will vote on the county-wide sales tax question at
the bottom of the ballot but a substantial number will not
vote on a less publicized office in the middle of the ballot.

YES WOULD ALWAYS WIN if a significant number of voters only
voted on the top position of the ballot.

ROTATION IS UNEVENLY DISTRIBUTED in many small races.

COST IS SIGNIFICANT in labor as well as printing.

HIGH CHANCE OF PRINTER ERROR every time a name changes
position on the ballot.

INCREASES CHANCE OF GIVING THE WRONG BALLOT to the voter.

SB 89 STANDARDIZES the method used to figure rotation among
County Clerks.

SB 89 BENEFITS CANDIDATES by letting them know in advance
their position on the ballot which can be worked into
campaign material. Voters can be told where to look for a
name.

In general, the elimination of rotation will allow for the
more efficient use of office staff and better use of
taxpayers' money.

*Senate Elections
1-26-95
Attachment 1*

LOCAL OFFICE

PRECINCTS	# REGISTERED VOTERS	ORDER OF CANDIDATES
Alpha	142	Brown first
	}	
	246	Jones second
Bravo	104	Smith third
Charlie	907	Jones first
	}	
	907	Smith second
	}	
		Brown third
Delta	225	Smith first
	}	
	422	Brown second
Echo	197	Jones third
	}	
	=	
	=	
	1,575	

Three candidates - goal would average 525

Senate Elections
1-26-95
Attachment 1-2

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS
**Senate Committee on Elections,
Congressional and Legislative Apportionment and
Governmental Standards**

Testimony on S.B. 89

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January 26, 1995

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of Senate Bill 89. This bill, which would eliminate the statutory requirement that candidates' names be rotated on ballots, is similar to a bill proposed by the Secretary of State in 1993. Instead of ballot rotation, this bill would institute a system where the Secretary of State determines the alphabetical order of candidates for each election cycle by drawing letters out of a container.

The purpose of the bill is to save money for county governments, who bear nearly all the costs of rotating ballots. Based on a survey of county election officers, we estimate this bill will save \$117,234 each statewide primary and general election.

In recent years, county election officers have been assigned additional duties in the conduct of elections, and they have accepted and performed those duties responsibly. Senate Bill 89 will remove one costly administrative burden from their elections-related duties and allow them to concentrate on other important duties in administering our system of fair elections.

Kansas is one of only twenty states that maintain systems of ballot rotation. We know of no reliable studies that prove that rotating candidates' names is fairer than not rotating them. We know of no statistics that convince us that a candidate has a distinct advantage if his/her name is at the top of the list of candidates on the ballots throughout the district.

Our office supports this legislation, as it did in 1993, and we urge the committee to recommend Senate Bill 89 for passage. Thank you.

Corporations (913) 296-4564
FAX (913) 296-4570

Elections (913) 296-4561
Administration (913) 296-2236
FAX (913) 291-3051

UCC (913) 296-3650
FAX (913) 296-3659

Senate Elections
Attachment 2
1-26-95