

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL AND LEGISLATIVE
APPORTIONMENT & GOVERNMENTAL STANDARDS

The meeting was called to order by Chairperson Sen. Janice Hardenburger at 1:30 p.m. on January 31, 1995
in Room 529-S of the Capitol.

All members were present except: Senator Bill Wisdom, Excused

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

Conferees appearing before the committee: Jim Edwards, Kansas Chamber of Commerce and Industry
Brad Bryant, Secretary of State's Office
Carol Williams, Kansas Commission on Governmental
Standards and Conduct
Gerry Ray, Johnson County Board of Commissioners

Senator Hardenburger requested approval of the committee minutes from January 26, 1995.

Senator Bond made the motion and was seconded by Senator Ranson. The motion carried.

Senator Hardenburger requested any new bills to be introduced; there were none.

SB 91: Relating to elections; concerning absentee voting

Jim Edwards, KCCI, appeared before the committee to testify on **SB 91**. He testified that KCCI (attachment 1) supported the concepts of **SB 91**, a bill that would provide for any excuse absentee voting. He briefly discussed voting lines and the working peoples' difficulty in making it to the ballot boxes, referencing the 1992 election.

Brad Bryant, Secretary of State's Office, appeared before the committee to testify on **SB 91**. (attachment 2) He gave a brief overview of the bill. He said it would expand voting opportunities and it is anticipated to alleviate crowding at polling places that have previously experienced this problem. He stated that the principal purpose of this bill is to expand voting opportunities, a nationwide trend. There was discussion about whether this will address the post audit report on absentee voting, on how early the polls would actually be open and topic of this being an unfunded mandate was also discussed. Brad Bryant expressed Elgia Stevenson's, Johnson County Election Commissioner, support of this bill. Further discussion centered around mailing and the cost, about how much absentee voting takes place and early voting. Also, whether election of precinct people could be included in absentee voting. Finally, there was discussion on how many people were on permanent absentee ballot status.

Gerry Ray, Johnson County Commission, appeared before the committee to testify on **SB 91**. (attachment 3) She stated this was a legislative priority for Johnson County and they were very supportive of this bill. She also stated that they were also supportive of Sen. Bond's recommendation to include absentee voting for precinct committee men and precinct committee women.

Hearings were closed on **SB 91**.

SB 92: Relating to state governmental ethics; concerning gifts to state officers and employees, candidates for state office and state officers elect

Carol Williams, appeared before the committee to testify on **SB 92**. (attachment 4) She briefly explained that this bill would define "state office elect" as an individual who has been elected to a state office but not yet taken the oath of office. That position would be placed under the ethics laws. Sen. Clark questioned whether it would include someone who was elected by a party convention but appointed by the Governor. It was recommended to include these type of situations in the language of the bill. Discussion followed as to whether this has previously been a problem.

Ron Smith, Kansas Bar Association, appeared before the committee to address SB 92. He briefly discussed the definition of a gift. He stated informational materials not be considered as gifts. He was requested by Senator Bond to provide the committee with the amendatory language.

The hearing on SB 92 was closed.

Senator Ranson requested a revisor or research person to answer questions concerning the advance voting deadlines and its implications on SB 91. Sen. Bond also requested language to include voting by absentee ballot for precinct people in SB 91.

The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for February 2, 1995.

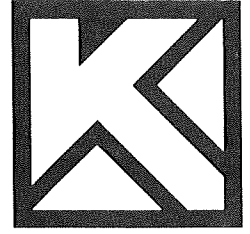
SENATE ELECTIONS, CONGRESSIONAL &
LEGISLATIVE APPORTIONMENT AND
GOVERNMENTAL STANDARDS COMMITTEE GUEST
LIST

DATE: January 31, 1995

NAME	REPRESENTING
DEBRA UELIS	COMMON CAUSE
Brad Bryant	Sec. of State
Jim Edwards	KCCI
Carol Williams	KCGSC
Gerry Ray	Johnson Co. Commission

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



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SB 91

January 31, 1995

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

Senate Elections, Congressional & Legislative Apportionment and Governmental Standards Committee

by

Jim Edwards

Director, Chamber and Association Relations

Madam Chair and members of the Committee:

I am pleased to appear before you today to express KCCI's support for the concepts of SB 91, a bill that would provide for any excuse absentee voting.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

After the long voting lines of 1992 that were experienced in many counties, KCCI's Public Affairs Committee reviewed the issue and adopted a policy that supported responsible voting reforms which make voting more accommodating to the citizens of Kansas while retaining the integrity of the voting process. SB 91 is a bill which would do this by providing voters the

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attachment 1
1.31.95

portunity to vote absentee as a matter of convenience. SB 91 also appears to have the safeguards needed to protect the voting process.

Thank you for the opportunity to present this testimony. I would be pleased to answer any questions you might have for me.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS

Senate Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards

Testimony on S.B. 91

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

January 31, 1995

Madam Chair and Members of the Committee:

Thank you for the committee's consideration of Senate Bill 91, which we call the no-excuse absentee voting bill. This bill was proposed by the office of the Secretary of State, and we urge the committee to recommend it favorably for passage.

Senate Bill 91 will expand absentee voting opportunities. It will make absentee voting easier for all voters and allow voting by some who have been unable to exercise their right to vote under current law. In addition to the expansion of voting opportunities, the bill is anticipated to alleviate crowding at the polling places on election day in counties that have experienced that problem. This expansion of voting opportunities can be accomplished within the current absentee voting system without creating confusing and cumbersome new procedures.

The key provisions of the bill are:

(1) Any registered voter may opt to vote by absentee ballot without being required to specify a reason. Current law limits absentee voting to those who declare they will be absent on election day or who have a sickness, physical disability or religious objection that keeps them from voting at the regular polling places.

(2) The three traditional methods of delivery of absentee ballots are maintained:

- by mail--the deadline for applications is the Friday before the election, the same as under current law;

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
1-31-95

- in person--the deadline for applications is noon on the Monday before the election, the same as under current law; and
- by another voter on behalf of an absentee voter--no deadline for applications is specified, but voted ballots must be delivered by the close of the polls on election day.

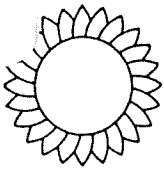
(3) Absentee ballots cast in person by the absentee voter in the office of the county election officer may be cast without being first enclosed in an absentee ballot envelope. This saves the cost of envelopes and saves the time and cost of opening envelopes during the canvass of votes. It maintains the security of ballots, however, because signatures of absentee voters are obtained on poll books and applications for ballots.

(4) Absentee voters will be able to request and receive replacement ballots if their original ballots are lost, destroyed or not delivered. Current law does not provide for this, but it does provide for replacement ballots at the regular polling places and in mail ballot elections.

Any printing, postage and other administrative costs resulting from this legislation will be absorbed by county election offices as part of their existing absentee ballot costs.

The concept of no-excuse absentee voting has been discussed among Kansas election officials for several years. It is true that some counties' need for this legislation is less urgent than others because they don't experience as much crowding at the polls on election day, but they generally do not oppose it because it does expand voting opportunities. It is a provision that has been adopted by other states, and we propose that Kansas do the same.

Thank you.



JANUARY 31, 1995

SENATE ELECTIONS COMMITTEE

HEARING ON SENATE BILL 91

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL COORDINATOR
JOHNSON COUNTY BOARD OF COMMISSIONERS

The Johnson County Board of Commissioners and the Election Commissioner support SB 91 because it provides a means to reduce the volume of voters at the polls and thus cut down on the time people must wait to vote. Further, it offers voters the convenience of casting their ballot prior to election day for any reason, rather than limiting the reasons to being out of town or disabled in order to cast an absentee ballot.

This issue was one of Johnson County's top priorities in 1994. Unfortunately the bill was significantly amended and the conference committee did not reach a consensus. The Commissioners felt it was such an important issue for the County, that they made it one of their priority items again in 1995. The proposal allows the county to provide better service and enhanced voting convenience to the citizens.

The Commission requests that the Committee consider adding the precinct people to the absentee ballot. In that way the people using this option will have the same voting opportunities as those casting their ballots at the polls.

Johnson County sincerely hopes SB 91 can be adopted this session so that the election office will have time to develop a process to offer this option in the 1996 presidential election.

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KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Testimony before Senate Committee on Elections, Congressional and
Legislative Apportionment and Governmental Standards
Senate Bill 92
By Carol Williams
January 31, 1995

Senate Bill 92, which is before you this afternoon, would amend K.S.A. 46-221, 46-236, and 46-237, which are provisions of the State Governmental Ethics Laws. This bill is a recommendation made by the Kansas Commission on Governmental Standards and Conduct in its 1994 Annual Report and Recommendations.

Under current law, no state officer or employee or candidate for state office can solicit or accept any economic opportunity, gift, loan, gratuity, special discount, favor or service having an aggregate value of \$40 or more in any calendar year from any person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties. The conflict of interests statutes do not define "state officer elect," nor do they prohibit a "state officer elect" from soliciting or accepting gifts, etc.

The Commission believes that once an individual is voted into office on election day, the individual is no longer considered a candidate. An individual does not become a state officer until he or she is sworn into office in January, approximately two months after winning the election. During this transitional period, the state conflict of interests statutes do not apply to this "state officer elect". Therefore, the Commission believes "state officer elect" should be defined in K.S.A. 46-221, the definition section of the statutes. "State officer elect" should also be amended into K.S.A. 46-236, the provision dealing with solicitation of gifts, etc., and into K.S.A. 46-237, the provision dealing with acceptance of gifts, etc. Like state officers and candidates for state office, "state officers elect" should be prohibited from soliciting and/or accepting anything of value from any person known to have a special interest.

The Commission urges your support of SB 92.

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