

Approved: 2-25-97
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on February 13, 1997 in Room 529-S of the Capitol.

All members were present except: Senator Lawrence, excused

Committee staff present: Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Deputy Assistant Secretary of State
Elizabeth Ensley, Shawnee County Elections Commissioner
Anthony Hensley, State Senator, District 19
Rocky Nichols, State Representative, District 58

Others attending: See attached list

Action on **SB 144**

SB 144 **Concerning cities; relating to the payment of the proceeds of fire insurance policies**

A balloon was submitted with the amendments that were recommended at the meeting of 2/12/97.

Senator Steineger made a motion to adopt the amendments. Senator Becker seconded the motion. The motion passed.

Senator Steineger made a motion to amend line 17 of the bill to read "20% of the first \$25,000 and 10% on any amount in excess of \$25,000". Senator Becker seconded the motion. The motion carried.

Senator Steineger moved to pass the bill as amended. Senator Becker seconded the motion. The motion carried.

Chairperson Hardenburger opened the hearing on **SB 145**.

SB 145 **Concerning elections; relating to advance voting**

Brad Bryant appeared before the committee in support of the bill. He testified that this bill would improve the advance voting system adopted by the Legislature in 1995. He explained the changes in the bill and recommended an amendment to Section 6 of the bill by inserting the phrase, "or to apply for an advance voting ballot," after the work "election" on page 6, line 40 (Attachment 1). He also included a copy of the application form used in obtaining advance voting ballot. Mr. Bryant concluded by saying that advanced voting needs to be a controlled process.

Committee discussed possible changes in the wording on the application.

Elizabeth Ensley, representing the Kansas County Clerk's Association, appeared before the committee in support of the bill (Attachment 2). She recommended an amendment to Section 4 of the bill that allows advance ballots to be delivered to the polling place. She submitted statements from several County Clerks and Election Commissioners in support of the bill and supporting the same changes recommended for Section 4. She urged the committee to report the bill favorably without ballots being delivered to the precinct.

Senator Hensley appeared as an opponent of the bill. He took up specific issues with Section 3 of the bill. He testified that during the past election year, the Shawnee County Democratic Party had advance voting application forms pre-printed and addressed to a post office box. Volunteers campaigned door-to-door and handed out applications for advance voting ballots to individuals who, otherwise, would not get out and vote.

These applications were picked up and delivered to the Elections Commission with the intent of making voting an easier process. Senator Hensley stated he was providing a very important public service to the voters and there was no intention of manipulation. He further stated that the Secretary of State made some harmful remarks about these actions, and insinuated voter fraud. Senator Hensley defended the efforts of his volunteers.

Representative Rocky Nichols also appeared in opposition of the bill. He stated, "what is the problem with the bill, and why are we trying to fix it?". He said if this bill is passed we are sending a message to the public that somehow voter fraud has occurred. Representative Nichols also defended the efforts of the Shawnee County Democratic Party saying that they targeted areas that typically had very low voter turnout. He testified that they found a great lack of knowledge. Many people did not know how to vote and some who did feel their vote did not count. He concluded by stating there was no violation of law, no improprieties, and no wrong-doing.

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for February 17, 1997.

SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: 2/13/97

NAME	REPRESENTING
Brad Bryant	Sec. of State
Elizabeth Emery	Kalamazoo County Clerks Assoc
Richard Ventrucci	Johnson County Election Office
Gloria Barnhart	Johnston County Election Office
Don Moler	League of KS Municipalities
Michael Byington	Wichita Industries and Services, Inc. Blind
Anne Spiess	Peterson Public Affairs Group

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-4564

STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on SB 145

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

February 13, 1997

Madam Chair and Members of the Committee:

Thank you for your consideration of SB 145. The Secretary of State recommends passage of this bill to improve the advance voting system adopted by the Legislature in 1995. Following is a brief explanation of the bill's provisions.

Section 1 would amend K.S.A. 25-1120 to end the requirement that advance ballots have each candidate's city of residence printed after the name. This could save some county election officers money in allowing them to print one set of ballots to be used for advance voting and also for precinct voting on election day. Regular ballots are not required to have the city printed after each candidate's name except candidates for state offices. This provision would make the ballot format the same for advance ballots as it is for regular ballots.

Section 2 would amend K.S.A. 25-1122 to allow persons applying for advance ballots to fax their applications to the county election officer. Based on the experience in the 1996 election, this would help many advance voters, and most county election officers also favor it. It would not allow the faxing of ballots.

Section 3 would amend K.S.A. 25-1123 to limit the places where advance voters may have their ballots sent. Under current law the advance ballot is sent to the voter's residence address as listed on the county voter registration list or to another address as specified by the voter on the application. Under this legislation the voter would be limited to having the ballot sent to the residence or mailing address on the registration list, to a temporary residential address or to a medical care facility where the voter resides.

The provisions of Section 3 and Section 5 would prevent anyone other than the county election officer or a postal delivery person from delivering ballots to voters. It would prohibit private individuals or groups from distributing ballots and help prevent any delays in voters receiving their ballots.

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

Elections (913) 296-4561
Administration (913) 296-0498
FAX (913) 291-3051

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

SENATE ELECTIONS + LOCAL GOVERNMENT
2-13-97
ATTACHMENT 1

The Legislature has taken two separate actions in the past two sessions to prevent grouping or bundling of ballots by private individuals or groups. Under the former absentee voting laws, persons were allowed to apply for absentee ballots on behalf of other voters. In 1995, the year absentee voting was expanded into advance voting, the law was changed to limit such persons to carrying one on-behalf-of ballot out of the election office to another voter. In 1996 the Legislature amended the laws to prohibit anyone from applying for ballots on behalf of anyone else altogether. These two separate actions during the past two sessions signal that the intent of the Legislature was to allow county election officers control over the advance voting process and to prevent ballot distribution by other individuals or groups. The provisions of Sections 3 and 5 of SB 145 will reinforce that legislative intent.

Section 4 would do two things. First, section 4 would allow any advance voter who had received a ballot before election day to return the ballot to the precinct polling place on election day instead of being required to return it to the county election office. Second, it would amend K.S.A. 25-1124 to allow sick, disabled or illiterate voters who receive assistance in obtaining their ballots to apply for their advance ballots up to and including election day. All other advance ballot applications must be made by noon the day before the election.

Section 5: see Section 3 above.

Section 6 would amend K.S.A. 25-2316c to allow voters who had changed their names or residences to apply for provisional advance ballots. Such voters are qualified to receive provisional ballots at the polls on election day, and this change in the law would apply the same procedure to advance voting.

We recommend a change in Section 6 of the bill by inserting on page 6, line 40, the phrase ", or to apply for an advance voting ballot," after the word "election." This is needed to make subsection (a) of K.S.A. 25-2316c agree with subsection (b), and it was intended to be part of the original bill. Subsection (a) deals with voters' name changes and subsection (b) deals with voters' address changes.

Section 7 would amend K.S.A. 25-3301 to allow an unaffiliated voter to affiliate with a political party and receive an advance ballot in a primary election. Current law allows this at the polls on election day, and this provision would allow it in the context of advance voting.

The experience gained in the 1996 statewide primary and general elections has convinced us that these changes would enhance the advance voting process. Advance voting is a positive and progressive change in Kansas election law, and these enhancements would preserve the security and expand the availability of advance voting.

We recommend the committee report this bill favorably for passage. Thank you.

Application for Advance Voting Ballot

Form
AV1

Affirmation of an Elector of the County of _____, and State of Kansas
Desiring to Vote an Advance Voting Ballot

State of _____
(where application is completed)

County of _____
(where application is completed)

I do solemnly affirm that I am a qualified elector of the precinct listed below, residing at the address listed below in the county of _____, and state of Kansas. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on _____ Date

Mail ballot to:
(Complete if mailing address is different.)

Name	_____	_____
Residence	_____	_____
City/State/Zip	_____	_____
Ward/Pct/Twp	_____	_____
Political Party	_____	
	(Complete only when requesting primary election ballots.)	

Signature of Voter **X** _____

Note: False statement on this affirmation is a severity level 9, nonperson felony.

For office use:

Date App. Rec'd. _____

Ballot Mailed _____

Voted in Office _____

Transmitted by _____

KANSAS COUNTY CLERK'S ASSOCIATION

Rosalie Seemann
President
Thomas County

Linda Scheer
Vice President
Leavenworth Co.

Don Proffitt
Secretary
Linn County

Jolene Walker
Treasurer
Mitchell County

DATE: February 13, 1996
TO: Committee on Elections and Local Government
FROM: The Kansas County Clerk's Association

Thank you for allowing me to speak on **Senate Bill 145**. I am Elizabeth Ensley, the registered lobbyist for the Kansas County Clerk's Association and I am the Shawnee County Election Commissioner. SB 145 is important because it accomplishes the following:

COLLEGE STUDENTS ARE ENCOURAGED TO VOTE by allowing a faxed application for advance voting. The ballot envelope still requires an original signature.

BALLOTS ARE DISTRIBUTED IN A SAFE AND TIMELY MANNER by requiring ballots to be sent directly to the voter.

VOTERS IN HOSPITALS ARE PROVIDED FOR by allowing sick or disabled voters to apply for ballots through election day.

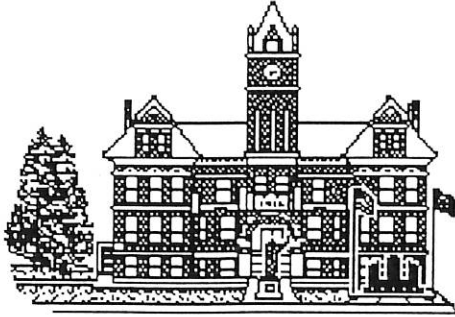
THE STATUTES ARE CLARIFIED concerning provisional advance voting and declaration of a party affiliation when voting in advance.

SECTION 4 CONTAINS ONE AREA OF CONCERN for election officials. Advance voting ballots are allowed to be transmitted to the precinct polling place. This could delay the counting of votes and increase the risk of having a ballot counted twice.

Recent efforts have been made to streamline and simplify the forms and instructions used by the board workers at the voting place in an attempt to minimize confusion and mistakes. If additional clarification is necessary, we would like to recommend further instruction on the proper way to handle a voter who requested an advance ballot but decides to vote at the precinct instead.

THE KANSAS COUNTY CLERK'S ASSOCIATION URGES THE FAVORABLE PASSAGE OF SB 145 without ballots being delivered to the precinct. **Thank you.**

KCCA ELECTIONS COMMITTEE: Chairman Libby Ensley - Shawnee Co., Patty Jaimes - Douglas Co., Alberta Klaus - Ellis Co., Connie Schmidt - Johnson Co., Inge Luntsford - Kingman Co., Doris White - Lincoln Co., Karen Hartenbower - Lyon Co., Clara Strutt - Rooks Co., Linda Bott - Rush Co., Marilyn Chapman - Sedgwick Co., Maurine Burns - Wilson Co., Pat Rahija - Wyandotte Co.



ROSALIE SEEMANN
THOMAS COUNTY CLERK
300 N. COURT
COLBY, KS. 67701

February 11, 1997

Elizabeth Ensley
Shawnee County Election Commissioner
911 SW 37th St
Topeka, KS 66611
Fax 913-266-0285

Dear Libby:

Thank you for agreeing to represent the County Clerk's Association in testifying on SB 145.

When advance voting became law, we in Northwest Kansas discussed the possibility of fraud, even though most could be found out before canvass day. We certainly need this corrected and corrected soon.

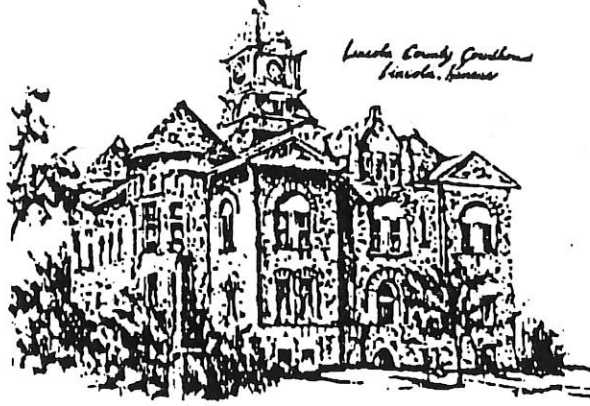
Section 4 of SB 145 states the advance ballot states an advance ballot may be taken to the polls on election day, WE DO NOT WANT THIS.

Should you need more assistance, please let me know.

Sincerely,

Rosalie Seemann
Thomas County Clerk
Pres. KCCA

LINCOLN COUNTY
POST ROCK CAPITAL
OF KANSAS



OFFICE OF
COUNTY CLERK
216 EAST LINCOLN
LINCOLN, KANSAS
67455-2053

February 12, 1997

Libby Ensley
911 SW 37th St.
Topeka, Ks 66611

Dear Libby:

I favor the passage of Senate Bill 145 with the exception of the added provision, "or to the precinct polling place before the close of the polls on election day" in Section 4 (a) of the bill.

In my opinion Section 4 (a) does not provide any benefit to the voter that is not already in place. County election officers have a procedure for election workers to follow when handling advance ballots at the precinct polling place on election day. As revised, Section 4(a) is; (1) vague, (2) needs clarification as to implementation and (3) may provide an opportunity for the voter to vote more than one time.

Doris White
Lincoln County Clerk/County Election Officer

Marshall County, Kansas

1201 Broadway
Marysville, Kansas 66508

Gayle Landoll
County Clerk

Phone (913) 562-5361
Fax (913) 562-5262

February 11, 1997

Senator Janice Hardenburger
Chairperson, Elections and Local Government Committee
State Capitol, Room 143-N
Topeka, KS 66612

Re: Senate Bill 145

Dear Senator Hardenburger:

As a follow up to our phone conversation on February 3rd, I would like to ask your support of Senate Bill 145, and respectfully request that you consider two changes.

(1) On page 5, section 4, lines 25 and 26 state that the advance ballots may be returned to the county election officer or to the precinct polling place. This would be a problem as all advance ballots are treated as one precinct and counted at the county election office. Historically, advance ballots have been the first ones counted, but in this case would need to be counted last to be sure that all were returned from the various polling places.

(2) On page 9, section 9, lines 27 and 28 state this act shall take effect after its publication in the statute book. Could this be changed to make it effective upon publication in the Kansas Register and then hopefully the changes would be in effect for the April 1st general election.

One of the major improvements of this bill is that it corrects the problem of someone who gets ill after noon the day before the election losing their right to vote unless they were able to physically go to the polling place. This bill also would allow a signed advance ballot application to be faxed, thereby allowing us to help those "last minute" voters. Thank you for addressing these problem areas.

If you have questions of me, or if I can be of help to you, please do not hesitate to call.

Sincerely,



Gayle Landoll
Marshall County Clerk and
Election Officer

cc: Elizabeth Ensley, Chairperson
KCCA Elections Committee



Johnson County
Kansas

**TESTIMONY BEFORE SENATE COMMITTEE ON ELECTIONS
AND LOCAL GOVERNMENT**

Submitted by Connie Schmidt, Johnson County Election Commissioner

Thursday, February 13, 1997

Thank you for the opportunity to speak regarding Senate Bill 145. On behalf of the Johnson County Election Office, I express support of the proposed amendments included in Senate Bill 145, with one exception.

Section 4 amends K.S.A. 25-1124(a) by adding the wording, "or to the precinct polling place before the close of the polls on election day", whereas the current statute requires the advance ballot envelope to be "mailed or otherwise transmitted to the county election officer." During the November 5, 1996 election, the Johnson County Election Office processed 72,876 applications for advance ballots, representing 58,462 advance mail ballots, and 14,414 in person advance ballots. The advance mail ballots were either mailed or hand delivered to the Election Office before 7 p.m. on Election Day. This allowed for the timely processing of the advance votes, with final unofficial election results available shortly before 9:30 p.m.

As you know, advance voting was extremely popular in Johnson County, where over 35% of the total votes were cast in advance. We project that this percentage will continue to increase in future elections.

Under the proposed amendment, voters would be allowed to deposit ballots at any of our 318 polling locations on Election Day. The worst case scenario could mean over 50,000 ballots deposited at various polling places on Election Day. Faced with the task of receiving this quantity of ballots from various locations around the County after the polls are closed, we are convinced that it will impact the timely reporting of our election results.

The current statute gives us the ability to maintain ballot security and accountability at one controlled location, culminating in the timely reporting of election results on Election Day.

For this reason, we are opposed to the proposed changes in Section 4(a) of Senate Bill 145.

Thank you.



Johnson County
Kansas

**TESTIMONY BEFORE SENATE COMMITTEE ON ELECTIONS
AND LOCAL GOVERNMENT**

Submitted by Connie Schmidt, Johnson County Election Commissioner

Thursday, February 13, 1997

Thank you for the opportunity to present comments regarding Senate Bill 145, Section 3. On behalf of the Johnson County Election Office, I express support of this proposed amendment to K.S.A. 25-1123.

As the popularity of advance voting continues to increase, additional guidelines limiting accessibility to a voter's ballot are welcome.

The proposed amendment detailed in Section 3 of Senate Bill 145 provides needed safeguards to assure the security and timely delivery of the advance voting ballot to the voter.

For this reason, we express support of Section 3 of Senate Bill 145.

Thank you.

RECEIVED
SHAWNEE COUNTY
ELECTION OFFICE

1997 FEB 13 A 11: 24

February 12, 1997

Libby Ensley
Shawnee Election Commissioner
911 SW 37th St
Topeka, Ks 66611

Re: Senate Bill 145

Dear Libby,

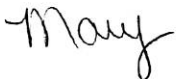
I'm writing to you in regards to the above referenced Senate Bill.

I have a real problem with the clause being added to Sec. 4, K.S.A. 1996 Supp. 25-1124, line 25-26. I can foresee us having to dig through supply sacks, or possibly sealed ballot sacks, when the election board should forget what they are to do with the Advanced Voting ballot. Or possibly they will open it up and count it at the polls that night. No matter how much training you do, there is always some confusion on something. All Advanced Voting ballots need to be returned to the County Election Office before the close of the polls on election day. Also, at the larger elections, your advanced voting board could get done, and then they would need to wait for the precincts to come in to count an advanced ballot.

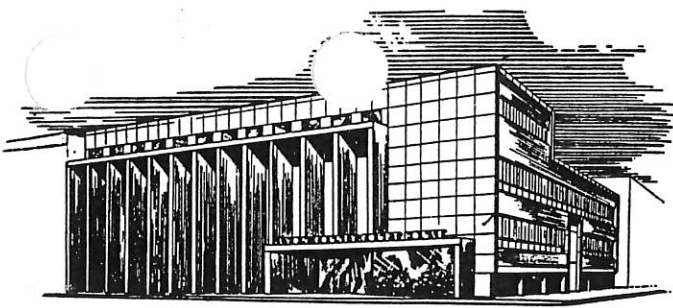
You also discussed at the meeting in Topeka about the advanced voting ballots going to one PO Box. I would strongly discourage this, as we have no idea what is really being done with them. Everyone should handle their own ballots and be responsible for getting and returning them.

Thank you.

Sincerely,



Mary Arganbright
Lawrence County Clerk
County Clerk



LYON COUNTY CLERK

SHAWNEE COUNTY
ELECTIONS
KAREN K. HARTENBOWER

LYON COUNTY COURTHOUSE
1997 FEB 13 402 COMMERCIAL
EMPORIA, KANSAS 66801-4000
(316) 342-4950, Ext. 245

Elizabeth Ensley
Shawnee County Election Commissioner
911 S.W. 37th, Suite A
Topeka, Kansas 66611-2378

February 11, 1997

Dear Libby:

Please share my support for Senate Bill 145 with the Senate Election Committee. The changes will be helpful in our position of directing elections. I have remarks concerning several sections as follows:

Section 2. (a) concerning faxed application with signature: We faxed applications to voters in the November 6, 1996 Election. It would have been helpful, quicker, and less expensive for the voter to fax back the completed application. Some voters waited until the last minute to do things. We had several voters who had their ballots delivered by overnight mail at a cost of over \$10. each. They would have had a little more time if they could have faxed their completed application back to us.

Section 3. (a-b-c) concerning where ballots are sent: We need clarification on where ballots may be sent. We do not want ballots going to a P.O. Box, a PAC group, a political group or any other place where there is a chance of voter fraud.

Section 4. (c) concerning election day application of advance ballots for sick and disabled. We had one person go to the hospital the evening before the November 6, 1996 Election and one go in the morning of Election Day. Both wanted to vote but neither could. They had planned to vote at the polls on Election Day. Because of unforeseen events they were unable to vote at all. They were both very unhappy with me.

There is one section that I do not support as follows:

Section 4. (a) concerning returning advance ballots to the polling place. This leaves the results open to fraud. It will slow down results and a voted ballot may be voted and not turned in. I can see all sorts of problems with the ballots not returned to the Election Office. I feel this would also cause confusion.

I am proud of the integrity of Kansas elections. I don't want to see us have the problems that other states have. Please consider my remarks.

Sincerely,

Karen K. Hartenbower
Lyon County Clerk/Election Officer



SEDGWICK COUNTY, KANSAS

Commissioner of Elections

Marilyn K. Chapman

Historic Courthouse • 510 North Main • Wichita, Kansas • Telephone (316) 383-7101 • Fax (316) 383-7388

February 13, 1997

TO: Committee on Elections and Local Government

RE: Senate Bill 145

Thank you for the opportunity to address you on Senate Bill 145. There are several points in this bill on which I would like to comment.

First is that a signed advance ballot application can be transmitted to the election office by FAX. This will be of great benefit not only to students but to the disabled, particularly those who are hospitalized.

Second is for someone who is sick or disabled to be able to have someone one assist them in securing a ballot after the Monday noon deadline. In 1996 we encountered many angry voters who were unaware that they could no longer secure ballots for shut-ins after noon on Monday. Hospitals were particularly affected since often the people whom they are trying to assist have had a sudden event that prevents them from voting as they had planned -- at the voting place. One hospital in Wichita was sued by a patient for whom they could not obtain a ballot.

Under current law ballots are required to be in the possession of the county election officer by the time the polls close. To delay receipt of ballots would mean delaying the results of the election. In large counties where many thousands of advance ballots are issued this sort of delay could very easily require the processing and counting of these ballots to take many hours. I strongly urge you to delete this portion of the bill.