

Approved: 3-17-98
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Janice Hardenburger at 1:30 p.m. on March 11, 1998 in Room 529-S of the Capitol.

All members were present except: Senator Vidricksen

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

Conferee appearing before the committee: Cyndi Beck, Shawnee County Clerk
Libby Ensley, Kansas County Clerk's Election Lobbyist (Written Testimony)

Others attending: See attached list

Chairman Hardenburger opened the hearing on HB 2683 concerning rules and regulations; relating to the rules and regulations filing act.

Dr. William Wolff, Associate Director of the Legislative Research Department, explained HB 2683 to the Committee.

The Committee discussed the temporary rules and regulations as they applied to the changes in the bill.

Chairman Hardenburger closed the hearing on HB 2683.

Senator Petty moved that HB 2683 be passed favorably as recommended, seconded by Senator Becker. Motion Carried.

Chairman Hardenburger opened the hearing on HB 2685 concerning county clerks; relating to the powers and duties thereof.

Representative Neufeld sponsor of the bill explained HB 2685 to the Committee.

Cyndi Beck, Shawnee County Clerk's Association, testified in favor of HB 2685. (Attachment #1)

Written testimony in support of the bill was submitted by clerks of the following counties: Butler, Cowley, Geary, Gray, Lyon, Morton, Miami, Osage, Riley, Washington, Wilson, and Wyandotte. (Attachment #2)

Libby Ensley, Kansas County Clerk's Election Lobbyist submitted written testimony requesting that County Commissioners or Assistant County Commissioners be included in the bill. (Attachment #3)

Chairman Hardenburger closed the hearing on HB 2685.

Senator Lawrence moved that the balloon be amended into HB 2685, seconded by Senator Becker. Motion carried.

The Committee discussed the bonding of County Clerks.

Senator Lawrence moved that HB 2685 be passed out favorably as amended, seconded by Senator Praeger. Motion carried.

Meeting was adjourned at 2:10 p.m.

Next meeting will be at 1:30 p.m. March 11, 1998.



Shawnee County
Office of County Clerk
CYNTHIA A. BECK

233-8200
Ext. 4155 Main
Ext. 4159 Accounting

Courthouse - Room 107
Topeka, Kansas 66603-3963

Date: March 11, 1998

To: Chairperson Janice Hardenburger
Vice-Chairperson Rich Becker
Sen. U.L. "Rip" Gooch, Ranking Minority Member
Members of the Committee

From: Cyndi Beck, Shawnee County Clerk
Legislative Chairperson, Kansas County Clerk's Association

Re: HB 2685

The Kansas County Clerk's Association fully supports House Bill 2685 and amendments. I have supplied you with copies of letters of support from Clerks across Kansas.

All Clerks are faced with requests to notarize a wide variety of documents. It has been a natural assumption for many years that the County Clerk can notarize under the seal of the County. The passage of this bill would end any speculation as to whether or not this practice is allowed under statute.

Another basis for support is from the financial aspect. In these days of tax lids and strapped budgets, the thought of spending another \$60 (\$50 notarial fee, \$10 for bond) to become a notary is not welcomed by any County Clerk.

We ask your support through this Committee and further support when voting before the full Senate.

Thank you.

Elec. & Local Gov.
Date: 3-11-98
Attachment: #1



FEBRUARY 10, 1998

HONORABLE KENT GLASSCOCK
 CHAIRMAN GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE
 STATE HOUSE
 300 S.W. 10TH AVE. ROOM 183 W.
 TOPEKA, KS. 66603-3963

HONORABLE KENT GLASSCOCK,

RE: HOUSE BILL NO. 2685- REQUIRES COUNTY CLERK TO BE NOTARY PUBLIC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

SECTION 1. K.S.A. 19-304 (B) THE COUNTY CLERK SHALL HAVE THE
 GENERAL POWERS OF A NOTARY PUBLIC IN THE PERFORMANCE OF ALL
 NOTARIAL ACTS.

SECTION 1. K.S.A. 53-504 (A) IS HEREBY AMENDED TO READ AS FOLLOWS:
 (3) A COUNTY CLERK OR DEPUTY COUNTY CLERK.

I FULLY LEND MY SUPPORT ON THIS HOUSE BILL NO. 2685 CONCERNING
 COUNTY CLERKS. ON MANY OCCASIONS AS THE COUNTY CLERK FOR BUTLER
 COUNTY, KANSAS, I HAVE FOUND MYSELF IN THE POSITION OF NEEDING TO
 PERFORM A NOTARIAL ACT AND NOT HAVING THE ABILITY OR THE POWER TO
 DO SO. THUS CAUSING MY CUSTOMER ADDITIONAL TIME WAITING FOR ME TO
 FIND SOMEONE IN THE OFFICE TO NOTARIZE THE PAPERWORK. WE STRIVE IN
 THE COUNTY CLERKS OFFICE TO PROVIDE EXCELLENT CUSTOMER SERVICE.
 ENACTING THIS BILL WOULD ENABLE US TO TAKE ANOTHER STEP FORWARD.

SINCERELY,

MARY K. HULL
 BUTLER COUNTY CLERK

Elec. & Local Gov.
Date: 3-11-98
Attachment: #2

Mary K. Hull, County Clerk

Joe Gaston, Cowley County Clerk:

Mr. Gaston is in full support of passage of H.B. 2685 with amendments.



REBECCA BOSSEMEYER
GEARY COUNTY CLERK

139 E. 8th St., PO Box 927 / Junction City, KS 66441-0927
PHONE (913) 238-3912 • FAX (913) 238-5419

February 9, 1998

Dear Members of the Governmental Organization and Election Committee:

This letter is in support of IIB 2685. It will allow County Clerks to provide an additional service to the citizens of Kansas.

There are documents filed in our office that statutorily require a notary (such as filing documents for precinct people). This legislation would make the requirement easier to carry out.

Please report HB 2685 favorably.

Sincerely,

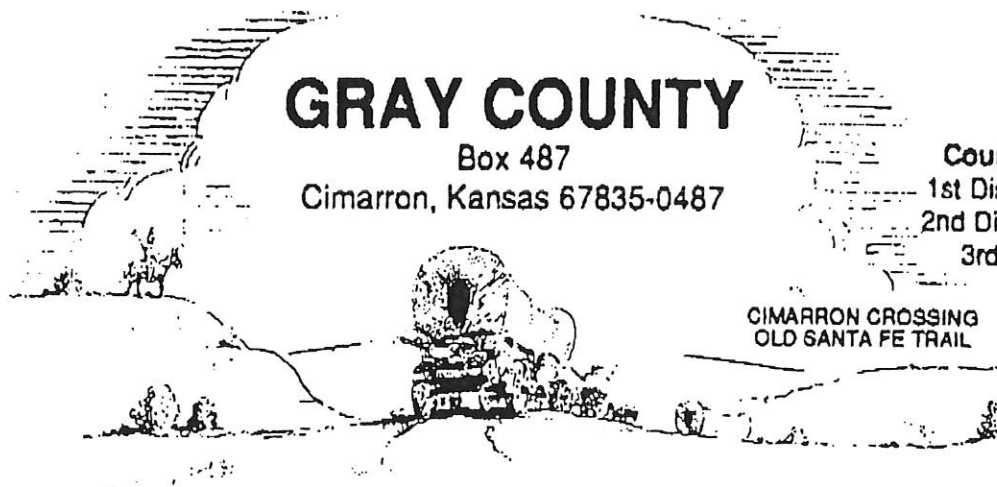
Rebecca Bossemeyer
Geary County Clerk
Vice Chair Legislative Committee. County Clerk's Association

County Clerk
Bonnie Swartz
316-855-3618

GRAY COUNTY

Box 487
Cimarron, Kansas 67835-0487

County Commissioners
1st Dist: Stephen J. Irsik, Jr.
2nd Dist: W. Wiley McFarland
3rd Dist: Riley Winkler



CIMARRON CROSSING
OLD SANTA FE TRAIL

January 29, 1998

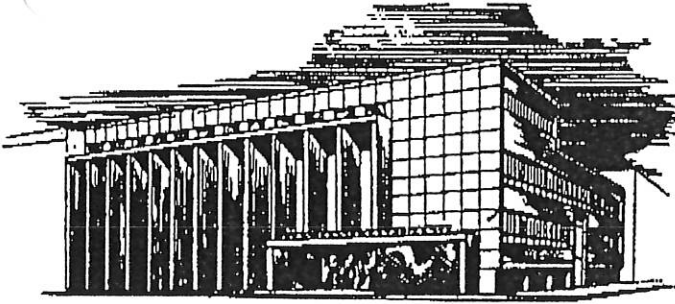
Re: House Bill No. 2685

This is a letter in support of the changes to HB 2685 making the statues clear that the County Clerk shall have the general powers of a notary public.

This will address concerns the Secretary of State and the Kansas County Clerk's Association had concerning interpretation of current statues on duties of the County Clerk.

Yours truly,

Bonnie Swartz
Gray County Clerk



LYON COUNTY CLERK

KAREN K. HARTENBOWER

LYON COUNTY COURTHOUSE

402 COMMERCIAL

EMPORIA, KANSAS 66801-4000

(316) 342-4950, Ext. 245

February 6, 1998

To Whom It May Concern:

I am writing in favor of amending KSA 19-304 concerning Notarial Acts. Section 1 (3) a county clerk or deputy clerk (may notarize a document).

We have a lot of people come into the County Clerk's Office looking for someone to notarize documents. The Motor Vehicle Department only notarizes vehicle titles. District Court only notarizes documents pertaining to their business. The Register of Deeds does not notarize. Some of the people do not have bank accounts and therefor cannot go to a bank to get documents notified.

I feel this would be a service to our county residents that would not cost very much to implement.

Sincerely,

Karen K. Hartenbower
Lyon County Clerk

Office of the County Clerk

MARY C. GILMORE - Morton County Clerk

1025 MORTON
ELKHART, KANSAS 67950
(316) 697-2157 FAX (316) 697-2159

February 4, 1998

Linda A. Scheer, President
Kansas County Clerk's Association
Leavenworth County Clerk
300 Walnut
Leavenworth, KS 66048

Dear Linda:

I am in receipt of HB 2685 and the proposed changes to KSA 19-304 and KSA 53-504.

Please relay to Cindy that I am IN FAVOR OF THE CHANGES -- very much needed changes. I fully support the actions by the Legislative Committee and sincerely appreciate the Committee's efforts.

Sincerely,



Mary C. Gilmore
Morton County Clerk

MCG:hs

Facsimile Cover Sheet

To: Cindy Beck
Company: Shawnee County Clerk
Phone: 785-233-4111
Fax: 785-291-4912

From: Kathy Peckman
Company: Miami County Clerk
Phone: (913) 294-3976
Fax: (913) 294-9515
Email: micoclrk@micoks.net

Date: February 4, 1998
Pages including this cover page: 1

Comments: Re: HB2685

Cindi - I am in support of the information on this bill as provided by KCCA president in fax dated 2-4-98. Miami County has night commission meetings. There is no notary available at that time and it is a big inconvenience to have the commissioners come back into the courthouse on another date to sign any instrument requiring a notary. Please accept my support for HB2685.

2-7

FAX

Date: Wednesday, February 11, 1998

Time: 2:39:09 PM

1 **Pages**

To: Cindy Beck

From: Karen Persinger
Osage County

Fax: 7852914912

Fax: 785-828-4749

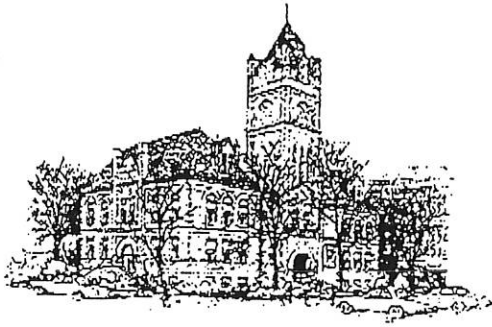
Voice:

Voice: 785-828-4812

Comments:

I feel the revised version of HB 2685 adequately answers any questions concerning a county clerk acting as a notary. Thank you for your work on this matter.

Karen Persinger
Osage County Clerk



Riley County Clerk's Office

110 Courthouse Plaza
Manhattan KS 66502

Rich Vargo, County Clerk

Telephone (785) 537-6300

Fax (785) 537-6394

February 11, 1998

Kent Glasscock
Representative of the 62nd District

Post-it* Fax Note	7671	Date	2-11-98	# of pages	▶
To	Lindy Beck	From	Rich Vargo		
Co./Dept.	Co. Clerk	Co.			
Phone #	Lindy, let me know if	Phone #			
Fax #	this is okay - soon as I hear from you I will send it.	Fax #			

Dear Kent,

I fully support House Bill No. 2685 amending K.S.A. 19-304 and K.S.A. 53-504. House Bill No. 2685 will benefit all 105 counties and be a significant benefit to the smaller counties that have a limited number of employees that are notaries. I feel that on all the documents in which Clerk's attest to County Commissioners signatures that Clerk's are assuming the same responsibilities as a notary. There have been many instances in which other county employees have asked me to notarize documents because they believed County Clerks were notaries. I appreciate your dedication and work for Riley County and the State of Kansas. I would appreciate your support on House Bill No. 2685.

Sincerely a Friend,

Rich Vargo, Riley County Clerk

Phone conversation 2/4/98 from Lou Kern, Washington County Clerk:

I support H.B. 2685 and amendments. I like the clarification this will bring for all County Clerks concerning notarizing documents.

Feb 10, 1998

CYNDI BECK, CHAIRPERSON KCCA LEGISLATIVE COMMITTEE
FAX 785-291-4912

CINDY, I AM NOT SURE WHAT TO SAY OTHER THAN YOU HAVE WILSON COUNTY
CLERK'S SUPPORT IN BACKING HB 2685.

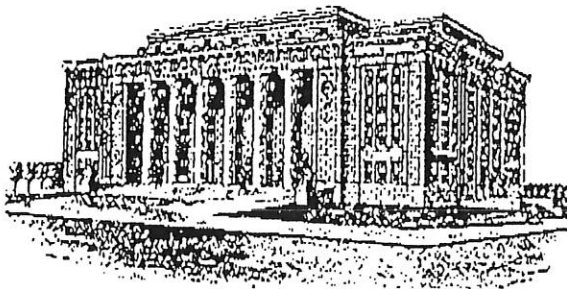
I AM SORRY THAT I CANNOT ATTEND THE HEARING. HOWEVER IF YOU NEED
ANYTHING ELSE PLEASE LET ME KNOW.

SINCERELY .

MAURINE BURNS, WILSON COUNTY CLERK
FAX-=316-378-3841

Maurine Burns

2-11



PHONE (913) 573-2876
FAX (913) 321-0237

OFFICE OF
EDWARD J. MAYFIELD
COUNTY CLERK
WYANDOTTE COUNTY COURT HOUSE
KANSAS CITY, KANSAS 66101

MEMO:

JANUARY 29, 1998

TO: Cyndi Beck, Shawnee County Clerk
Chairperson, KCCA Legislative Committee

FROM: Edward J. Mayfield, Member Legislative Committee

A handwritten signature in dark ink, appearing to be 'EJM', written in a cursive style.

RE: HB 2685

I have reviewed the revised House Bill No. 2685, I am in total support of the revised Bill.

KANSAS COUNTY CLERK'S ASSOCIATION

PRESIDENT
VICE-PRESIDENT
SECRETARY
TREASURER

LINDA SCHEER
DONALD PROFFITT
JOLEEN WALKER
MARY GILMORE

LEAVENWORTH COUNTY
LINN COUNTY
MITCHELL COUNTY
MORTON COUNTY

DATE: MARCH 11, 1998
FROM: LIBBY ENSLEY
KS COUNTY CLERK'S ELECTIONS LOBBYIST
RE: HOUSE BILL 2685

House Bill 2685 is an act concerning the duties of county clerks, the purpose of which is to clarify the use of the powers of notary public in the performance of all notarial acts. The same clarification is necessary for election commissioners who have the same duties as the county clerk in the area of elections.

Although some documents specifically allow an attestation by an election official, many others ask for a notary public or an officer authorized to administer oaths. Such documents include, The Affidavit of Exemption From Filing Receipts And Expenditures Reports, Itemized Statement Of Campaign Receipts & Expenditures (for local office), Affidavit Of Petition For Recall Of Elected Official, Affidavit Of Qualified Elector for Candidate For Kansas Non-Partisan City / School Nomination Petition or Kansas Primary Nomination Petition. Obviously, these are documents which election officials deal with on a regular basis.

Therefore, we would like to request the addition of the line "have the general powers of a notary public in the performance of all notarial acts." to the statutes regarding the duties of the election commissioners and the assistant election commissioners, and the phrase "an election commissioner or assistant election commissioner;" to current Sec. 2 of House Bill 2685.

Thank you for your time and consideration.

Elec. & Local Gov.

Date: 3-11-98

Attachment: # 3

Commissioner of Elections

EXAMPLES

AFFIDAVIT OF EXEMPTION FROM FILING RECEIPTS AND EXPENDITURES REPORTS BY A CANDIDATE FOR SCHOOL/CITY OF THIRD CLASS

IF YOU ANTICIPATE RECEIVING OR EXPENDING \$500 IN THE PRIMARY, EXCLUSIVE OF THE CANDIDATE FILING FEE, OR \$500 IN THE GENERAL ELECTION, THIS FORM MAY NOT BE USED.

Instructions. This form may be used by any candidate for school/city of the third class office who qualifies for the exemption. It must be filed with the County Election Officer prior to February 16, 1997. If a candidate qualifies for this exemption, he or she still must appoint a treasurer or candidate committee and the treasurer must maintain the required records. (K.S.A. 25-904) See reverse for example.

Please print or type

A. Name of Candidate _____
Street Address _____ City _____ Zip Code _____
Home Telephone _____ Business Telephone _____
Office Sought _____ District No. _____

B. Affidavit:

State of Kansas }
County of _____ }

I, _____, do swear (or affirm) that:

1. The information in Item A above is true and correct;
2. I intend to expend, contract to expend or have expended on my behalf an aggregate amount or value of less than five hundred dollars (\$500) in the primary election period; and
3. I intend to receive or have received on my behalf (including amounts contributed by myself) contributions of an aggregate amount or value of less than five hundred dollars (\$500) in the primary election period; and
4. I understand that the payment of my filing fee or the receipt of funds to pay my filing fee is not included in the limitations set forth in paragraphs 2 & 3; and
5. I intend to expend, contract to expend or have expended on my behalf an aggregate amount or value of less than five hundred dollars (\$500) in the general election period; and
6. I intend to receive or have received on my behalf (including amounts contributed by myself) contributions of an aggregate amount or value of less than five hundred dollars (\$500) in the general election period; and
7. If contributions are received or expenditures made (actual or contractual) in excess of any of the amounts set out above, I shall within three (3) days of the date of such excess file all past due Receipts and Expenditures Reports and shall file all such future reports on the dates required by K.S.A. 25-904.

(Date)

(Signature of Candidate)

Subscribed and sworn to (affirmed) before this _____ day of _____, 19____.

(Notary Public)

My Appointment Expires _____, 19____.

(Seal)

- Example 1: Candidate A intends to receive contributions of less than \$500 and make expenditures of less than \$500 in the primary election period. Candidate A does, however, intend to receive contributions in excess of \$500 during the general election period. He also intends to make expenditures (either actual or contractual) of more than \$500 during the general election period. Candidate A cannot properly file the affidavit of exemption. He must file all reports at the times required by K.S.A. 25-904.
- Example 2: Candidate B meets all of the tests for exemption from filing the reports but fails to file the affidavit until after the date the first report for the primary election is due. B must file all reports since the affidavit was not filed in a timely manner.
- Example 3: Candidate C intends to receive contributions and make expenditures of less than \$500 in each the primary and general election; however, the \$500 limit was exceeded during the general election. Candidate C shall within three (3) days of the date of such excess file all past due reports and shall file all such future reports on the dates required by K.S.A. 25-904.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS AFFIDAVIT, PLEASE
CONTACT THE SHAWNEE COUNTY ELECTION OFFICE

911 SW 37th St.
Topeka, KA 66611-2378
(913) 266-0285

Affidavit

STATE OF KANSAS

COUNTY OF _____

} ss.

I, _____, affiant hereto, am a sponsor of this recall petition, the only person that has circulated this copy of the petition, the signatures found hereon were made in my actual presence and to the best of my knowledge the signatures are those of the persons whose names they purport to be. I have circulated this petition in the manner provided by this act, and being duly sworn state the grounds for recall are true.

Sponsor

Subscribed and sworn to before me this _____ day of _____, 19____.

(SEAL)

Notary Public

My appointment expires _____, 19____.

Affidavit of qualified elector or candidate

STATE OF KANSAS

COUNTY OF _____

} ss.

I, _____,

Print Name

(check one):

_____ a qualified elector residing in the appropriate election district,

County of _____, State of Kansas, or

_____ the candidate,

being duly sworn and registered to vote, personally witnessed the signing of this petition by each person whose name appears herein.

Signature of above named circulator

Address of above named circulator

Subscribed and sworn to before me this ____ day of _____, 19 ____.

(SEAL)

Person authorized to administer oaths

My appointment expires _____, 19 ____.

Kansas Non-Partisan City/School Nomination Petition CP

I, the undersigned, an elector of the appropriate election district, county of _____, and State of Kansas, and a duly registered voter, hereby nominate _____, who resides at _____, in the county of _____, and State of Kansas, as a candidate for the regular term; unexpired term for the office of _____, of _____, State of Kansas, at the election to be held in the spring of 19____.

(Number and street or RR)

(City)

(Name office specifically)

(Name of city or school district number)

8-3

	Signature of Signer	Print Name of Signer	Street number or rural route (as registered)	Name of City	Date
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Affidavit of petition circulator

STATE OF KANSAS

COUNTY OF _____



ss.

I, _____

Print Name

Check one::

_____ a qualified elector residing in the appropriate election district,
County of _____, State of Kansas, or

_____ the candidate,

being duly sworn and registered to vote, personally witnessed the signing of this petition by each person whose name appears herein.

Signature of above named circulator

Address of above named circulator

Subscribed and sworn to before me this ____ day of _____, 19 ____.

(SEAL)

Person authorized to administer oaths

My appointment expires _____, 19 ____.

Kansas Primary Nomination Petition Form PP

I, the undersigned, an elector of the appropriate election district, county of _____, State of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____ who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____, State of Kansas, as candidate for the office of _____ to be voted on at the primary election to be held on the first Tuesday in August in 19____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

	Signature of Signer	Name of Signer (Print)	Street number or rural route (as registered)	Name of City	Date
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					