

Approved: 3-3-99  
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on February 23, 1999 in Room 529-S of the Capitol.

All members were present except: Senator Becker

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

Conferees appearing before the committee: Senator Dave Kerr  
Craig Grant, Lobbyist, KNEA  
Connie Stewart, Lobbyist, Kansas AFL-CIO (Written Testimony)

Others attending: See attached list

Chairman Hardenburger requested Senator Huelskamp to give the sub-committee report on **SB 244 concerning elections; relating to petitions.**

Senator Huelskamp explained to the Committee the suggested sub-committee changes to the bill. (Attachment #1)

Senator Lawrence moved to adopt the amendments, seconded by Senator Praeger. Motion carried.

Senator Praeger moved SB 244 be passed out favorably as amended, seconded by Senator Lawrence. Motion carried.

Chairman Hardenburger continued hearing from the sub-committee on **SB 230 concerning election procedures.**

Senator Huelskamp explained to the Committee the sub-committee's suggested amendment to the bill. (Attachment #2)

Chairman Hardenburger presented a letter to the Committee from Senator Stan Clark, regarding one issue not extensively discussed by the sub-committee, regarding elected officials being protected from undue harassment, and continues to choose recall for reason instead of allowing general statements attested to the best of someone's knowledge, which leads to recall on demand. (Attachment #3)

Chairman Hardenburger informed the Committee that amendments to **SB 230** would be further studied by staff and reconsidered tomorrow.

Chairman Hardenburger opened hearing on **SB 288 enacting the voluntary political contribution act of 1999**, and introduced Senator Dave Kerr to the Committee.

Senator Kerr presented testimony in favor of **SB 288**. Senator Kerr said the present practice for certain organizations is to sign up their members for PAC contributions at the same time they sign for membership. (Attachment #4) (Attachment #5) (Attachment #6)

Senator Kerr informed the Committee that organization leadership has the right to spend PAC money as they see fit, but the problem is that the members are not aware that they need not contribute. It is not entirely involuntary contribution process.

CONTINUATION SHEET

Craig Grant, Lobbyist, KNEA, presented testimony in opposition to **SB 288**, advising the Committee that the KNEA membership form is clear that members are not required to contribute to PAC's to retain full membership rights. (Attachment #7)

Chairman Hardenburger presented to the Committee, a letter from Connie Stewart, Lobbyist for Kansas AFL-CIO, in opposition of **SB 288**. (Attachment #8)

Senator Vidricksen moved that **SB 288** be passed out favorably as amended, seconded by Senator Lawrence.

Senator Steineger expressed disapproval to the Committee that the bill did not include all organizations having payroll deduction, instead of just singling out one particular group.

Senator Gooch made an amendment to the bill that all organizations doing payroll deductions be included, not just one organization as mentioned in the bill, seconded by Senator Petty. Motion failed.

Motion for passage of the bill as originally amended, carried.

Meeting was adjourned at 2:30 p.m. Next meeting scheduled for February 24, 1999.



## SENATE BILL No. 244

By Senators Clark, Becker, Bleeker, Gilstrap, Hardenburger, Harrington,  
Hensley, Huelskamp, Jordan, Lee, Petty, Pugh, Steineger and Tyson

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10 AN ACT concerning elections; relating to petitions; amending K.S.A. 25-  
11 3601 and repealing the existing section.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 25-3601 is hereby amended to read as follows: 25-  
15 3601. ~~When under the laws of this state~~ (a) *Subject to the provisions of*  
16 *subsection (b), if* a petition is required or authorized as a part of the  
17 procedure applicable to the state as a whole or any legislative election  
18 district or to any county, city, school district or other municipality, or part  
19 thereof, the provisions of this act shall apply; ~~except as is otherwise spe-~~  
20 ~~cifically provided in the statute providing for such petition.~~ The suffi-  
21 ciency of each signature and the number thereof on any such petition  
22 shall be determined in accordance with the provisions of K.S.A. 25-3601  
23 to 25-3607, inclusive, and amendments thereto, by the county election  
24 officer or such other official as designated in the applicable statute. Before  
25 any petition other than a recall petition as described in K.S.A. 25-4301 *et*  
26 *seq.*, and amendments thereto, requesting an election in any political or  
27 taxing subdivision of the state is circulated, a copy thereof containing the  
28 question to be submitted ~~shall~~ be filed in the office of the county attorney  
29 of the county or district attorney of the district in which all or the greater  
30 portion of the political or taxing subdivision is located for an opinion as  
31 to the legality of the form of such question. The county or district attorney  
32 shall, within five calendar days following the receipt of such question,  
33 shall furnish a written opinion as to the legality of the form of the question  
34 submitted. *If the county or district attorney does not furnish an opinion*  
35 *within such five-day period, the applicable statutory time period for cir-*  
36 *culating a petition shall be extended an additional calendar day for each*  
37 *calendar day of delay by the county or district attorney. If the form of*  
38 *the question submitted is determined to be illegal, the county or district*  
39 *attorney shall assist the parties filing the petition in drafting the question*  
40 *in a form that complies with the applicable laws of this state.* There shall  
41 be a rebuttable presumption that the form of any question approved by  
42 the county or district attorney complies with the requirements of this act.  
43 *[The failure to submit a petition to the county or district attorney for*

[ may

Any person challenging the validity of the form of a question approved by a county or district attorney pursuant to this subsection shall bear the burden of proving that the form of the question is invalid.

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1 review prior to its circulation as required under this section shall not be  
2 the sole grounds for invalidating a petition circulated in accordance with  
3 this act or the results of any election held in accordance therewith or any  
4 other laws of this state.]

5 (b) When any statute makes specific provisions concerning matters  
6 ~~that~~ other statute imposes specific requirements which are different from  
7 the requirements imposed by K.S.A. 25-3601 et seq., and amendments  
i8 thereto also has requirements which are different therefrom, the provi-  
9 sions of the specific statute shall control. The county election officer or  
10 other official with whom the petition is required to be filed in accordance  
11 with the applicable statute shall give to persons requesting information  
12 regarding the filing of petitions a copy of K.S.A. 25-620 and article 36 of  
13 chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

14 Sec. 2. K.S.A. 25-3601 is hereby repealed.

15 Sec. 3. This act shall take effect and be in force from and after its  
16 publication in the statute book.

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## SENATE BILL No. 230

By Committee on Elections and Local Government

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9 AN ACT concerning election procedures; amending K.S.A. 25-306, [25-  
10 321] 25-433, 25-3104, 25-4302, 25-4322 and 25-4324 and K.S.A. 1998  
11 Supp. [25-1122d] 25-2309, 25-2316c and 25-3107 and repealing the  
12 existing sections.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 25-306 is hereby amended to read as follows: 25-  
16 306. No person shall accept more than one nomination for the same  
17 office.

18 Whenever any person shall receive two or more nominations for the  
19 same office at different dates he shall be deemed to have accepted the  
20 nomination first made and to have declined the others, unless within the  
21 time limited for filing certificates of nomination he shall file in the office  
22 where such certificates of nomination are required to be filed a written  
23 statement, signed and sworn to by him, designating which one of such  
24 nominations he desires to accept, and upon the filing thereof he shall be  
25 deemed to have declined the other nominations.

26 Whenever any person shall receive two or more nominations for the  
27 same office on the same date, it shall be his duty, within the time limited  
28 for the filing of certificates of nomination, to file with the officer with  
29 whom the certificates of nomination are filed a written statement, signed  
30 and sworn to by him, designating which one of such nominations he de-  
31 sires to accept, and upon the filing thereof he shall be deemed to have  
32 declined the other nominations; and if he shall refuse or neglect to so file  
33 such an election, the officer with whom the certificates of nomination are  
34 filed shall, immediately upon the expiration of the time for the filing of  
35 certificates of nomination, make and file in his office an election of one  
36 nomination for such candidate. The county election officer shall print  
37 such candidate's name upon the official ballot under the designation so  
38 selected, but under no other designation whatever.

39 All certificates of nomination, when filed, shall be open under proper  
40 regulations to public inspection, and the secretary of state and county  
election officers having charge of such certificates shall preserve the same  
in their respective offices for one year after the election. No filing fee  
shall be refunded to any person withdrawing his candidacy or nomination

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1 under authority of this act. (a) No person may be a candidate for office  
2 for more than one political party in the same election year. No person  
3 may be an independent candidate for office if the person already has filed  
4 as a party candidate or received the nomination for any office by a polit-  
5 ical party in the same election year.

6 (b) When a person is presented with dual nominations or candidacy  
7 filings the person shall be deemed to have accepted the first nomination  
8 or candidacy filing made and to have declined all other such nominations  
9 or candidacy filings unless the person shall file in the office where such  
10 filings are required to be filed within seven days, including Saturdays,  
11 Sundays and holidays, after the last nomination or filing is received, a  
12 written and signed statement designating which one of the nominations  
13 or filings the person accepts.

14 (c) No filing fee shall be refunded to any person withdrawing such  
15 person's candidacy or nomination under this section.

16 (d) A person running for precinct committeeman or committeewoman  
17 shall not be considered a candidate for purposes of this section.

18 ~~[Sec. 2. K.S.A. 25-321 is hereby amended to read as follows: 25-321.~~

19 A person appointed to the office of state representative under the pro-  
20 visions of this act may hold the office for the remainder of the term. Any  
21 person appointed to the office of senator under the provisions of this act  
22 may hold the office: (a) If the vacancy occurs prior to ~~October 15~~ May 1  
23 of the second year of the term, until the next general election, when a  
24 senator shall be elected to fill the term; or (b) if such vacancy occurs on  
25 or after ~~October 14~~ May 1 of the second year of the term, for the re-  
26 mainder of the term. In cases where the appointment of a senator is until  
27 the next general election, nominations for senator to be elected at such  
28 general election shall be made as follows: (1) If the vacancy occurs prior  
29 to June 1 of the second year of the term, candidates for the office shall  
30 be nominated at the primary in like manner as regular nominations for  
31 state senator are made; and (2) if the vacancy occurs on or after June 1  
32 and prior to October 15 of the second year of the term, candidates for  
33 the office shall be nominated by the senatorial district party committee  
34 of any party having a state and national organization nomination and elec-  
35 tion of such successor shall be made in the same manner as nomination  
36 and election of a senator for a regular term.]

37 Sec. 3. K.S.A. 25-433 is hereby amended to read as follows: 25-433.

38 (a) The county election officer shall mail all official ballots with a return  
39 identification envelope and instructions sufficient to describe the voting  
40 process to each elector entitled to vote in the election on one date not  
41 sooner than the 20th day before the date of the election and not later  
42 than the 10th day before the date of the election. ~~Ballots shall be mailed~~  
43 ~~by first class mail.~~ Ballots mailed by the county election officer shall be

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1 addressed to the address of each elector appearing in the registration  
2 records, and placed in an envelope which is prominently marked "Do Not  
3 Forward."

4 (b) Upon receipt of the ballot the elector shall mark it, sign the return  
5 identification envelope supplied with the ballot and comply with the in-  
6 structions provided with the ballot. The elector may return the marked  
7 ballot to the county election officer by United States mail, if it is received  
8 by the county election officer by the date of the election, or personally  
9 deliver the ballot to the office of the county election officer before noon  
10 on the date of the election. The ballot must be returned in the return  
11 identification envelope. The county election officer shall provide for the  
12 payment of postage for the return of ballot envelopes.

13 (c) The return identification envelope shall contain the following  
14 form:

15 I declare under penalty of election perjury, a felony, that I am a resident and a qualified  
16 voter for this election as shown on voter registration records and that I have voted the  
17 enclosed ballot and am returning it in compliance with Kansas law, and amendments thereto,  
18 and have not and will not vote more than one ballot in this election.

19 I also understand that failure to complete the information below will invalidate my ballot.

20 \_\_\_\_\_  
21 Signature

22 \_\_\_\_\_  
23 Residence Address

24 (d) If the ballot is destroyed, spoiled, lost or not received by the elec-  
25 tor, the elector may obtain a replacement ballot from the county election  
26 officer as provided in this subsection. An elector seeking a replacement  
27 ballot shall sign a statement verified on oath or affirmation, on a form  
28 prescribed by the secretary of state, that the ballot was destroyed, spoiled,  
29 lost or not received. The applicant shall deliver the statement to the  
30 county election officer before noon on the date of the election. The ap-  
31 plicant may mail the statement to the county election officer, except a  
32 county election officer shall not transmit a ballot by mail under this sub-  
33 section unless the application is received prior to the close of business on  
34 the second day prior to the election. When an application is timely re-  
35 ceived under this subsection, the county election officer shall deliver the  
36 ballot to the voter if the voter is present in the office of the county election  
37 officer, or promptly transmit the ballot by mail to the voter at the address  
38 contained in the application, except when prohibited in this subsection.  
39 The county election officer shall keep a record of each replacement ballot  
40 provided under this subsection.

41 (e) A ballot shall be counted only if: (1) It is returned in the return  
42 identification envelope; (2) the envelope is signed by the elector to whom  
43 the ballot is issued; and (3) the signature has been verified as provided

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1 in this subsection. The county election officer shall verify the signature  
2 of each elector on the return identification envelope with the signature  
3 on the elector's registration records and may commence verification at  
4 any time prior to the canvass of the election. If the county election officer  
5 determines that an elector to whom a replacement ballot has been issued  
6 under subsection (d) has voted more than once, the county election of-  
7 ficer shall not count any ballot cast by that elector.

8 (f) The county election officer shall supervise the procedures for the  
9 handling and canvassing of ballots to insure the safety and confidentiality  
10 of all ballots properly cast.

11 (g) The names of voters whose mail ballot envelopes are returned to  
12 the county election officer as "undeliverable" shall be subject to removal  
13 from the voter registration book and party affiliation list in the manner  
14 provided in subsection (d) of K.S.A. 25-2316c, and amendments thereto.

15 ~~Sec. 4. K.S.A. 1998 Supp. 25-1122d is hereby amended to read as~~  
16 ~~follows: 25-1122d. (a) The application for an advance voting ballot shall~~  
17 ~~be made on a form prescribed by the secretary of state and shall be ac-~~  
18 ~~companied by an affirmation in substance as follows:~~

19 Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring  
20 to Vote an Advance Voting Ballot

21 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

22 I, \_\_\_\_\_

23 (Please print name)

24 do solemnly affirm that I am a qualified elector of the \_\_\_\_\_ precinct of the \_\_\_\_\_  
25 ward, residing at number \_\_\_\_\_ on \_\_\_\_\_ street, city of \_\_\_\_\_, or  
26 in the township of \_\_\_\_\_, county of \_\_\_\_\_, and state of Kansas. I am  
27 entitled to vote an advance voting ballot and I have not voted and will not otherwise vote  
28 at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_ (to  
29 be filled in only when requesting primary election ballots). I desire my ballots to be sent to  
30 the following address

31 \_\_\_\_\_

32 \_\_\_\_\_

33 [Last four digits of voter's  
34 social security number ]  
35 \_\_\_\_\_

36 \_\_\_\_\_

36 Signature of voter.

37 Note: False statement on this affirmation is a class C misdemeanor.

38 (b) An application for permanent advance voting status shall be on a  
39 form prescribed by the secretary of state for this purpose. Such applica-  
40 tion shall contain an affirmation concerning substantially the same infor-  
41 mation required in subsection (a) and in addition thereto a statement  
42 regarding the permanent character of such illness or disability.

43 ~~(c) Any application by a former precinct resident shall state both the~~



~~former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.]~~

Sec. 5. K.S.A. 1998 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the mail voter registration application prescribed by the federal election commission. Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant.

(b) Applications made under this section shall give voter eligibility requirements and such information as is necessary to identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered, including, but not limited to, the following data:

- (1) Name;
- (2) place of residence, including specific address or location, and mailing address if the residence address is not a permissible postal address;
- (3) date of birth;
- (4) sex;
- (5) telephone number, if available;
- (6) naturalization data (if applicable);
- (7) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
- (8) when present residence established;
- (9) name under which applicant last registered or voted, if different from present name;
- (10) an attestation that the applicant meets each eligibility requirement;
- (11) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- (12) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (13) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used only for voter registration purposes; and
- (14) political party affiliation declaration, if any. An applicant's failure

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1 to make a declaration will result in the applicant being registered as an  
2 unaffiliated voter.

3 If the application discloses any previous registration in any other county  
4 or state, as indicated by paragraph (7) or (9), or otherwise, the county  
5 election officer shall upon the registration of the applicant, give notice to  
6 the election official of the place of former registration, notifying such  
7 official of applicant's present residence and registration, and authorizing  
8 cancellation of such former registration.

9 (c) Any person who applies for registration through a voter registra-  
10 tion agency shall be provided with, in addition to the application under  
11 subsection (b), a form which includes:

12 (1) The question "If you are not registered to vote where you live  
13 now, would you like to apply to register to vote here today?";

14 (2) a statement that if the applicant declines to register to vote, this  
15 decision will remain confidential and be used only for voter registration  
16 purposes;

17 (3) a statement that if the applicant does register to vote, information  
18 regarding the office to which the application was submitted will remain  
19 confidential and be used only for voter registration purposes; and

20 (4) if the agency provides public assistance, (i) the statement "Apply-  
21 ing to register or declining to register to vote will not affect the amount  
22 of assistance that you will be provided by this agency.";

23 (ii) boxes for the applicant to check to indicate whether the applicant  
24 would like to register or declines to register to vote, together with the  
25 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE  
26 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO  
27 VOTE AT THIS TIME.";

28 (iii) the statement "If you would like help in filling out the voter  
29 registration application form, we will help you. The decision whether to  
30 seek or accept help is yours. You may fill out the application form in  
31 private."; and

32 (iv) the statement "If you believe that someone has interfered with  
33 your right to register or to decline to register to vote, your right to privacy  
34 in deciding whether to register or in applying to register to vote, or your  
35 right to choose your own political party or other political preference, you  
36 may file a complaint with the Kansas Secretary of State, 300 SW 10th St.,  
37 Topeka, KS 66612-1594."

38 (d) If any person, in writing, declines to register to vote, the voter  
39 registration agency shall maintain the form prescribed by subsection (c).

40 (e) A voter registration agency shall transmit the completed registra-  
41 tion application to the county election officer not later than five days after  
42 the date of acceptance. Upon receipt of an application for registration,  
43 the county election officer shall send, by nonforwardable first-class mail,

1 a notice of disposition of the application to the applicant at the postal  
2 delivery address shown on the application. If a notice of disposition is  
3 returned as undeliverable, a confirmation mailing prescribed by K.S.A.  
4 25-2316c, and amendments thereto, shall occur.

5 (f) If an application is received while registration is closed, such ap-  
6 plication shall be considered to have been received on the next following  
7 day during which registration is open.

8 (g) A person who completes an application for voter registration shall  
9 be considered a registered voter when the county election officer adds  
10 the applicant's name to the county voter registration list.

11 (h) Any registered voter whose residence address is not a permissible  
12 postal delivery address shall designate a postal address for registration  
13 records. When a county election officer has reason to believe that a voter's  
14 registration residence is not a permissible postal delivery address, the  
15 county election officer shall attempt to determine a proper mailing ad-  
16 dress for the voter.

17 Sec. 6. K.S.A. 1998 Supp. 25-2316c is hereby amended to read as  
18 follows: 25-2316c. (a) When a registered voter changes name by marriage,  
19 divorce or legal proceeding, if such voter is otherwise qualified to vote at  
20 such voting place such voter shall be allowed to vote a provisional ballot  
21 at any election, or apply for an advance voting ballot, on the condition  
22 that such voter first completes the application for registration prescribed  
23 by K.S.A. 25-2309, and amendments thereto. Completion of the appli-  
24 cation shall authorize the county election officer to update the registration  
25 records, if appropriate, for voting in future elections. The county election  
26 officer shall send, by nonforwardable ~~first-class~~ mail, a notice of dispo-  
27 sition to any voter completing such application.

28 (b) When a registered voter changes residence, such voter must rer-  
29 egister in order to be eligible to vote, except that when a registrant has  
30 moved from an address on the registration book to another address within  
31 the county and has not reregistered, such registrant shall be allowed to  
32 vote a provisional ballot at any election, or to apply for an advance voting  
33 ballot, on the condition that such registrant first completes the application  
34 for registration prescribed by K.S.A. 25-2309, and amendments thereto.  
35 Completion of the application shall authorize the county election officer  
36 to update the registration record, if appropriate, for voting in future elec-  
37 tions. The county election officer shall send, by nonforwardable first-class  
38 mail, a notice of disposition to any such voter. Whenever the county elec-  
39 tion officer receives from any other election officer a notice of registration  
40 of a voter in a different place than that shown in the records of the county  
41 election officer, such officer shall remove the name of such voter from  
42 the registration book and party affiliation list.

43 (c) Every application for registration completed under this section

shall be returned to the county election officer with the registration books.

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) has failed to respond to the notice described in subsection (e) and has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(e) A county election officer shall send a confirmation notice upon which a registrant may state such registrant's current address, within 45 days of the following events:

(1) A notice of disposition of an application for voter registration is returned as undeliverable;

(2) change of address information supplied by the National Change of Address program identifies a registrant whose address may have changed;

(3) if it appears from information provided by the postal service that a registrant has moved to a different residence address in the county in which the registrant is currently registered; or

(4) if it appears from information provided by the postal service that a registrant has moved to a different residence address outside the county in which the registrant is currently registered.

The confirmation notice shall be sent by forwardable mail and shall include a postage prepaid and preaddressed return card in a form prescribed by the chief state election official.

(f) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the

name of any person shown by such list or death certificate to be deceased.

The county election officer shall not use or permit the use of such lists

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1 of deceased residents or copies for any other purpose than provided in  
2 this section.

3 (g) When the chief state election official receives written notice of a  
4 felony conviction in a United States district court, such official shall notify  
5 within five days the county election officer of the jurisdiction in which  
6 the offender resides. Upon notification of a felony conviction from the  
7 chief state election official, or from a county or district attorney or a  
8 Kansas district court, the county election officer shall remove the name  
9 of the offender from the registration records.

10 (h) Except as otherwise provided in this section, no person whose  
11 name has been removed from the registration books shall be entitled to  
12 vote until such person has registered again.

13 Sec. 7. K.S.A. 25-3104 is hereby amended to read as follows: 25-  
14 3104. The original canvass of every election shall be performed by the  
15 election boards at the voting places. The county election officer shall  
16 present the original returns, together with the ballots, books and any other  
17 records of the election, for the purpose of canvass, to the county board  
18 of canvassers at any time between 8:00 o'clock a.m. and 10:00 o'clock a.m.  
19 on the ~~Friday~~ Monday next following any election held on a Tuesday. For  
20 elections not held on a Tuesday, the canvass by the county board of can-  
21 vassers shall be held on a day and hour designated by it, and not later  
22 than the fifth day following the day of such election.

23 Sec. 8. K.S.A. 1998 Supp. 25-3107 is hereby amended to read as  
24 follows: 25-3107. (a) At the time of commencement of any canvass by the  
25 county board of canvassers the county election officer shall present to the  
26 county board of canvassers the preliminary abstracts of election returns,  
27 together with the ballots and records returned by the election boards.  
28 The county board of canvassers shall inspect and check the records pre-  
29 sented by the county election officer and shall hear any questions which  
30 the county election officer believes appropriate for determination of the  
31 board. The county board of canvassers shall do what is necessary to obtain  
32 an accurate and just canvass of the election and shall finalize the prelim-  
33 inary abstract of election returns by making any needed changes, and  
34 certifying its authenticity and accuracy. The certification of the county  
35 board of canvassers shall be attested by the county election officer. Nei-  
36 ther the county board of canvassers nor the county election officer shall  
37 open or unseal sacks or envelopes of ballots, except as is required by  
38 K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other  
39 specific provision of law or as is authorized to carry out a recount under  
40 subsection (b).

41 (b) If a majority of the members of the county board of canvassers  
42 shall determine that there are manifest errors appearing on the face of  
43 the poll books of any election board, which might make a difference in

2-9



2-10

1 the result of any election, or if any candidate shall request the recount of  
 2 the ballots cast in all or in only specified voting areas for the office for  
 3 which such person is a candidate, or if any registered elector who cast a  
 4 ballot in a question submitted election requests a recount in all or only  
 5 specified voting areas to determine the result of the election, the county  
 6 board of canvassers shall cause a special election board appointed by the  
 7 county election officer to meet under the supervision of the county elec-  
 8 tion officer and recount the ballots with respect to any office or question  
 9 submitted specified by the county board of canvassers or requested by  
 10 such candidate or elector. If a recount is required in a county that uses  
 11 optical scanning systems as defined in K.S.A. 25-4601 et seq., and amend-  
 12 ments thereto, or electronic or electromechanical voting systems, as de-  
 13 fined in K.S.A. 25-4401, and amendments thereto, the method of con-  
 14 ducting the recount shall be at the discretion of the person requesting  
 15 such recount. The county election officer shall not be a member of such  
 16 special election board. Before the special election board meets to recount  
 17 the ballots upon a properly filed request, the party who makes the request  
 18 shall file with the county election officer a bond, with security to be ap-  
 19 proved by the county or district attorney, conditioned to pay all costs  
 20 incurred by the county in making such recount. In the event that the  
 21 candidate requesting the recount is declared the winner of the election  
 22 as a result of the recount, or if as a result of the recount a question  
 23 submitted is overturned, no action shall be taken on the person's bond  
 24 and the county shall bear the costs incurred for the recount. Any recount  
 25 requested must be requested in writing of the county election officer not  
 26 later than [12:00 noon] on the Monday [Tuesday] following the election. The  
 27 request shall specify which voting areas are to be recounted. The county  
 28 election officer shall immediately notify any candidate involved in the  
 29 election for which such recount is requested, or shall notify the county  
 30 chairperson of each candidates party. Any such recount shall be initiated  
 31 not later than the following day and shall be completed not later than the  
 32 Friday of such week [at 5:00 p.m.] Upon completion of any recount under  
 33 this subsection, the election board shall package and reseal the ballots as  
 34 provided by law and the county board of canvassers shall complete its  
 35 canvass. The members of the special election board shall be paid as pre-  
 36 scribed in K.S.A. 25-2811 and amendments thereto for time actually spent  
 37 making the recount.

38 Sec. 9. K.S.A. 25-4302 is hereby amended to read as follows: 25-  
 39 4302. Grounds for recall are conviction of a felony, misconduct in office,  
 40 incompetence or failure to perform duties prescribed by law. *Before*  
 41 *any petition for the recall of a local officer is circulated, the county or*  
 42 *district attorney of the county where petitions are required to be filed*  
 43 *shall determine the sufficiency of the grounds stated in the petition for*

5:00 p.m.

Wednesday

5:00 p.m. on the first Monday following

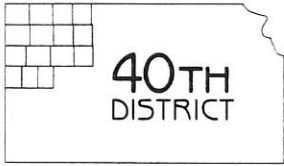
1 recall of a local officer. *The county or district attorney shall make a de-*  
2 *termination within five days of receipt of the copy of the petition from*  
3 *the county election officer.* In the case of a recall of the county or district  
4 attorney, a judge of the district court of such county shall designate an  
5 attorney to determine the sufficiency of the grounds stated in the petition  
6 for recall. Such attorney shall perform the duties imposed on the county  
7 or district attorney in the recall of other local officers. No recall submitted  
8 to the voters shall be held void because of the insufficiency of the grounds,  
9 application, or petition by which the submission was procured.

10 Sec. 10. K.S.A. 25-4322 is hereby amended to read as follows: 25-  
11 4322. Before any petition for recall of a local officer is circulated, a copy  
12 thereof accompanied by names and addresses of the recall committee and  
13 sponsors shall be filed in the office of the county election officer with  
14 whom the petitions must be filed. *The county election officer shall trans-*  
15 *mit a copy of such petition to the county or district attorney for deter-*  
16 *mination of the sufficiency of the grounds stated in the petition for recall.*  
17 The copy of the petition so filed shall be subscribed by the members of  
18 the recall committee in the presence of such county election officer. The  
19 recall committee shall represent all sponsors and subscribers in matters  
20 relating to the recall. Notice on all matters pertaining to the recall may  
21 be served on any member of the recall committee in person or by mail  
22 addressed to a committee member as indicated on the petition so filed.  
23 The county election officer, upon request, shall notify the recall commit-  
24 tee of the official number of votes cast for the office of the officer sought  
25 to be recalled in the last general election at which a person was elected  
26 to such office.

27 Sec. 11. K.S.A. 25-4324 is hereby amended to read as follows: 25-  
28 4324. The petitions shall be circulated in person by a sponsor and only  
29 in the election district in which such sponsor resides. No petition shall be  
30 circulated in more than one county, and the county election officer of the  
31 county in which each petition is circulated shall certify to the county  
32 election officer where petitions are required to be filed the sufficiency of  
33 the signatures on the petition. Any registered elector of such election  
34 district may subscribe to the petition by signing such elector's name and  
35 address. A person who has signed the petition may withdraw such person's  
36 name only by giving written notice to the county election officer where  
37 petitions are to be filed before the date filed. The necessary signatures  
38 on a petition shall be secured within 90 days from the date that the copy  
39 of the petition subscribed by the members of the recall committee is filed  
40 pursuant to K.S.A. 25-4322, and amendments thereto recall committee  
41 receives notice that the county or district attorney has determined that  
42 the grounds for recall as stated in the petition are sufficient. The petition  
43 shall be signed only in ink. Illegible signatures unless accompanied by a

1 legible printed name may be rejected by the county election officer.  
2 Sec. 12. K.S.A. 25-306, ~~25-321~~ 25-433, 25-3104, 25-4302, 25-4322  
3 and 25-4324 and K.S.A. 1998 Supp. ~~25-1122d~~ 25-2309, 25-2316c and 25-  
4 3107 are hereby repealed.  
5 Sec. 13. This act shall take effect and be in force from and after its  
6 publication in the statute book.

2-12



COMMITTEE ASSIGNMENTS  
 VICE CHAIR UTILITIES  
 COMPUTERS &  
 TELECOMMUNICATIONS  
 MEMBER: AGRICULTURE  
 FINANCIAL INSTITUTIONS  
 & INSURANCE  
 RULES & REGULATIONS

**Stan Clark**

February 22, 1999

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

Dear Janice:

Last week I testified on behalf of Kenneth Clark before your committee on S.B. 230. A sub-committee was appointed to study several issues regarding this proposed legislation. I followed the deliberations of the sub-committee and am in general support of their decisions.


There is one issue that they have decided to leave unresolved and let the entire committee decide. The issue centers around which statement is preferable. The sworn statement “be true” or the alternative, “true to the best of the petitioner’s knowledge.” I believe that elected officials should be protected from undue harassment and that we should continue to choose recall for reason instead of allowing general statements attested to the best of someone’s knowledge, which leads to recall on demand. By adding to K.S.A. 25-4325, the following language:

“This affidavit shall not be added to, subtracted from, rescinded or altered in any other manner after the petition has been filed.”

provides the necessary level playing field that allows the elected official to prepare a statement of justification of his or her conduct in office. If the charge is false, then it allows the elected office the opportunity to pursue a charge of perjury against his or her accuser.

Please adopt the additional language.

Sincerely,

  
 Stan Clark

SC: jrb

**TESTIMONY ON SB 288  
FOR THE SENATE ELECTIONS COMMITTEE  
Senator Dave Kerr**

Madame Chairperson, it is a privilege to appear today on behalf of SB 288, legislation that would ensure that contributions to political action committees would be truly voluntary.

Perhaps it is most useful to first outline the problem that this legislation is intended to address. It is current practice for certain organizations to sign up their members for PAC contributions at the time they sign them up for membership. There's nothing wrong in that, so long as the new member realizes that they have a real choice as to whether they contribute to the PAC. It is not just automatically a part of their membership cost.

This point can best be understood by looking at the two actual membership application forms for a well known organization. Indeed, it is the organization which takes in more political action committee money than any other. The first is the 1994-95 membership application form. On the right hand side you will note that the State and Local PAC line is preprinted for \$9.00. The double asterisk leads one to the small print indicating it is possible to obtain a refund if one gets a form to do so from his or her local association or Uniserve. Note that the "NEA-PAC" line is not preprinted.

The second form is the 1996-1997 Membership Application Form. No longer is the State and Local PAC line preprinted. But, note that the form has been filled out except for the "NEA-PAC" line. This is the way it is presented to the prospective member. Further, note that the double asterisk footnote is unchanged. The member can only avoid a contribution by asking for a refund form from the local association.

Now an obvious question is why the NEA-PAC line is not filled out ahead and why the language in small print is different, making it clearer that a member does not have to make a contribution and then seek a refund. They can actually refuse to contribute.

The reason for this is that the federal statute requires that employees be informed that the money being "solicited" is going to a political fund and that they have the right to refuse to contribute. Failure to do so is unlawful.

Several states have enacted laws that provide similar protections to organization members. The bill before you is modeled roughly on the Washington State statute. In order to ensure that deductions for political action committee



contributions are voluntary, it requires that a form designed by the Kansas Governmental Ethics Commission, stating that the contribution is voluntary and can be refused, or the form not returned to the employer, would have to be signed by the employee before such a deduction could be made.

Such authorization for deduction would be valid for one year which, in most cases, is the same duration as the association membership authorization.

This legislation appears to be the appropriate response to the current situation which results in enormous amounts of money being accumulated by certain association political action committees. The Kansas National Education Association, for example, seems to accumulate large amounts of money. The last time we reviewed their PAC situation, we found approximately 65 subsidiary PAC's to the "Kansas Political Action Committee."

Finally, it is worth noting, that this particular PAC contributes primarily to candidates from one party. Obviously, a large number of the teachers who are members of the association are members of the other party. Thus it is inconceivable that some teachers who work for and contribute to candidates in that other party directly are not having to overcome contributions made with their money to the opposition. This is an unacceptable situation that arises entirely because not all political action committee contributions are voluntary. SB 288 is a simple solution to a somewhat hidden but serious problem which has gone unchecked for many years. I urge your support for its passage.

# KNEA MEMBERSHIP APPLICATION FORM 1994-95

Check here if a student member last year.

No. of years a student member.

--	--	--

SOCIAL SECURITY NUMBER      LAST NAME, FIRST, MIDDLE INITIAL

NAME	TITLE
ADDRESS	
CITY & STATE	ZIP
HOME PHONE	(AREA CODE)

LOCAL ASSOCIATION					
SCHOOL					
00				000	
UNI-SERV	CNTY.	LOCAL		BLDG.	

ASSOCIATION	MEMBERSHIP CODE	ANNUAL PAYMENT
NEA		
KNEA		
LOCAL	10	
**STATE AND LOCAL PAC		\$9.00
* NEA-PAC (\$10 suggested)		
TOTAL		

KNEA COPY

Senate Elections & Local Government  
Attachment: # 5-1  
Date: 2-23-99

KANSAS IS A UNIFIED STATE. THE NEA, KNEA AND LOCAL ASSOCIATION MAY NOT BE JOINED SEPARATELY.

SUBJECT CODE	POSITION CODE	LEVEL CODE	ETHNIC CODE
SEX CODE (Circle One) M      F	METHOD OF PAYMENT	NUMBER OF PAYROLL DEDUCTIONS	
REGISTERED VOTER <input type="checkbox"/> Yes <input type="checkbox"/> No		PARTY AFFILIATION CODE	

\*The National Education Association Political Action Committee (NEA-PAC) collects contributions from Association members and uses those contributions to help elect friends of education to federal office. Contributions to NEA-PAC are voluntary and are not a condition of membership in NEA, Kansas NEA, or any of their affiliates. Although NEA-PAC requests an annual contribution of \$10, this is only a suggestion. A member may contribute more or less than the amount suggested or may refuse to make any contribution and this will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates. With full knowledge of the above, please write in the amount of your contribution in the space above.

\*\*The PAC contribution will be shared with local and state political action committees for them to support candidates for state and local office. A member may request and obtain a refund for all PAC contributions by completing a form available from his or her local association or UniServ office. Whether a member contributes to PAC or not will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates.

Dues payments and contributions or gifts to NEA-PAC, K-PAC, and local PAC are not deductible as charitable contributions for federal income tax purposes. Dues payments may be deductible as a miscellaneous itemized deduction.

I hereby authorize the Board of Education to deduct from my salary my professional dues, assessments, and voluntary contribution to K-PAC, as these sums are established or suggested annually to the local NEA affiliated teachers association, and my voluntary contribution to NEA-PAC, as indicated above, and to forward such amounts to that local association. This authorization is to continue in force unless revoked by me for a succeeding membership year by giving written notice to that effect to my local association on or before August 10. I understand that if my employment is terminated prior to the deduction of the amounts authorized herein, the unpaid portion of dues, assessments, and K-PAC and NEA-PAC contributions will be deducted from my final check.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

# KNEA MEMBERSHIP APPLICATION FORM 1996-97

LOCAL ASSOCIATION \_\_\_\_\_

Check here if a student member last year

No. of years a student member

--	--	--

SOCIAL SECURITY NUMBER      LAST NAME, FIRST, MIDDLE INITIAL

00

000

UNI-    CNTY.    LOCAL    BLDG.  
SERV

NAME			
ADDRESS			
CITY & STATE			ZIP
HOME PHONE			

ASSOCIATION	MEMBERSHIP CODE	ANNUAL PAYMENT
NEA	10	53.50
KNEA	10	133.00
LOCAL	10	15.50
**STATE AND LOCAL PAC		10.00
* NEA-PAC (\$10 suggested)		
TOTAL		

KNEA COPY

KANSAS IS A UNIFIED STATE. THE NEA, KNEA AND LOCAL ASSOCIATION MAY NOT BE JOINED SEPARATELY.

### SEE CODES ON BACK OF FORM

SUBJECT CODE	POSITION CODE	LEVEL CODE	ETHNIC CODE
GENDER (Circle One) M    F	METHOD OF PAYMENT	NUMBER OF PAYROLL DEDUCTIONS	
REGISTERED VOTER <input type="checkbox"/> Yes <input type="checkbox"/> No		PARTY AFFILIATION CODE	

\*The National Education Association Political Action Committee (NEA-PAC) collects contributions from Association members and uses those contributions to help elect friends of education to federal office. Contributions to NEA-PAC are voluntary and are not a condition of membership in NEA, Kansas NEA, or any of their affiliates. Although NEA-PAC requests an annual contribution of \$10, this is only a suggestion. A member may contribute more or less than the amount suggested or may refuse to make any contribution and this will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates. With full knowledge of the above, please write in the amount of your contribution in the space above.

\*\*The PAC contribution will be shared with local and state political action committees for them to support candidates for state and local office. A member may request and obtain a refund for all PAC contributions by completing a form available from his or her local association or UniServ office. Whether a member contributes to PAC or not will not affect his or her membership status, rights, or benefits in NEA, Kansas NEA, or any of their affiliates.

Dues payments and contributions or gifts to NEA-PAC, K-PAC, and local PAC are not deductible as charitable contributions for federal income tax purposes. Dues payments may be deductible as a miscellaneous itemized deduction.

I hereby authorize the Board of Education to deduct from my salary my professional dues, assessments, and voluntary contribution to K-PAC, as these sums are established or suggested annually to the local NEA affiliated teachers association, and my voluntary contribution to NEA-PAC, as indicated above, and to forward such amounts to that local association. This authorization is to continue in force unless revoked by me for a succeeding membership year by giving written notice to that effect to my local association on or before August 10. I understand that if my employment is terminated prior to the deduction of the amounts authorized herein, the unpaid portion of dues, assessments, and K-PAC and NEA-PAC contributions will be deducted from my final check.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

# KNEA & Related PACs (estimated 65 on 3-1-98)

## Kansas Political Action Committee (mother PAC)



Abilene NEA  
Ark Valley PAC (Uniserv School District)  
Blue Valley Nea  
Blue Valley TA PAC  
Bonner Springs KNEA  
Cimarron-Ensign NEA  
Concerned Educators PAC  
De Soto TA Pac  
Dodge City PAC  
EKG NEA  
Emporia PAC  
Eudora NEA  
Fairfield NEA  
Fort Leavenworth Ed PAC  
Fort Scott KNEA PAC  
Great Bend NEA  
Haviland NEA  
Hays NEA PAC  
Haysville local PAC  
Hill City NEA  
H-NEA PAC  
Junction City Ea PAC  
Kansas City Ks CC Fa-PAC  
Kansas City NEA  
Kansas NEA Southwest UNIPAC  
Kids First of Sumner County  
Kids First of Sedgwick County  
Kids First of Jefferson County  
Kids First of Cowley County  
Kids First of Kansas  
Konza UNIPAC  
Konza Uniserv  
Lawrence PAC  
Leavenworth NEA PAC  
Lorraine KNEA  
Mcpherson Education Assn PAC  
NEA Buhler  
NEA Eastern Heights  
NEA Goodland  
NEA Manhattan PAC  
NEA Neodesha  
NEA Salina  
NEA Shawnee Misson  
NEA PAC  
Newton NEA PAC  
Olathe NEA  
Olalthe New-PAC  
Osage City NEA  
Pony Express Uniserv PAC  
Quinter NEA  
Russell Co NEA  
Salina NEA PAC  
SCDLC  
South Central Ks PAC (Uniserve District 12)  
SUNPAC  
Teachers Association of B&B  
Three Trails UNIPAC  
Topeka NEA PAC  
Uniserv Dist 114 PAC  
Uniserv Southeast PAC  
Walnut Valley UNIPAC  
Wichita NEA PAC  
Winfield NEA PAC  
WTA PAC

Subsidiary PACs



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before  
Senate Elections & Local Government Committee  
Tuesday, February 23, 1999

Thank you, Madame Chair. Members of the Committee, I am Craig Grant and I represent Kansas NEA. I appreciate this opportunity to visit with the committee in opposition to SB 288.

In the 1980's, I believe, there was a large undertaking called the "truth in advertising" campaign where companies were chastised and, in some cases, forced to change slogans, advertising, and even the names of some products because they led the consumers to a wrong conclusion as to what the product did or claimed to do. I thought about that period of time when I saw SB 288 in our legislative packets this year. From my point of view, this is not the "voluntary political contributions act of 1999." Rather the correct name probably should be the "let's get KNEA act of 1999." There is little reason to believe that this bill is anything other than an attempt to weaken the political activity of the Kansas NEA members. It has been called different things in different states when introduced; however, the intent is clear when one reads the bill.

Kansas NEA members currently have a voluntary system to contribute to our political action committee. The membership form is clear that members are not required to contribute to political action to retain full membership rights. While members are encouraged to contribute, the space is left blank by our office and many members do not fill out the amount. Others who fill out the form and later decide not to contribute to the PAC can then request the money back. We are currently writing checks to those who let us know they wished their money back. There are between 1-2,000 of these members. Probably about 3-4,000 members do not contribute to start with during any one membership year. If 6,000 out of our 24,000 members (or 25%) have determined quite easily that this is a voluntary system, I do not understand the

Senate Elections & Local Government  
Attachment: # 7-1  
Date: 2-23-99



need to pass this bill. I have attached a copy of our current membership form for this committee to inspect. It is evident that it is quite easy not to participate in our political action program.

The problem really is the part of the bill which would require the Ethics Commission to approve a form and for the signature to only be good for 12 months at a time. Some local school boards have a different form which they use for payroll deduction. We should not delve into this local decision without complaints from schools. Often the deduction form is negotiated between the school board and the association. Why should we change what is working?

There are some locals who ask the current member if he/she wants to continue from one year to another to avoid having to do the paperwork again for membership. The member can then decide whether to continue or not for the next year. If the member wishes to make changes, he/she can do so. I think it is the hope that by making the member re-sign the form, the hassle will cause fewer and fewer members to participate. Our membership department indicates that about 8,000 members fill out the forms each year which means that in a two-year cycle about 2/3 of our members have signed a new form. There are no teachers who complain to our organization. Why change a public policy which works for school districts and teachers?

Kansas NEA asks this committee to keep the current system in place because it works and is good public policy. We hope that you report SB 288 unfavorably. Thank you for listening to our concerns.



President  
**Ron Eldridge**

Executive Secretary  
Treasurer  
**Jim DeHoff**

Executive Vice  
President  
**Wayne Maichel**

Executive Board

*Richard Aldrich  
Melany Barnes  
Mike Bellinger  
Clyde Bracken  
Bill Brynds  
Gary Buresh  
Jessie Cornejo  
David Han  
Jim Hastings  
Tom Hutton  
Jerry Johnson  
Greg Jones  
Earl Kanatzar  
Wil Leiker  
Frank Mueller  
Dwayne Peaslee  
Emil Ramirez  
Craig Rider  
Gary Russell  
Debbie Snow  
Betty Vines*



## Written Testimony on SB 288

Presented to  
**Senate Elections & Local Government Committee**  
**Tuesday, February 23, 1999**

Madame Chairperson and Members of the Committee:

The Kansas AFL-CIO opposes Senate Bill 288. This bill is similar to legislation that has been introduced all around the country over the last year and a half as part of a nationwide effort to silence working families.

This bill is not the result of any grassroots movement in the state. It is not a result of public employees clamoring for protection from their unions. It is, instead, an attempt to single out one group for punishment. It is innocuously titled the "Voluntary Political Contributions Act." We maintain that contributions to union political action committees are already voluntary, indeed, in a right to work state like Kansas, even union membership is totally voluntary. Union members choose whether to join the union, set their own dues, elect their own leaders and vote on where and how their money will be spent. The only purpose of this legislation is to require public employee unions to have to go back to every member on an annual basis and get them to re-sign an authorization card for payroll deduction.

What is the justification for an annual authorization? There is none. An employee can revoke their authorization for payroll deduction if they choose to. The real purpose behind the yearly requirement is to make it more expensive and more difficult to raise funds, thereby significantly impairing the ability of public employee unions to raise political funds.

We ask that you recommend SB 288 unfavorable for passage.

Senate Elections & Local Government

Attachment: # 8-1

Date: 2-23-99

