

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 March 8, 2000, in Room 245 N of the Capitol.

All members were present except: Senator Praeger

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: Connie Schmidt, Johnson Election Commissioner  
Karen Hartenbower, Lyon County Clerk  
Representative Melvin Minor

Others attending: See attached list

Chairman Hardenburger opened the hearing on **HB 2328 concerning elections; relating to advance voting, and repealing the existing sections.**

Connie Schmidt, Johnson County Election Commissioner presented testimony in support of **HB 2328**. She said this bill would clarify that an application for an advance mail ballot should be transmitted only to the county election officer, and to add the stipulation that "no person or group engaged in the distribution of advance voting ballot applications shall cause any such application signed by a voter to be mailed or otherwise delivered to a place other than the county election office." (Attachment #1)

Ms. Schmidt also said that during the 1998 elections, political parties, campaign headquarters, and labor organizations mailed out large quantities of applications for advance mail ballots. The return addressed on the applications were various offices in Topeka, Salina, and Kansas City, Kansas. At these locations, the applications were accumulated and entered into computer databases, and eventually the applications were forwarded to the election office. This caused undue delay and difficulties for the County Election Officers.

The Committee discussed faxing an application, and Ms. Schmidt advised that this could be done.

Karen Hartenbower, Lyon County Clerk and Chair of the Kansas County Clerks and Election Officials - Election Committee, gave testimony in favor of **HB 2328**. She stated to the Committee that there was a lot of confusion for the voters at the last general election because voters did not know if their applications were reaching the County Election Office. Their Committee would like to have the advance ballot applications in the same format as the voter registration forms. (Attachment #2)

Seeing no opposition to the bill, Chairman Hardenburger closed the hearing on **HB 2328**, and opened hearing on **HB 2241 concerning certain county officers; relating to qualifications thereof, and repealing the existing sections.**

Representative Minor, a proponent of **HB 2241** told the Committee that under current Kansas law, a candidate running for county clerk, treasurer, register of deeds or sheriff, does not have to be a qualified elector who resides in the county, but if a vacancy occurs in any of these positions, the appointee must reside in the county. The bill corrects this problem. (Attachment #3)

Chairman Hardenburger informed the Committee that the County Attorney does not need to be a resident, and, therefore, is not included in the bill, as he can serve in more than one county.

Seeing no opposition to the bill, Chairman Hardenburger closed the hearing on **HB 2241**.

**Senator Gooch moved that the bill be passed out favorably with the technical amendments, seconded by Senator Steineger.**

## CONTINUATION SHEET

Senator Huelskamp said counties with smaller population might not have a candidate to run for the positions, and the Committee discussed the option of having candidates from other counties.

Chairman Hardenburger thought that there doesn't appear to be a problem.

Senator Lawrence made a substitute motion that a candidate for office can be either elected or appointed from outside of the county.

The Committee clarified the substitute motion to say, in order to be elected or appointed it is not necessary to be a resident of that county.

Chairman Hardenburger said that the problem has not been identified and there only is one request to change the law. Senator Gooch advised the Committee that there would be problems with the larger counties also.

The Committee discussed what would be done if there was no one to be appointed in a particular county, would the position have to be appointed by the legislators?

Chairman Hardenburger advised the committee that **HB 2241** would be discussed further at the meeting tomorrow.

Senator Becker moved that the minutes for February 21, 22, March 1 and 2 be approved as written, seconded by Senator Steiniger. Motion carried.

Meeting was adjourned at 2:30 p.m. Next meeting is scheduled for March 9, 2000.



# Johnson County Election Office



**Connie Schmidt**  
**Election Commissioner**

## **TESTIMONY BEFORE SENATE ELECTIONS COMMITTEE**

**Wednesday, March 8, 2000**

Thank you for the opportunity to speak regarding House Bill 2328. On behalf of the Johnson County Election Office, I express support of this Bill.

This Bill was first introduced in 1999. The purpose of this Bill is to clarify that an application for an advance mail ballot should be transmitted only to the county election officer, and to add the stipulation that "no person or group engaged in the distribution of advance voting ballot applications shall cause any such application signed by a voter to be mailed or otherwise delivered to a place other than the county election office."

In Johnson County, during the 1998 elections, political parties, campaign headquarters, and labor organizations mailed out large quantities of applications for advance mail ballots. The return addresses on the applications were various offices in Topeka, Salina, and Kansas City, Kansas. At these locations, the applications were accumulated and entered into computer databases. Eventually, the applications were forwarded to the election office.

The statutes currently mandate that election offices provide a ballot to the voter within 48 hours after receiving the application. The statutes currently do not address the potential of another organization collecting, screening, holding, or even possibly destroying applications for ballots.

In 1998, our office received as many as 4,000 applications for mail ballots from a single "collection" agency on one day. The voters had completed many of these applications 7-10 days prior to their receipt in our office.

As election officials, we have two major concerns:

1. Possible delay in the transmission of the advance mail ballot to the voter, resulting in voter confusion and lack of confidence in the process.
2. The potential for possible screening or destroying of applications for advance mail ballots.

We feel that the additional safeguards proposed in House Bill 2328 are necessary to assure the security and timely delivery of the advance mail ballot to the voter.

For this reason, we express support of House Bill 2328. Thank you.

Senate Elections & Local Government  
Date: 3-8-00  
Attachment # 1

March 8, 2000

Senator Hardenburger, Committee:

I am Karen K. Hartenbower, Lyon County Clerk and Chair of the Kansas County Clerks and Election Officials - Election Committee. I would like to speak in favor of House Bill 2328 concerning advance voting and transmission of the applications to the Election Official.

This is the top priority of our Election Committee this year.

There was a lot of confusion for the voters at the last General Election in 1998. They knew they had filled out a request for an advance ballot and then they waited for it to come. When we let someone else transmit these applications there is a chance for fraud.

Our Committee discussed having the advance ballot applications in the same format as the voter registration forms. The voter registration forms include the address of each Election Office in the State. All the voter would have to do is look on the back and send the application to their Election Office. The same form would be used Statewide and any person or candidate could mail or hand out the forms. We do not have a problem with candidates sending them out in mailings. We just want the form to come to us as soon as possible so we can get the ballot to the voter in a timely manner. When we have applications going other places we cannot assure the voter will get their ballot in the time line outlined in the statutes. We do not want to erode the integrity of Kansas Elections.

Thank you for your time.

Senate Elections & Local Government

Date: 3-8-00

Attachment # 2

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: TAX COMMITTEE  
GENERAL GOVERNMENT AND HUMAN  
RESOURCES BUDGET COMMITTEE  
FINANCIAL INSTITUTIONS COMMITTEE  
ENVIRONMENT COMMITTEE  
JOINT BUILDING COMMITTEE

MELVIN MINOR  
REPRESENTATIVE, 114TH DISTRICT  
ROUTE 2, BOX 31  
STAFFORD, KANSAS 67578  
(316) 234-5887  
FAX (316) 234-6867

TOPEKA OFFICE  
STATEHOUSE, RM. 273-W  
(785) 296-7648

March 2, 2000

TO WHOM IT MAY CONCERN:

HB 2241 is an attempt to make the laws of Kansas more uniform.

Under current Kansas law, a candidate running for county clerk, treasurer, register of deeds or sheriff, does not have to be a qualified elector who resides in the county.

However, should a vacancy occur in any of these positions, the appointment to fill the vacancy must be a qualified elector who resides in the county.

My bill would merely make these individuals be qualified electors who reside in the county.

I feel if you are required to be a resident to be appointed to a position, you should be a resident to be elected.

Representative Melvin Minor

MM:hh

Senate Elections & Local Government  
Date: 3-8-00  
Attachment # 3