

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE:

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on March 5, 2001 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Theresa Kiernan, Revisor
Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

SB 107 - Proponent: Senator Stan Clark
Opponents: Karen Hartenbower, Lyons County Clerk
Brad Bryant, Deputy Assistant Secretary of State
Neutral: Susan Bechard, Kansas County & District Attorneys Assoc.
SB 63 - Proponent: Brad Bryant, Deputy Assistant Secretary of State
SB 125 - Proponents: Karen Hartenbower, Lyons County Clerk
Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached.

Chairman Powell announced that he would not be working any bills at this meeting.

Chair Powell opened the hearing on **SB 107 - Petition sufficiency; duty of county or district attorney.**

Senator Stan Clark appeared before the committee as a proponent for **SB 107**. He states that he is trying to protect our citizen's constitutional right to petition with having a clearly stated question to place on the ballot for voter referendum. Senator Clark gave examples of petitions circulated in 1991 and 1992 in which the former was thrown out by the county officials because they determined that it was not in proper order and the latter was given a "no" by the County Attorney before it was circulated because he had declared that he couldn't represent both the "county" and the "citizens". Senator Clark gave another example from the December 29, 1998 Hays Daily News which indicated that a petition was declared invalid because it did not have the approval of the County Attorney prior to circulation. (attachment #1)

Senator Clark also presented the testimony of Lester Haremza, Colby, Kansas as a proponent of **SB 107**. He related the information in the testimony about the five attempts Mr. Haremza made to have a petition approved by the County Attorney. He said the final question was considerably changed by the time it was rewritten the five times as well as taking 29 days for the approval. (attachment #2) Senator Clark commented on the concern for a "gatekeeper" in making sure that the question that is placed on the ballot is correctly worded. He also said that there have been concerns about the time allowed for circulating a petition and he suggested a choice between SB 107 and SB 244 from 1999. (attachment #3)

Senator Clark told the committee that **SB 107** removes the County Attorney from the process and assumes that the question in the petition as it is put on the ballot is valid unless proven otherwise. He said with the changes provided in this bill, the question shall be presumed to be valid if it states the title, number and exact language of the ordinance or resolution and the title of such petition states: "Shall the following ordinance or resolution become effective?" Senator Clark answered questions asked by committee members.

Karen Hartenbower, Lyon County Clerk/Election Officer, testified as an opponent of **SB 107**. She is particularly interested in two areas of the bill. She said that in Section 1 (b) any person challenging the validity of the form of a question shall have the burden of proving in district court that the form of the

CONTINUATION SHEET

Minutes of the Ethics and Elections Committee for March 5, 2001

question is valid. Ms. Hartenbower also indicated that there is no time line as to the last day the challenge can be made. She believes that with the crowded court schedules and the 6-week printing time for ballots, it would not be possible to have the ballots ready in time for the election. Ms. Hartenbower said her second area of concern was with Section 1 (c) which states that providing the "exact language of the ordinance, resolution and title" could possibly make the ballots in readable form very long. She answered questions asked by committee members. (attachment #4)

Brad Bryant, Deputy Assistant Secretary of State, appeared before the committee in opposition to **SB 107**. He indicated that the bill in trying to solve one or a few isolated incidents may create new and greater problems. He said that the petition circulation process and the voting process are grounded in state statutes and are thus legal issues for the county, and as such need the involvement of the county's chief legal authority. Mr. Bryant said that the intent of current law is to designate the county attorney as the "gatekeeper" to review and ensure the legality of petitions. He also said that by relieving the county attorney of the duty of reviewing petitions, the county clerks would be expected to perform that duty or it may not be done at all, with the possibility of confusing or biased language being placed on the petitions and ballots. Mr. Bryant stated that another problem could arise if SB 107 is passed and that is of having petitions and elections on issues that have no legal basis under Kansas law. Mr. Bryant stood for questions from the committee. (attachment #5)

The committee's concerns are for how to solve the problem with the county attorney busy with other county business and citizens that are frustrated with trying to get their petitions on the ballot.

Susan Bechard, Kansas County and District Attorneys Association, was neutral concerning **SB 107**. She said her office did testify in support of this bill before the Senate committee, but since that time several KCDAA members have raised concerns about the lack of a gatekeeper to determine if the petition would be enforceable by law. (attachment #6)

The hearing was closed on **SB 107**.

Chairman Powell opened the hearing on **SB 63**.

Brad Bryant, Deputy Assistant Secretary of State, appeared before the committee in support of **SB 63**. He said this bill is identical to a provision in a bill proposed by the Secretary of State in 1999 in an attempt to acquire the means for their office and the county election officers to clean up the voter registration list. The bill would amend K.S.A. 25-2309(b) to require voter registration applicants to provide the last four digits of their Social Security numbers on their application forms. Mr. Bryant indicated that using these digits along with a person's name and birth date would allow election officers to ascertain when they have a duplicate registration. Also with this added data, he said it may be possible to identify duplicates across state lines as more states begin using the last four digits of the Social Security number. Mr. Bryant said an added bonus of removing the duplicates and ineligible voters from the registration list is that candidates, consultants and political parties who purchase voter registration data will have fewer mailings returned to them as undeliverable due to expired addresses. Mr. Bryant answered questions asked by committee members. He indicated that with the amendment that the Senate added, the last four digits of the Social Security number will not be on the published list. (attachment #7)

Connie Schmidt, Johnson County Election Commissioner, gave testimony in support of **SB 63**. She said that their county has problems with determining voter eligibility when people complete a voter registration application at the DMV without understanding that they are registering to vote. Also she indicated that they have a problem maintaining the voter list file especially when a woman changes her last name by marriage or divorce and when people move between counties and states. (attachment #8) She provided the committee members with comments she received from interested County Clerks/Election Officials across the state. (attachment #9)

Chairman Powell closed the hearing on **SB 63**.

Chair Powell open the hearing on **SB 125**.

CONTINUATION SHEET

Minutes of the Ethics and Elections Committee for March 5, 2001.

Karen Hartenbower, Lyon County Clerk/Election Officer, testified before the committee in favor of **SB 125**. She proposed an amendment to the bill (page 7 of the bill) regarding simplifying the headings on the general ballot form for national and state offices. At the present time they must print "FOR PRESIDENTIAL ELECTORS" above each set of candidates for president and vice-president, which takes up extra space and increases the amount of printing needed. The amendment would allow printing the header only once for that category. (attachment #10)

Brad Bryant, Deputy Assistant Secretary of State, gave testimony in favor of **SB 125**. He said that it is a technical clean up bill for elections. Mr. Bryant said that SB 125 has six provisions 1)Section 1 deals with candidate filing deadlines in reapportionment years , 2)Sections 2 and 4 delete the office of county surveyor since there are no elected county surveyors anymore, 3)Section 3 deletes a reference to K.S.A. 25-410 which was repealed in 1996 with passage of legislation implementing the National Voter Registration Act, 4)updates two ballot preparation statutes by deleting references to "19__" in sections 5 and 6, 5)Section 7 amends language in K.S.A. 25-3102 dealing with replacing absent members on county boards of canvassers, and 6)Section 8 amends K.S.A. 25-3801 by deleting a reference to K.S.A. 25-3802 which was repealed in 1990. (attachment #11) Mr. Bryant added that he has no objection to the amendment proposed by the clerks.

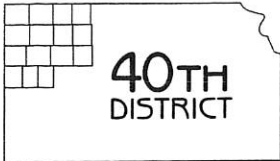
Chairman Powell closed the hearing on **SB 125**.

Meeting was adjourned at 4:45 p.m. The next scheduled meeting is March 7 at 3:30 p.m.

House Ethics and Elections

GUEST LIST Date March 5, 2001

Your Name	Representing
Karen K. Nartenbauer	Ks Co. Clerks + Election Officials
Brad Bryant	Sec. of State
Connie Schmit	So. Co. Election Office
Melissa Wangemann	Sec of State
Shirley Clark	Ks Senate
Bruce Dimmitt	Independent - KFL
Corrie Kangas	Sen. Brownlee
Michele Whit	Kearney Law Office
Susan Richard	KCDAA
Robert Tomlinson	Dist #24
Vickrey	DIST 6



COMMITTEE ASSIGNMENTS

CHAIR: UTILITIES
MEMBER: ASSESSMENT & TAXATION
ELECTIONS & LOCAL GOVERNMENT ORGANIZATIONS, CALENDAR, & RULES
RULES & REGULATIONS

Stan Clark

**TESTIMONY BEFORE THE
HOUSE ETHICS AND ELECTIONS COMMITTEE**

SENATE BILL NO. 107

March 5, 2001

Chairman Powell and members of the committee:

This is an issue that is not new to you. It was interesting reading the testimony and minutes from the House committee in 1992 that last addressed this issue. The struggle is how best to balance protecting our citizen's constitutional right to petition with having a clearly stated question to place on the ballot for voter referendum.

In 1991 a State Senator, who also was an attorney, assisted some of his constituents by drafting a petition, which they circulated to bring a tax issue to a vote. The ladies that circulated the petition secured over 4000 names to bring the issue to a vote. The county officials determined that the petition was not in proper order and threw out the petition and refused to allow the citizens to vote on the issue.

The Legislature in 1992 hoped that by inserting the language requiring submittal to the county or district attorney for an opinion as to the legality of the form of the question before the petition is circulated would have solved the problem. The Legislature assumed that the County Attorney would also be helpful in correcting any shortcoming he might find. We have found that isn't always the case. The County Attorney declared that he couldn't represent both the County and the Citizens seeking to circulate the petition and instead of helping the citizens craft a correctly worded petition, would only render a judgement "yes" or "no". While I think the County Attorney is more an "officer of the people" instead of a "Judge" in this case, this bill will solve this issue.

Incidentally, I think this is the only election that I ever voted for a tax increase and was on the losing side.

The bill spells out exactly what the question on the petition shall include:

1. The following statement: "Shall the following ordinance, or resolution, become effective?"
2. The title, number and exact language of the ordinance or resolution.

In reality, a person that wants to pass a petition to bring the issue to a vote needs only to type the opening question and cut the legal notice out of the paper and paste it on the petition. (See attachments 1-3) Attachments one and two simply have the appropriate question and a copy of the legal notice from the newspaper. Attachment 3 has all of the necessary elements for a proper petition when this bill passes. In reality, I would recommend typing the legal notice to improve the looks of the petition.

The bill also solves a second issue. On lines 24-31 was the requirement that all petitions be submitted to a county attorney before they are circulated. Even if a petition is in proper form now, the statute states that the petition has to be submitted before circulation. I have attached a copy of a newspaper article from the December 29, 1998 Hays Daily News (attachment 4). In the article the court found that the failure to have a prior review, even though the County Attorney stated before the Court that the petition was correct in form, invalidated the entire petition. The interrogative with the County Attorney's statement is my attachment 5.

While the District Court was overturned by the Court of Appeals in the summer of 1999, not everyone can, nor should they have to go the Court of Appeals. The form of the question should be the primary question or issue because we have the constitutional right to petition our government and jumping through the statutory and regulatory hoops should be secondary.

Since the bill passed out of the Senate Committee, a county clerk or two have expressed opposition to the bill. I have attached an email (attachment 6) to that effect. Their first item isn't an issue because all sales tax issues have to be approved by the voters, no sales tax issues are subject to voter referendum.

The second point I think is mute. If the question is invalid, then the original ordinance, or resolution, passed by the governing body is equally defective and invalid. The governing body would have to start the process over again.

Her third point is interesting. A similar bill passed the Senate 2 years ago. Then House Chairman, Lisa Benton had the County and District Attorneys Association and me get together to work out language, we did but many bills did not get worked on the House calendar and this was one of them.

Mister Chairman, I will take questions whenever you like.
I know the next conferee will answer many questions with his testimony.

John Clark

Shall the following resolution become effective?

RESOLUTION 1999-2 RESOLUTION OF THE BOARD OF THOMAS COUNTY COMMISSIONERS CONTINUING A COUNTY BUILDING MAINTENANCE FUND AS PROVIDED BY KSA 19-16,115 AND KSA 19-15,118:

IT IS HEREBY RESOLVED by the Board of County Commissioners of Thomas County, Kansas, that a resolution be adopted authorizing Thomas County to make an annual tax levy of not to exceed three fourths (3/4th) mill for a period of not to exceed five (5) years upon all the taxable tangible property in the county for the purpose of continuing a building maintenance fund to be used for the purpose hereinafter provided: That the specific purpose for which the fund is created is to improve any public building including alteration, repair, reconstruction, remodeling, furnishing, equipping, extending, adding to, enlarging, or any other work which will enhance, extend or restore the value of utility of the public building, that being further defined in KSA 19-16,115. The total amount proposed to be raised shall not exceed \$247,500.00.

WHEREUPON, such levy may be made unless a petition requesting an addition upon the proposition filed by electors equal to not less than 10 percent (10) of the electors of the County who voted for the Secretary of State at the last preceding general election is filed with the County Clerk within thirty (30) days following the last publication of this resolution. In the event such petition is filed, the Board of County Commissioners shall submit the question to the voters at an election called for that purpose and held within ninety (90) days after the last publication of the resolution or at the next general election if held within that time, and no such levy shall be continued unless such proposition shall receive the approval of the majority of the votes cast thereon. Such election shall be called and held in the manner provided in the general bond law.

Said resolution is passed in accordance with KSA 19-15, 118 of the Kansas Statutes Annotated.

Enacted by the County Commissioners of Thomas County, Kansas this 19th day of January, 1999.

BOARD OF COUNTY COMMISSIONERS

Glen H. Karsenbrock
Glen H. Karsenbrock, Chairman

Dwaine Dewee
Dwaine Dewee, Member

Ron Evers
Ron Evers, Member

ATTEST:

Rebecca Seaman
Rebecca Seaman, County Clerk

(Published in The Colby Free Press on January 20, 27 and February 3, 1999)

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Shall the following resolution become effective?

Legal Notice

CHARTER RESOLUTION NO. 3

A CHARTER RESOLUTION PROVIDING THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS, SUBSTITUTE AND ADDITIONAL PROVISIONS TO K.S.A. 79-5028 AND AMENDMENTS THERETO, WHICH CHARTER RESOLUTION WILL REMOVE THE AGGREGATE LEVY AMOUNT LIMITATION FROM THE THOMAS COUNTY ROAD AND BRIDGE FUND.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS:

Section 1. The County of Thomas, by the power vested in it by K.S.A. 19-101a and as provided by K.S.A. 79-5036(b) and amendments thereto, hereby elects to add the Thomas County Road and Bridge Fund as an additional exemption from the aggregate levy amount set out in K.S.A. 79-5028. K.S.A. 79-5028 is part of an enactment commonly known as the Kansas Property tax lid law, which enactment applies to this county but does not apply uniformly to all counties.

Section 2. The following is hereby added to the provisions of K.S.A. 79-5028 and amendments thereto as it applies to Thomas County, Kansas: (f) expenses incurred for road and bridge fund, in an amount not to exceed 2 mills over and above the current level of spending for said fund.

Section 3. This Charter Resolution shall be published once each week for two consecutive weeks in the official county newspaper.

Section 4. This Charter Resolution shall take effect 60 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Resolution as provided in K.S.A. 19-101b in which this Charter Resolution shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS this 6th day of July, 1998.

Glenn H. Kersenbrock, Chairman

Ronald G. Evans, Member

Duane Dawes, Member

Attest:

Rosalie Seeman, County Clerk

(Published in the Colby Free Press on July 8 & 15, 1998)

PETITION

We, the legally qualified electors of Thomas County, State of Kansas, whose signatures appear below, hereby petition the Election Officer of Thomas County, Kansas to place a Resolution on a ballot to state: "Shall the following resolution become effective?"

CHARTER RESOLUTION NO. 2

A CHARTER RESOLUTION PROVIDING THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS, SUBSTITUTE AND ADDITIONAL PROVISIONS TO K.S.A. 79-5028 AND AMENDMENTS THERETO, WHICH CHARTER RESOLUTION WILL REMOVE THE AGGREGATE LEVY AMOUNT LIMITATION FROM THE THOMAS COUNTY ROAD AND BRIDGE FUND.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS:

Section 1. The County of Thomas, by the power vested in it by K.S.A. 19-101a and as provided by K.S.A. 79-5038(b) and amendments thereto, hereby elects to add the Thomas County Road and Bridge Fund as an additional exemption from

the aggregate levy amount set out in K.S.A. 79-5028. K.S.A. 79-5028 is part of an enactment commonly known as the Kansas Property tax law, which enactment applies to this county but does not apply uniformly to all counties.

Section 2. The following is hereby added to the provisions of K.S.A. 79-5028 and amendments thereto as it applies to Thomas County, Kansas: (f) expenses incurred for road and bridge fund, in an amount not to exceed 2 mills over and above the current level of spending for said fund.

Section 3. This Charter Resolution shall be published once each week for two consecutive weeks in the official county newspaper.

Section 4. This Charter Resolution shall take effect 60 days after final publication unless a sufficient petition for a referendum is filed, requiring

a referendum to be held on the Resolution as provided in K.S.A. 19-101b in which this Charter Resolution shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS this 6th day of July, 1998.

Glenn H. Kersenbrock, Chairman

Ronald G. Evans, Member

Duane Dawes, Member

Attest:
Rosalee Seemann, County Clerk

(Published in the Colby Free Press on July 8 & 15, 1998)

I have personally signed this petition. I am a registered elector of the State of Kansas and of Thomas County and my residence address is correctly written after my name.

SIGNATURE	RESIDENCE ADDRESS	DATE
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

VERIFICATION

I am the circulator of this petition. I have personally witnessed the signing of the petition by each person whose name appears thereon. I am a resident and a registered elector of the state of Kansas and of Thomas County, where the election is sought to be held.

Signed _____

NOTARY PUBLIC Residence address; _____

The foregoing signature was witnessed by me on _____, 2001.

My commission expires: _____

Signed: _____

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Attorney

2-1

S

Judge grants school district permission to collect funding

By PHYLLIS J. ZORN
HAYS DAILY NEWS

Ellis County District Judge Edward Bouker has given Colby USD 315 the go-ahead to collect capital outlay funding for 1999.

Bouker's decision in a case filed by Conrad Reed, William Engelhardt and Lloyd Theiner against Thomas County Clerk Rosalie Seemann and the school district ends a year of controversy over a capital outlay tax levy passed by the school board.

Not only did Bouker decide in favor

of the school district, he levied court costs against the three who filed the lawsuit.

The dispute surfaced in December 1997, when the school board adopted a resolution for a capital outlay levy, amounting to 4 mills.

A petition protesting the tax was circulated within the 40 days allowed by law.

The signatures were presented to Seeman on Feb. 2. She notified Reed that the petitions contained enough signatures to bring the tax levy to a vote.

But nine days later Seeman sent

another letter that ruled the petitions invalid because they had not been approved by the Thomas County attorney prior to circulation.

The protesters sued, alleging their protest petitions were valid, the school district's publication notice did not follow state law and that the amount of money to be raised by the levy exceeded a limit defined by law.

Both sides presented argument in Ellis County District Court Nov. 9. Bouker's decision, filed Monday, considered all three issues raised by the protesters and agreed with arguments

made by the school district's attorney, John Gatz.

Gatz argued that the protesters should have filed the petition with the county attorney's office.

The protesters, however, contended the statute did not apply to them.

"The plain language of (the statute) required plaintiffs to obtain the opinion of the Thomas County attorney concerning the legality of the question presented by the petitions prior to their circulation," Bouker wrote. "This was not done and the petitions are therefore invalid."

On the issue of whether the school district's publication of their intention to collect the tax levy constituted publication "once a week for two consecutive weeks," Bouker wrote, "there is nothing in the language of (the law) which would require same-day-each-week publication."

As to the protesters' argument that the school would be collecting more money than allowed by law, Bouker ruled that the term "statutorily prescribed mill rate," would not force the school district to collect the lesser amount of revenue.

IN THE DISTRICT COURT OF THOMAS COUNTY, KANSAS

CONRAD REED, WILLIAM
ENGELHARDT, and LLOYD E.
THEIMER, Residents of Unified
School District No. 315, Thomas
County, Kansas, and Rawlins
County, Kansas,

Plaintiffs,

v.

Case No. 98-C-19

ROSALIE SEEMAN, Thomas
County Clerk and Election Officer,

Defendant,

and

UNIFIED SCHOOL DISTRICT NO.
315, Thomas County, Kansas, and
Rawlins County, Kansas,

Defendant.

REQUEST FOR ADMISSION

Plaintiffs, Conrad Reef, William Engelhardt and Lloyd E. Theimer, by and through their attorney, Tony A. Potter, proffer the following Request for Admission, pursuant to K.S.A. 60-236, for answering by Laurence A. Taylor, Thomas County Attorney. This request is to be answered by Mr. Taylor, under oath, and served upon Plaintiff's attorney within thirty (30) days of the receipt thereof. Said request shall be continuing in nature and, pursuant to K.S.A. 60-226(e), require timely additions or supplementation as further answers, information and/or documentation become available to Mr. Taylor.

EXHIBIT "D"

Attachment 5

REQUEST No. 1

a. Do you admit that the "Petition in Opposition" circulated by Plaintiffs and submitted to Rosalie Seemann, Thomas County Clerk and Election Officer, in one group, on February 2, 1998, conform to the statutory requirements set forth by the Kansas Statutes?

b. If you do not admit that said "Petition in Opposition" met said requirements, what requirement was not met? Please be specific with your answer and include each and every communication, fact and circumstance and each and every legal theory that you think evidence or supports such a contention.

a. Yes as to form.
No as to procedure.

b. The form of the petition appears to comply with K.S.A. 25-3602. The procedure for circulating said petition has not been met for failure to comply with K.S.A. 25-3601 which specifically states as follows:

"Before any petition other than a recall petition as described in K.S.A. 25-4301, et seq., and amendments thereto, requesting an election in any political or taxing subdivision of the state is circulated, a copy thereof containing the question to be submitted shall be filed in the office of the County Attorney of the county or District Attorney of the district in which all or the greater portion of the political or taxing subdivision is located for an opinion as to the legality of the form of such question."

A copy of the petition was not filed in or received by this office until after February 2, 1998.

Attachment 5

Stan Clark

From: "Karen Hartenbower" <lyclerk@lyoncounty.org>
To: <sclark@ink.org>
Cc: "marilyn horn" <mah_2000_67749@yahoo.com>; "Mary Gilmore" <mgilmore@elkhart.com>; "Connie Schmidt" <connie.schmidt@jocoks.com>
Sent: Friday, February 09, 2001 4:22 PM
Subject: SB 107
Senator Horn:

I am Karen K. Hartenbower, Lyon County Clerk. I am a lobbyist for the Kansas County Clerks & Election Officials Association. I am also Chair of the Associations Election Committee. I talked with Decatur County Clerk, Marilyn Horn about your stand on SB 107. We are against your bill and I plan to lobby against it. There were several items in the earlier draft of the bill that you have corrected. The main issue I will be testifying against is Section 1 (c) "...and exact language of the ordinance or resolution and ...". Lyon County is currently building a new courthouse. This was a sales tax question. The resolution was 36 pages long. How many ballots would it take to print (in a readable size) for 1 question? This needs to be addressed.

Another item of concern is Section 1 (b) "Any person challenging the validate of the form of a question shall have the burden of providing in the district court that the form of the question is invalid." - time line??? The Courts are very busy. Ballots have to be to the printers 6-8 weeks in advance. I am not sure this will work.

You questioned why we did not oppose it while in Senate Committee. I asked about the bill and was told that it was introduced last year and it did not go anywhere. They said it would not go anywhere this year either.

Comments?

Karen K. Hartenbower

Attachment b

2/12/01 1-10

**TESTIMONY OF LESTER HAREMZA, COLBY, KANSAS
BEFORE THE HOUSE ETHICS & ELECTIONS COMMITTEE**

SENATE BILL NO. 107

MARCH 4, 2001

Chairman Powell and Members of the Committee:

In 1998 the Thomas County Commission **adopted** a resolution prepared by the County Attorney to increase the property tax for road and bridge improvements.

On July 8 and July 15, 1998, the resolution was published in the Colby Free Press. We called the County Attorney's office and found that he was on vacation and would not return until the 1st of August.

On July 27th, John Galli and I went to Stan Clark to ask him to write a petition so that we could present it to the County Attorney for his approval. Our materials for Senator Clark included a petition, which our County Attorney previously said was in proper form (attachment 1) and it stated this question:

"Shall Tax Levy Resolution 97-1215, passed by the Board of Education of Unified School District #315, be approved?"

Senator Clark wrote out a petition (attachment 2), and we delivered it to the County Attorney's office. The question stated was:

"Shall the Thomas County Board of Commissioners be allowed to exempt the Thomas County Road and Bridge Fund in an amount not to exceed 2 mills over and above the current level of spending from the Kansas Property Tax Lid law?"

On August 3rd, we received a reply (attachment 3) that stated: "I conclude that the proposed petition does not comply with the provisions of K.S.A. 25-620. The issue upon which you request an election is in the form

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Attachment 2

of a question, but it does not appear as it should upon the ballot and fails to include the language set forth in K.S.A. 25-620.”

Later that day, we went to Senator Clark and we revised the question to read (attachment 4):

“Shall Charter Resolution No. 9 passed by the Thomas County Board of Commissioners which exempts the Thomas County Road and Bridge Fund in an amount not to exceed 2 mills over and above the current level of spending from the Kansas Property Tax Lid **be approved?**”

The County Attorney replied (attachment 5) on August 4th that, “Both the statute and the guide specifically state that each petition must state the proposition or question preceded by the following words: “Shall the following **be adopted.**”

On August 7th, after consulting with our attorney, Tony Potter, we submitted a third petition (attachment 6). Our question read:

“Shall Charter Resolution No. 9, passed by the Board of County Commissioners of Thomas County, Kansas, on July 6, 1998, **be adopted and take effect?**”

Our attorney, in a letter the same day, also wrote us (attachment 7) and stated: “You will notice that I have changed the language from the Petitions you sent to me, including the question to be submitted. The problem with the language as set forth by Mr. Taylor and K.S.A. 25-620 is that it does not exactly tract with K.S.A. 19-101b and that the resolution has already been “**adopted**” by the Board of County Commissioners. The issue in the election will be whether or not the resolution should be allowed to **take effect**. I have enclosed a copy of the latter statute for your review and have included language from both statutes and drafted the question to include whether or not the ordinance should **be adopted and take effect.**”

On August 11th, the County Attorney rejected the petition. The same day our 4th petition was faxed to the County Attorney, which he rejected (attachment 8) on August 14th.

The same day, another petition (attachment 9) was faxed along with a letter (attachment 10) about the phrases, “**take effect**” and “**be adopted.**” The attorneys finally agreed the next day with the final attachment (attachment 11):

“**Shall the following be adopted?**”

“**Shall Charter Resolution No. 9, a charter resolution providing the Board of County Commissioner of Thomas County, Kansas, substitute and additional provisions to K.S.A. 79-5028, and amendments thereto, which charter resolution will remove the aggregate levy amount limitation from the Thomas County Road and Bridge Fund, as passed by the Board of County Commissioner of Thomas County, Kansas, on July 6, 1998, take effect?**”

We passed the petition and were successful in the election but, members of the Committee, no one should experience the frustration that I experienced in getting a petition approved in order to begin the process of circulating it. As you can see, we lost 29 days in getting the County Attorney’s approval. This bill removes the county attorney from the process and assumes that the question in the petition which will be put on the ballot is valid unless proven otherwise.

With the changes provided in this bill the question shall be presumed to be valid if the petition states the title, number and exact language of the ordinance or resolution and the title of such petition states: “**Shall the following ordinance or resolution become effective?**”

I ask you to approve, **adopt** or allow this bill to **take effect**. I will stand for questions.

PETITION

TO: ROSALIE SEEMANN
COUNTY ELECTION OFFICER
THOMAS COUNTY, KANSAS

1. That the undersigned registered electors residing within the Unified School District #315 of Thomas County, Kansas, hereby express their opposition to the implementation of Tax Levy Resolution 97-1215 of the Board of Education of said School District which provides that an annual tax levy in an amount not to exceed four (4) mills may be assessed upon the taxable tangible property in said District for the purposes stated in said Resolution. Further, we petition, pursuant to K.S.A. 72-8801, et seq, that the County Election Officer call an election of the electors in said School District at the next general election, as specified by the Board of Education of the said School District, on the following question:

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against any question, make a cross or check mark in the square to the left of the word "No".

Shall Tax Levy Resolution 97-1215, passed by the Board of Education of Unified School District #315, be approved? YES NO

2. That the County Election Officer call an election, for submission of the above and foregoing question to the registered electors of said School District, to be held at the next succeeding primary or general election as defined by K.S.A. 25-2502, and amendments thereto, in which said School District is participating, all as provided by K.S.A. 25-3602(e).

I have personally signed this Petition. I am a registered elector of the State of Kansas and of Unified School District #315, Thomas County, Kansas, and my residence address is correctly written after my name.

Name	Residence Address	Date
Bew Franz	1124 Flint Colby ks.	1-31-98, 1998
Donna K. Kinnear	1121 Flint Colby ks	1-31-1998
Kandi Homan	1114 Flint Colby ks	1-31-1998
Betty Nelson	255 E Hill	1-31-1998

Attachment

Legal Notice

CHARTER RESOLUTION NO. 9

A CHARTER RESOLUTION PROVIDING THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS, SUBSTITUTE AND ADDITIONAL PROVISIONS TO K.S.A. 79-5028 AND AMENDMENTS THERETO, WHICH CHARTER RESOLUTION WILL REMOVE THE AGGREGATE LEVY AMOUNT LIMITATION FROM THE THOMAS COUNTY ROAD AND BRIDGE FUND.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS:

Section 1. The County of Thomas, by the power vested in it by K.S.A. 19-101a and as provided by K.S.A. 79-5036(b) and amendments thereto, hereby elects to add the Thomas County Road and Bridge Fund as an additional exemption from the aggregate levy amount set out in K.S.A. 79-5028. K.S.A. 79-5028 is part of an enactment commonly known as the Kansas Property tax lid law, which enactment applies to this county but does not apply uniformly to all counties.

Section 2. The following is hereby added to the provisions of K.S.A. 79-5028 and amendments thereto as it applies to Thomas County, Kansas: (i) expenses incurred for road and bridge fund, in an amount not to exceed 2 mills over and above the current level of spending for said fund.

Section 3. This Charter Resolution shall be published once each week for two consecutive weeks in the official county newspaper.

Section 4. This Charter Resolution shall take effect 60 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Resolution as provided in K.S.A. 19-101b in which this Charter Resolution shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS this 6th day of July, 1998.

Glenn H. Karsenbrock, Chairman

Ronald G. Evans, Member

Duane Dawes, Member

Attest:

Rosalie Seemann, County Clerk

Laurence A. Taylor
Thomas County Attorney

1480 West Fourth, P.O. Box 509
Colby, KS 67701

Tele.: 785-462-4580
Fax: 785-462-6738

August 3, 1998

Lester Haremza
P.O. Box 213
Colby, KS 67701

Re: Petition -- Exempting Thomas County Road and Bridge Fund from Aggregate Levy
Amount Limitation

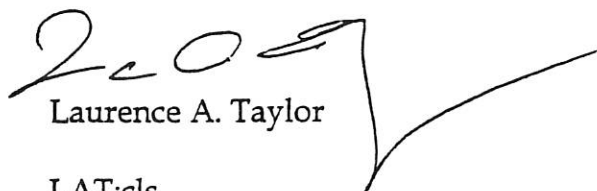
Dear Lester:

I am in receipt of the proposed Petition you filed with my office on July 29, 1998, and have reviewed the same. A copy of the filed proposed Petition is attached to this letter.

As Thomas County Attorney, pursuant to K.S.A. 25-3601, I am now required to furnish a written opinion as to the legality of the form of the question submitted and identified in that proposed petition. Please understand this opinion addresses only whether the question the petitioners seek to bring to an election is in the form of a question, appears as it should upon the ballot, and includes the language set forth in K.S.A. 25-620. Nothing in this opinion should be construed as advice concerning the content of the petition you have submitted, the validity of the signatures that may be attached to that petition or to advise you concerning the sufficiency of the petition.

Having offered those admonitions, I conclude that the attached proposed petition does not comply with the provisions of K.S.A. 25-620. The issue upon which you request an election is in the form of a question but it does not appear as it should upon the ballot and fails to include the language set forth in K.S.A. 25-620. I have attached a copy of K.S.A. 25-620 for your information.

Yours truly,


Laurence A. Taylor

LAT:cls

cc: Rosalie Seemann, Clerk ✓

~~Attached~~

PETITION

We, the legally qualified electors of Thomas County, State of Kansas, whose signatures appear below, hereby petition the Election Officer of Thomas County, Kansas to place a Resolution on a ballot to state:

Shall Charter Resolution No. 9 passed by the Thomas County Board of Commissioners which exempts the Thomas County Road and Bridge Fund in an amount not to exceed 2 mills over and above the current level of spending from the Kansas Property Tax Lid be approved? [] YES [] NO

at the next General Election to be held in Thomas County, to determine the majority vote by election on this proposition all pursuant to K.S.A. 79-5028 and amendments. I have personally signed this petition. I am a registered elector of the State of Kansas and of Thomas County and my residence address is correctly written after my name.

SIGNATURE	PRINTED NAME	RESIDENCE ADDRESS	DATE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

VERIFICATION

I, _____, the circulator of this petition, personally witnessed the signing by each person, whose name appears hereon. I further state that I am a resident of Thomas County, where the election is sought to be held.

NOTARY PUBLIC

The foregoing signature was witnessed by me on _____, 1998.
My commission expires: _____

Signed _____

Signed: _____ Date: _____

Legal Notice

CHARTER RESOLUTION NO. 9

A CHARTER RESOLUTION PROVIDING THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS, SUBSTITUTE AND ADDITIONAL PROVISIONS TO K.S.A. 79-5028 AND AMENDMENTS THERETO, WHICH CHARTER RESOLUTION WILL REMOVE THE AGGREGATE LEVY AMOUNT LIMITATION FROM THE THOMAS COUNTY ROAD AND BRIDGE FUND.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS:

Section 1. The County of Thomas, by the power vested in it by K.S.A. 19-101a and as provided by K.S.A. 79-5036(b) and amendments thereto, hereby elects to add the Thomas County Road and Bridge Fund as an additional exemption from the aggregate levy amount set out in K.S.A. 79-5028. K.S.A. 79-5028 is part of an enactment commonly known as the Kansas Property tax law, which enactment applies to this county but does not apply uniformly to all counties.

Section 2. The following is hereby added to the provisions of K.S.A. 79-5028 and amendments thereto as it applies to Thomas County, Kansas: (1) expenses incurred for road and bridge fund, in an amount not to exceed 2 mills over and above the current level of spending for said fund.

Section 3. This Charter Resolution shall be published once each week for two consecutive weeks in the official county newspaper.

Section 4. This Charter Resolution shall take effect 60 days after final publication unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Resolution as provided in K.S.A. 19-101b in which this Charter Resolution shall become effective upon approval by a majority of the electors voting thereon.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THOMAS COUNTY, KANSAS this 6th day of July, 1998.

Glenn H. Kersenbrock, Chairman

Ronald G. Evans, Member

Duane Dawes, Member

Attest:

Rosalie Seemann, County Clerk

(Published in the Colby Free Press on July 8 & 15, 1998)

Laurence A. Taylor
Thomas County Attorney

1480 West Fourth, P.O. Box 509
Colby, KS 67701

Tele.: 785-462-4580
Fax.: 785-462-6738

August 4, 1998

John Galli, Jr.
2380 North Range Ave.
Colby, KS 67701

Lester Haremza
P.O. Box 213
Colby, KS 67701

Re: Proposed Petition -- Exempting Thomas County Road and Bridge Fund from
Aggregate Levy Amount Limitation

Dear John and Lester:

On Monday, August 3, 1998, you brought a proposed petition to my office and I have attached a copy of the same to this letter.

As Thomas County Attorney, pursuant to K.S.A. 25-3601, I am now required to furnish a written opinion as to the legality of the form of the question submitted and identified in that proposed petition. Please understand this opinion addresses only whether the question the petitioner seeks to bring to an election is in the form of a question, appears as it should upon the ballot, and includes the language set forth in K.S.A. 25-620. Nothing in this opinion should be construed as advice concerning the content of the petition you have submitted, the validity of the signatures that may be attached to that petition, or to advise you concerning the sufficiency of the petition.

Having offered those admonitions, I conclude that the attached proposed petition does not comply with the provisions of K.S.A. 25-620. The proposition or question is, in fact, in the form of a question and does appear as it should upon the ballot but it fails to include the language set forth in K.S.A. 25-620. I previously provided you with a copy of K.S.A. 25-620 and it is my understanding you picked up a guide to petition requirements from Rosalie Seemann. Both the statute and the guide specifically state that each petition must state the proposition or question preceded by the following words: "Shall the following be adopted?"

~~Attachment 5~~

PETITION

TO: ROSALIE SEEMANN
COUNTY ELECTION OFFICER
THOMAS COUNTY, KANSAS

1. That the undersigned, as registered electors residing within Thomas County, Kansas, hereby express their opposition to the implementation of Charter Resolution No. 9 as passed and adopted by the Board of County Commissioner of Thomas County, Kansas, on July 6, 1998. Further, we petition, pursuant to K.S.A. 19-101b, et seq, that the County Election Officer call an election of the electors in said County, on the following question:

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against any question, make a cross or check mark in the square to the left of the word "No".

Shall Charter Resolution No. 9, passed by the Board of County Commissioners of Thomas County, Kansas, on July 6, 1998, be adopted and take effect? YES NO

2. That the County Election Officer call an election, for submission of the above and foregoing question to the registered electors of Thomas County, to be held at the next succeeding primary or general election as defined by K.S.A. 25-2502, and amendments thereto, all as provided by K.S.A. 25-3602(e) and K.S.A. 19-101b.

I have personally signed this Petition. I am a registered elector of the State of Kansas, and of Thomas County, Kansas, and my residence address is correctly written after my name.

Name	Residence Address	Date
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998

Attest

2-11
2-12

POTTER LAW OFFICE, P.A.

323 North Pomeroy Ave. P.O. Box 278
Hill City, Kansas 67642-0278

TONY A. POTTER
Attorney at Law

Telephone: (785) 421-2129
Facsimile: (785) 421-3603

August 7, 1998

Mr. Lester Haremza
P.O. Box 213
Colby, KS 67701

Re: Petition Opposing Charter Ordinance No. 9

Dear Mr. Haremza:

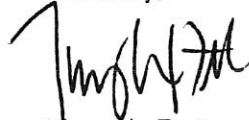
Enclosed you will find the Petition opposing the implementation of Charter Ordinance No. 9 as passed by the Thomas County Board of Commissioner on July 6, 1998.

You will notice that I have changed the language from the Petitions you sent to me, including the question to be submitted. The problem with the language as set forth by Mr. Taylor and K.S.A. 25-620 is that it does not exactly tract with K.S.A. 19-101b and that the resolution has already been "adopted" by the Board of County Commissioners. The issue in the election will be whether or not the resolution should be allowed to take effect. I have enclosed a copy of the latter statute for your review and have included language from both statutes and drafted the question to include whether or not the ordinance should be adopted and take effect.

Please remember to submit this Petition to Mr. Taylor for his review and approval before circulating the same. I have included two copies of the Petition, one for submission to Mr. Taylor and one for you to make copies from. Please note that you may make extra copies of the signature page, the second page, in order to obtain more signatures per Petition. However, each Petition must contain the first page and the last page and be properly executed by the circulator.

If you have any questions, please contact me before the Petition is circulated to save the effort that would be made.

Sincerely,



Tony A. Potter

TAP

~~Attachment 7~~

2-12
2-13

*9554 K.S. § 19-101b

**KANSAS STATUTES
CHAPTER 19. COUNTIES AND
COUNTY OFFICERS
ARTICLE 1. GENERAL
PROVISIONS**

Current through End of 1996 Reg. Sess.

**19-101b. Same; charter resolutions;
exemption of county from acts of
legislature; procedure; election.**

(a) Any county, by charter resolution, may elect in the manner prescribed in this section that the whole or any part of any act of the legislature applying to such county other than those acts concerned with those limitations, restrictions or prohibitions set forth in subsection (a) of K.S. 19-101a, and amendments thereto, shall not apply to such county.

(b) A charter resolution is a resolution which exempts a county from the whole or any part of an act of the legislature and which may provide substitute and additional provisions on the same subject. Such charter resolution shall be so titled, shall designate specifically the act of the legislature or part thereof made inapplicable to such county by the passage of the resolution and shall contain any substitute and additional provisions. Such charter resolution shall require the unanimous vote of all board members unless the board determines prior to passage it is to be submitted to a referendum in the manner hereinafter provided, in which event such resolution shall require a 2/3 vote of the board. In counties with five or seven county commissioners, such charter resolution shall require a 2/3 vote of all board members unless the board determines prior to passage it is to be submitted to a referendum in the manner hereinafter provided, in which event such resolution shall require a majority vote of the board. Every charter resolution shall be published once each week for two consecutive weeks in the official county

newspaper. A charter resolution shall take effect 60 days after final publication unless it is submitted to a referendum in which event it shall take effect when approved by a majority of the electors voting thereon.

(c) If within 60 days of the final publication of a charter resolution, a petition signed by a number of electors of a county equal to not less than 2% of the number of electors who voted at the last preceding November general election or 100 electors, whichever is the greater, shall be filed in the office of the county election officer demanding that such resolution be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by the electors. An election if called, shall be called within 30 days and held within 90 days after the filing of the petition. The board, by resolution, shall call the election and fix the date. Such resolution shall be published once each week for three consecutive weeks in the official county newspaper, and the election shall be conducted in the same manner as are elections for officers of such county. The proposition shall be: "Shall charter resolution No. _____, entitled (title of resolution) take effect?" The board may submit any charter resolution to a referendum without petition in the same manner as charter resolutions are submitted upon petition, except elections shall be called within 30 days and held within 90 days after the first publication of the charter resolution. Each charter resolution which becomes effective shall be recorded by the county election officer in a book maintained for that purpose with a statement of the manner of adoption, and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

*9555 (d) Each charter resolution passed shall control and prevail over any prior or subsequent act of the board and may be repealed or amended only by charter resolution or by an act of the legislature uniformly applicable to all counties.

History: L. 1974, ch. 110, § 3; L. 1987, ch. 100, § 1; July 1.

Search this disc for cases citing this section.

Attachment 7

2-13
2-14

Laurence A. Taylor
Thomas County Attorney

1480 West Fourth, P.O. Box 509
Colby, KS 67701

Tele.: 785-462-4580
Fax.: 785-462-6738

August 14, 1998

Mr. Tony A. Potter
Potter Law Office, P.A.
P.O. Box 278
Hill City, KS 67642

Re: Proposed Petition -- Exempting Thomas County Road and Bridge Fund from
Aggregate Levy Amount Limitation

Dear Tony:

On Monday, August 10, 1998, Les Haremza delivered to the Thomas County Attorney's office a proposed petition relating to the above. In accordance with your letter to the Thomas County Attorney dated August 11, 1998, which was received via facsimile on that date, this proposed petition will be disregarded.

On Tuesday, August 11, 1998, a proposed petition was received from you via facsimile. A copy of the proposed petition is attached to this letter.

Pursuant to K.S.A. 25-3601, the Thomas County Attorney is required to furnish a written opinion as the legality of the form of the question submitted and identified in the petition. Please understand this opinion addresses only whether the question the petitioner seeks to bring to an election is in the form of a question, appears as it should on the ballot, and includes the language set forth in K.S.A. 25-620. Nothing in this opinion should be construed as advice concerning the content of the petition you have submitted, the validity of the signatures that may be attached to the petition, or to advise you concerning the sufficiency of the petition.

Having offered those admonitions, I conclude that the attached proposed petition does not comply with provisions of K.S.A. 25-620. The proposition or question is in the form of a question but it fails to set forth the language specifically required by K.S.A. 25-620. The statute specifically requires that the petition must state the proposition or question preceded by the following words: "Shall the following be adopted?" A copy of

~~Attachment 8~~

2-14
2-15

Mr. Potter
Page 2
August 13, 1998

the Thomas County Attorney's opinion letter dated August 4, 1998, is attached to this letter for further reference.

Yours truly,



Laurence A. Taylor

LAT:bkw

Enclosures

cc: Rosalie Seemann, County Clerk ✓

~~Attachment 8~~

2-15
2-16

PETITION

TO: ROSALIE SEEMANN
COUNTY ELECTION OFFICER
THOMAS COUNTY, KANSAS

1. That the undersigned, registered electors residing within Thomas County, Kansas, hereby demand that Charter Resolution No. 9, "A charter resolution providing the Board of County Commissioners of Thomas County, Kansas, substitute and additional provisions to K.S.A. 79-5028, and amendments thereto, which charter resolution will remove the aggregate levy amount limitation from the Thomas County Road and Bridge Fund", as passed by the Thomas County Board of County Commissioners on July 6, 1998, be submitted to a vote of the electors of Thomas County, Kansas, and that said resolution not take effect until submitted to a referendum and approved by the electors. The proposition shall be:

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against any question, make a cross or check mark in the square to the left of the word "No".

Shall Charter Resolution No. 9, "A charter resolution Providing the Board of County Commissioners of Thomas County, Kansas, substitute and additional provisions to K.S.A. 79-5028, and amendments thereto, which charter resolution will remove the aggregate levy amount limitation from the Thomas County Road and Bridge Fund", as passed by the Board of County Commissioners of Thomas County, Kansas, on July 6, 1998, take effect?

YES

NO

I have personally signed this Petition. I am a registered elector of Thomas County, Kansas and the State of Kansas, and my residence address is correctly written after my name.

Name	Residence Address	Date
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998
_____	_____	_____, 1998

Attached

RECEIVED FROM:

P-02 2-16
2-17

POTTER LAW OFFICE, P.A.323 North Pomeroy Ave. P.O. Box 278
Hill City, Kansas 67642-0278**TONYA A. POTTER**
Attorney at LawTelephone: (785) 421-2129
Facsimile: (785) 421-3603

August 14, 1998

Mr. Laurence A. Taylor
Thomas County Attorney
(785) 462-6738

VIA FACSIMILE

Re: Charter Ordinance No. 9 Petition

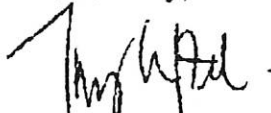
Dear Allen:

I have reviewed your letter dated August 14, 1998, regarding the Petition submitted to you for review, via facsimile, on August 11, 1998. I am requesting that you review the following Petition and approve the same for circulation.

Specifically, K.S.A. 19-101b(c) states that the language of the proposition shall be: "Shall charter resolution No. ____, entitled (title of resolution) take effect?". Obviously, we have a conflict between the language set forth in K.S.A. 25-620 and K.S.A. 19-101b. I chose to use the language in K.S.A. 19-101b because the language in K.S.A. 25-620, concerning the word "adopted" is not accurate in that the commissioner have already adopted the resolution. The question now is whether or not the resolution should take effect, as per K.S.A. 19-101b. In my mind, the charter resolution statute would govern, given the fact that the question is clearly set forth.

I have no strong objection to including the language that you request, and can change the phrase from "take effect?" to "be adopted?" if you so chose. The issue is circulating a petition that you have approved. I would suggest simply stating the question as I have proposed, changing the last words to "be adopted and take effect?". I have changed the Petition accordingly and ask that you review it and deliver an opinion to me forthwith.

Sincerely,



Tony A. Potter

TAP

~~Attachment 10~~2-17
2-18

PETITION

TO: ROSALIE SEEMANN
COUNTY ELECTION OFFICER
THOMAS COUNTY, KANSAS

1. That the undersigned, as registered electors residing within Thomas County, Kansas, hereby demand that Charter Resolution No. 9, a charter resolution providing the Board of County Commissioners of Thomas County, Kansas, substitute and additional provisions to K.S.A. 79-5028 and amendments thereto, which charter resolution will remove the aggregate levy amount limitation from the Thomas County Road and Bridge Fund, as passed and adopted by the Board of County Commissioner of Thomas County, Kansas, on July 6, 1998, be submitted to a vote of the electors of Thomas County, Kansas, and that said resolution not take effect until submitted to a referendum and approved by the electors. The proposition shall be:

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against any question, make a cross or check mark in the square to the left of the word "No".

Shall the following be adopted?

Shall Charter Resolution No. 9, a charter resolution providing the Board of County Commissioner of Thomas County, Kansas, substitute and additional provisions to K.S.A. 79-5028, and amendments thereto, which charter resolution will remove the aggregate levy amount limitation from the Thomas County Road and Bridge Fund, as passed by the Board of County Commissioner of Thomas County, Kansas, on July 6, 1998, take effect? YES NO

2. That the Board of County Commissioners of Thomas County, Kansas, pass a resolution directing that an election be called submitting the above proposal to the electors of Thomas County, Kansas.

I have personally signed this Petition. I am a registered elector of the State of Kansas, and of Thomas County, Kansas, and my residence address is correctly written after my name.

Name	Residence Address	Date
_____	_____	_____, 1998
_____	_____	_____, 1998

Attachment #



Stan Clark

COMMITTEE ASSIGNMENTS

CHAIR: UTILITIES
MEMBER: ASSESSMENT & TAXATION
ELECTIONS & LOCAL GOVERNMENT
ORGANIZATIONS, CALENDAR, & RULES
RULES & REGULATIONS

**Before the House Ethics & Elections Committee
Additional Comments on SB 107
March 5, 2001**

I have been notified that there is a concern that there is no “gatekeeper” in making sure that the question that is placed on the ballot is correctly worded. In reality, if the ordinance, or resolution, drafted by the city or county counselor and published as the legal notice is worded correctly, there should be no question that the language on the petition is appropriate. If that question exists then the original legal notice is defective and the election should not take place.

I am attaching a copy of Senate Bill 244 from 2 years ago, which passed the Senate and was referred to by me earlier. This answers their question because this legislation proposed to extend the time for circulating a petition an extra day for each calendar day the county attorney took in rendering an opinion beyond 5 days. The objection then was that the extension of time might cause a delay in an election if the petitions were submitted near a primary or general election.

Senate Bill 107 and Senate Bill 244 both solve my dilemma, I understand the strengths and weaknesses of both. If county attorney/counselor want to be involved in these issues adopt the language from (Session of 1999) SB 244. If they chose not to become involved, adopt SB 107.

SENATE BILL No. 244

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

2-4

11 AN ACT concerning elections; relating to petitions; amending K.S.A. 25-
12 3601 and repealing the existing section.

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

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

1 requirements of this act. *Any person challenging the validity of the*
2 *form of a question approved by a county or district attorney pur-*
3 *suant to this subsection shall bear the burden of proving that the*
4 *form of the question is invalid. The failure to submit a petition to the*
5 *county or district attorney for review for an opinion as to the legality*
6 *of the form of question prior to its circulation as required under this*
7 *section shall not be the sole grounds for invalidating a petition circulated*
8 *in accordance with this act or the results of any election held in accord-*
9 *ance therewith or any other laws of this state.*

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

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

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

3-2

Karen K. Hartenbower
LYON COUNTY CLERK/ELECTION OFFICER
402 Commercial
Emporia, Kansas 66801
620-341-3245
lyclerk@osprey.net

March 5, 2001

The Honorable Tony Powell, Chair
House Committee Ethics & Elections
Statehouse, Room 521-S

Representative Powell, Committee and others:

I am Karen K. Hartenbower, Lyon County Clerk/Election Official. I am testifying today as Chair of the Elections Committee for the Kansas County Clerk's & Election Officials Association.

I would like to speak in opposition of SB107. There are 2 items I would like to address.

Section 1 (b): Any person challenging the validity of the form of a question shall have the burden of providing in the district court that the form of the question is invalid:

We do not think this will work. There is no time line as to when is the last day the challenge can be made. Our ballots are printed up at least 6 weeks in advance of the election. The courts are over loaded. How long will it take for a decision from them? With their backlog there is nothing that states how long they have to deliver a decision.

I would like to leave in (part of section 1) where the county or district attorney shall **within 5 calendar days following the receipt** of such question furnish a written opinion.....

We need a definite time line. Time is of the essence with elections.

We propose to leave as is 25-3602 (b) (1): State the question which petitioners seek to bring to an election in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 (See sample)

Section 1 (c): this section says that the **exact language of the ordinance, resolution and title.**

We are currently building a new courthouse in Lyon County. The bond issue was on the ballot. The "exact" wording is 38 pages long. How many ballots in readable form would that take for one question? (See sample)

I have been contacted by other election officials concerning this bill. This is why I am here today to oppose SB107.

Thank you for your time and consideration.

25-3601a.

History: L. 1970, ch. 147, § 1; L. 1989, ch. 106, § 9; Repealed, L. 1990, ch. 128, § 1; July 1.

25-3602. Petition documents; where filed; successive filings; contents; verification; circulator; withdrawal of signature; void after 180 days; time of election; determination of number of signatures. (a) Each petition shall consist of one or more documents pertaining to a single issue or proposition under one distinctive title. The documents shall be filed with the county election officer or other official, if another official is designated in the applicable statutes. The filing shall be made at one time all in one group. Later or successive filings of documents relating to the same issue or proposition shall be deemed to be separate petitions and not a part of any earlier or later filing.

(b) Each petition shall, unless otherwise specifically required: (1) State the question which petitioners seek to bring to an election in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 and amendments thereto;

(2) name the taxing subdivision or other political subdivision in which an election is sought to be held;

(3) contain the following recital above the spaces provided for signatures: "I have personally signed this petition. I am a registered elector of the state of Kansas and of

(here insert name of political or taxing subdivision)

and my residence address is correctly written after my name."

The recital shall be followed by blank spaces for the signature, residence address and date of signing for each person signing the petition.

When petitioners are required by law to possess qualifications in addition to being registered electors, the form of the petition shall be amended to contain a recital specifying the additional qualifications required and stating that the petitioners possess the qualifications; and

(4) contain the following recital at the end of each set of documents carried by each circulator: "I am the circulator of this petition. I have personally witnessed the signing of the petition by each person whose name appears thereon. I am a resident and a registered elector of the state of Kansas and of

(here insert name of political or taxing subdivision)

the political or taxing subdivision in which the election is sought to be held.

(Signature of circulator)

(Circulator's residence address)

The recital of the circulator of each petition shall be verified upon oath or affirmation before a notarial officer in the manner prescribed by K.S.A. 1993 Supp. 53-501, *et. seq.* and amendments thereto.

(c) Any person who has signed a petition who desires to withdraw such person's name may do so by giving written notice to the county election officer or other designated official not later than the third day following the date upon which the petition is filed.

(d) Any petition shall be null and void unless submitted to the county election officer or other designated official within 180 days of the date of the first signature on the petition.

(e) Unless the governing body of the political or taxing subdivision in which the election is sought to be held authorizes a special election, all elections which are called as a result of the filing of a sufficient petition shall be held at the next succeeding primary or general election as defined by K.S.A. 25-2502, and amendments thereto, in which the political or taxing subdivision is participating.

(f) When a petition requires signatures equal in number to a percentage of the total number of registered voters, such percentage shall be based on the most recent number of registered voters as certified to the office of the secretary of state pursuant to subsection (f) of K.S.A. 25-2311, and amendments thereto.

History: L. 1970, ch. 147, § 2; L. 1976, ch. 190, § 1; L. 1983, ch. 126, § 2; L. 1986, ch. 141, § 1; L. 1990, ch. 129, § 2; L. 1992, ch. 194, § 3; April 30.

Attorney General's Opinions:

Incomplete notations of signing date of election petitions. 84-41.

Petitions; countywide initiating; no constitutional or statutory basis. 84-100.

Sufficiency of petitions; petition documents, contents. 85-160.

Sufficiency of petitions; petition documents, contents. 86-19.

Sufficiency of petitions; contents of petition. 86-51.

Capital outlay levy, funds and bonds; procedure, protest, petition and election; effect of substitute resolution. 86-69.

RESOLUTION NO. 58-99

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$16,900,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION SALES TAX BONDS, SERIES 1999, OF LYON COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, Lyon County, Kansas (the "County" or the "Issuer") is a political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the Issuer is authorized under K.S.A. 12-187 (b)(2) and K.S.A. 12-195b, as amended, to implement a retailers' sales tax within the boundaries of the County and to issue and sell sales tax/general obligation bonds of the Issuer to evidence such indebtedness for the purpose of financing a new County Courthouse and remodeling the existing County Courthouse to be used as an Administrative Facility (the "Project") upon obtaining the approval of at least a majority of the qualified electors of the Issuer voting on the question; and

WHEREAS, pursuant to K.S.A. 12-187(b)(2), a special election was duly held in the County on March 2, 1999, on the question of whether to implement a one-half percent retailers' sales tax (the "Sales Tax"), to issue the sales tax/general obligation bonds of the Issuer (the "Bonds") to finance the Project and to pledge the receipts of the Sales Tax to the repayment of the Bonds, and it was found and determined that more than a majority of the qualified electors of the Issuer voting on the question had voted in favor of such question; and

WHEREAS, pursuant to K.S.A. 12-195b, the County has received a comprehensive feasibility study indicating that the revenues from the Sales Tax will be sufficient to retire such Bonds without the necessity of levying any ad valorem taxation; and

WHEREAS, the Issuer has not issued any of the authorized Bonds, nor any other obligations secured as to payment from the Sales Tax; and

WHEREAS, the governing body of the Issuer has advertised the sale of \$16,900,000 principal amount of the Bonds in accordance with the law and at a meeting held in the County on this date, awarded the sale of such Bonds to the lowest bidder; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Bonds in the principal amount of \$16,900,000 to pay the costs of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LYON COUNTY, KANSAS, AS FOLLOWS:

44

RON THORNBURGH
Secretary of State



First Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Ethics and Elections

Testimony on Senate Bill 107

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

March 5, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 107. Although we understand the origins and purpose of the bill, we oppose its passage because its attempt to address one or a few isolated incidents creates new and greater problems.

If one or more county attorneys have not performed their statutory duties timely or adequately, that is no reason to relieve them of that duty. The county or district attorney is the top legal authority in the county, and having petitions circulated with no prior review by the legal authority will undoubtedly result in confusing petition language for petition signers and problems in ballot design for county election officers. The election officers' duties in the areas of petition review and ballot design have been ministerial in the past, but this bill threatens to move them into the legal arena, which represents a move for which county election officers are not trained or prepared.

The petition circulation process and the voting process are grounded in state statutes and are thus legal issues for the county, and legal issues need the involvement of the county's chief legal authority. The intent of current law is to designate the county attorney as the "gatekeeper," to review and thus ensure the legality of petitions.

As a practical matter, we expect two things to result from passage of SB 107. County clerks will be expected to perform the petition review duty currently assigned to the county or district attorney. More cases involving confusing or biased language on petitions and ballots will end up in court. Or, more likely, county clerks will continue to operate as ministerial filing officers and no one will review petitions for legal sufficiency.

Language similar to the current statutory language of K.S.A. 25-3601 was added to the statutes on recall petitions in 1987 for the very purpose of stemming the tide of lawsuits filed over improper recall petitions.

Leaving candidate petitions aside, there are two types of petitions affected by SB 107.

1. Protest petitions--These are circulated to protest an action taken by a local governing body, requiring an election before the governing body's resolution or ordinance may take effect.
2. Petitions requesting question submitted elections--These are circulated according to statutory rules to initiate an election process.

Protest petitions are dealt with in SB 107. In our opinion, the provisions of SB 107 will increase the incidence of confusing language on petitions and ballots, and they will increase the public's expectation that the county election officer should provide legal advice. Further, they will send more people to court, and those who do so will incur the resulting costs.

For petitions requesting elections, there is no existing ordinance or resolution from which to copy the language. Often there is no sample language in the statute governing the petition. Our office has often recommended petitioners hire an attorney, but many times they do not want to incur that expense. Without a review of the petition by the county or district attorney, the chances of having confusing or biased language on a petition increase. This puts the county election officer in the position of having to decide whether to print ballots with confusing or biased language or altering the petition's language to increase clarity. This situation would send the election officer to the county attorney for advice anyway. That could be avoided if the county attorney was involved at the beginning of the petition process.

Another problem that may arise with the passage of SB 107 would be petitions and elections on issues that have no legal basis under Kansas law. As stated earlier, Kansas law allows limited rights of initiative; a statute must expressly grant the right to petition and place a matter on the ballot. Suppose an individual circulates a petition on a matter for which there is no statute allowing a petition. Signatures are collected and the petition is filed with the county election officer, and placed on the ballot. Under SB 107, the petition is presumed valid unless a lawsuit contesting its validity is filed within twenty days. If no one contests the validity of the petition, what is the status of the issue, especially if it receives a majority of votes in its favor? SB 107 could lead to petitions and elections on issues that are not even granted the right of initiative under Kansas law. Were an election to be held on such an issue, the county will almost certainly end up in court in order to resolve the matter.

We recommend the committee not pass SB 107. Thank you for your consideration.

David L. Miller, President
Jerome A. Gorman, Vice-President
John M. Settle, Secretary-Treasurer
Julie McKenna, Past President
Steven F. Kearney, Executive Director



Edmond D. Brancart
Thomas J. Drees
Christine K. Tonkovich
Gerald W. Woolwine

Kansas County & District Attorneys Association

1200 W. 10th Street
Topeka, KS 66604
(785) 232-5822 • Fax: (785) 234-2433

March 5, 2001

To: House Ethics and Elections
From: Kansas County and District Attorneys Association
Re: SB 107

Mr. Chairman and Members of the Committee,

The Kansas County and District Attorneys Association would like to thank the Committee for taking the time to hear our testimony on SB 107.

SB 107 would remove the county or district attorney from the process of determining the legality of the form of the question on any petition requesting an election on an ordinance or resolution adopted by the governing body of any county, city, school district, or other municipality. The bill places the burden on any person challenging the validity of the petition to prove in district court that the form is invalid.

Since the time of our testimony on SB 107 in the Senate Elections and Local Government Committee several of our KCDAA members have raised concerns about SB 107 that necessitates us to suggest some changes be made to the current version of SB 107. Although, we do not oppose being removed as the individuals who determine the legality of the form of the question on any petition requesting an election on an ordinance or resolution, we do have concerns that if we are removed there will be no gatekeeper to determine if the petition would even be enforceable by law.

We would respectfully suggest that this committee consider amending SB 107 to include some gatekeeper who would determine the legality of the form of the question. The KCDAA suggests that gatekeeper could be either the County Counselor or the Attorney General's Office for those counties who do not have a County Counselor. With these suggested changes the KCDAA would support SB 107.

Thank You,

Susan Bechard

KCDAA

House Ethics and Elections
3-5-01
Attachment 6

RON THORNBURGH
Secretary of State



First Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Ethics and Elections

Testimony on Senate Bill 63

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

March 5, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify before the committee in support of Senate Bill 63. This bill is identical to a provision in a bill proposed by the Secretary of State in 1999 in an attempt to acquire the means for our office and the county election officers to clean up the voter registration list.

The bill would amend K.S.A. 25-2309(b) to require voter registration applicants to provide the last four digits of their Social Security numbers on their application forms. Using these digits along with a person's name and birth date would allow election officers to determine with certainty when they have a duplicate registration or when a person has moved and not been canceled.

The bill was amended in the Senate to prohibit disclosure of any Social Security information on voter lists, which are otherwise public records.

The Kansas voter registration application form currently asks registrants to provide their full Social Security number, but it is optional, and only about 25% provide it. We have used it to remove duplicates when possible, but we cannot remove other suspected duplicates using only the name and birth date.

We in Kansas struggled for several years to implement the National Voter Registration Act of 1993 (NVRA), as legislatures and election officials struggled in many states across the nation. One of the stated purposes of the NVRA was to increase voter registration opportunities, especially in areas and segments of society where opportunities had been historically limited. Due to the NVRA we see voter registration rolls expanding, not only with new registrants but with duplicates and voters who move but for one reason or another have not been canceled from their previous addresses.

To counter this nationwide trend, the Federal Election Commission has recommended that states do two things:

- develop statewide voter registration databases, and
- use the last four digits of the Social Security number to track voters.

Kansas developed a statewide file in 1994, and SB 63 will grant authority to use the last four digits of the Social Security number as a unique identifier. We currently use our statewide file to eliminate duplicates within the state, but as more states begin using the last four digits of the Social Security number, we will also be able to identify duplicates across state lines, something we cannot do now.

After five years we see the results of the lengthening voter lists. Candidates, consultants and political parties who purchase voter registration data for use in campaigns complain about the number of their mailings that are returned to them undeliverable due to expired addresses. Constituents who want to circulate petitions in accordance with various statutory provisions that require signatures of a percentage of registered voters are finding the requirements for their petitions increasing all the time. County election officers sending ballots, notices and other official mailings encounter an unacceptable number of returns.

We recommend the committee pass SB 63 and give Kansas election officers a tool to reduce the number of duplicates and ineligible voters from the registration list.

Thank you for your consideration.

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE HOUSE ETHICS AND ELECTIONS COMMITTEE

Submitted by Connie Schmidt, Johnson County Election Commissioner

Monday, March 5, 2001

Thank you for the opportunity to speak regarding Senate Bill 63. On behalf of the Johnson County Election Office, I express support of this Bill for the following reasons:

1. **Determining voter eligibility** – The last four digits of the social security number provides an additional safeguard to assure that the person registering to vote is a United States citizen. Our office has had many instances where a non-US citizen has completed a registration application at the DMV. When they receive their voter certificate in the mail, they telephone our office because they did not understand that they were registering to vote, and they know that this is against the law.
2. **Maintaining the Voter List File** – This unique identifier provides invaluable information for researching duplicate registrants, and removing deceased voters and convicted felons.

As an example, if a woman changes her last name by marriage or divorce, and moves to another address within our county or within the State, but does not provide her previous name on the registration application, the record has no indicator to validate to us that it is in fact a duplicate registration.

This would also assist in processing cancellation lists from other Kansas counties and other states. This unique identifier, along with the date of birth, will assure that we are, in fact, canceling the correct voter.

In summary, adding the additional requirement of the last four digits of the social security number for voter registration purposes, will assure accuracy in processing registration applications and in maintaining our official voter registration file. For this reason, I express support of Senate Bill 63.

KANSAS VOTER REGISTRATION APPLICATION

REZ		05-14-1952		05-12-20	
CESAR		A		1972	
13166		KNOX		ST	
OVERLAND PARK		66213			
JOHNSON		1967		816 245-5009	

- Party Affiliation - Choose One:
- Democratic
 - Republican
 - Libertarian
 - Reform
 - Taxpayers
 - Not affiliated - with a party

MAILING ADDRESS (if residence address is not a permissible postal address, give mailing address of residence.)

JO CO ELECTIONS		MAY 17 2000	
OVERLAND PARK		KS	

I swear or Affirm that:
 I am a citizen of the United States.
 I am a Kansas Resident.
 I will be 18 years old before the next statewide general election.
 If convicted of a felony, I have had my civil liberties restored.
 If applicable, I have abandoned my former residence and/or other name.
 I have told the truth on this application. Sign Here X Armando Perez

C ARMANDO PEREZ SR	
OVERLAND PARK	JOHNSON KS

WARNING: If you submit a false voter registration application, you may be convicted and sentenced to up to 17 months in prison.

This group is a father and twin sons. They have different middle names.

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE HOUSE ETHICS AND ELECTIONS COMMITTEE

Submitted by Connie Schmidt, Johnson County Election Commissioner

**Vice Chair, Kansas County Clerks/Election Officials
Elections Committee**

Monday, March 5, 2001

Thank you for the opportunity to speak regarding Senate Bill 63. On behalf of the Elections Committee of the Kansas County Clerks Association, I express support of this Bill.

Listed below are comments received from interested County Clerks/Election Officials across the State:

Ellis County – does not want to require the last four digits of the social security number on voter registration. Small counties cannot afford to change voter cards every time changes are made.

Cloud County – probably a good idea, however, it will be difficult to obtain that information from currently registered voters.

Barber County - supports this Bill.

Russell County – not in favor of using last four digits of the social security number. We are a small county and almost know everyone.

Decatur County – The social security numbers are important because even in our small county we have too many “same name persons” and unless you know them personally – the birth dates are not much help.

Riley County – supports this Bill.

Cowley County – supports this Bill.

Chautauqua County – supports this Bill.

Jefferson County – supports this Bill – good idea.

Gary County – supports this Bill.

Miami County – supports this Bill.

County Clerks/Election Officials Committee – supports this Bill.

Lyon, Johnson, Greenwood, Rush, Clay, Sedgwick, Sherman, Wilson, Shawnee, Wyandotte, and Douglas Counties.

House Ethics and Elections
3-5-01

Karen K. Hartenbower
LYON COUNTY CLERK/ELECTION OFFICER
402 Commercial
Emporia, Kansas 66801
620-341-3245
lyclerk@osprey.net

March 5, 2001

The Honorable Tony Powell, Chair
House Committee Ethics & Elections
Statehouse, Room 521-S

Representative Powell, Committee and others:

I am Karen K. Hartenbower, Lyon County Clerk/Election Official. I am testifying today as Chair of the Elections Committee for the Kansas County Clerk's & Election Officials Association.

I would like to testify in favor of SB125 and propose an amendment (page 7 of the bill) as follows:

25-616. Form for national offices part of official general ballot. The secretary of state shall prescribe the ballot format but the national offices part of the official general ballot for national and state offices shall be substantially in the form shown in this section and the state offices part of such ballot shall be substantially in the form shown in K.S.A. 25-617, and amendments thereto.

STATE OF KANSAS OFFICAL GENERAL BALLOT National and State Offices
County of _____ November _____, Year _____

NATIONAL OFFICES

To vote for presidential electors for candidates for president and vice-president make a cross or check mark in the square at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and make a cross or check mark in the square at the left of the names of the candidates.

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT

Vote for One Set of Electors

JONES AND DOE.....Republican

REOHEAD AND RICHARDBY.....Democrat

JANEBRAND AND JOHNBERG.....Independent

_____ and _____

(See samples)

The reason we submit this amendment is because of the space required to put **FOR PRESIDENTIAL ELECTORS** above each set of candidates for President and Vice-President. (See copies of November 2000 ballots)

Some counties had to print an extra ballot because they did not have enough room for all the races and the constitutional questions. Several counties chose not to put the title before each set of candidates because of the extra space needed. (See ballots)

This was an issue also for printers who were trying to save the counties money on ballots. (See letter from Clifford S. Maze, Lockwood)

Thank you for your time and consideration.

Upon the ballots may be printed such directions as will aid the voter.

If voting machines are used the arrangement of names on voting machines shall be rotated according to precinct, as near as may be.

History: L. 1973, ch. 153, § 21; L. 1978, ch. 137, § 3; L. 1993, ch. 287, § 4; July 1.

25-615. Official general ballot; offices of president and vice-president; names of candidates and ballot format. The surnames of the candidates of each political party for the offices of president and vice-president, with the political designation thereof placed at the right of the surnames, shall be in one line. The secretary of state shall prescribe the ballot format but the foregoing shall be substantially as shown in the sample form of the official general ballot in K.S.A. 25-616 and amendments thereto.

History: L. 1973, ch. 153, § 5; L. 1978, ch. 137, § 4; L. 1984, ch. 139, § 3; L. 1992, ch. 291, § 3; July 1.

Attorney General's Opinions:

Independent nominations; petitions; candidates for president and vice-president; substitution of vice-president candidate. 92-66.

25-616. Form for national offices part of official general ballot. The secretary of state shall prescribe the ballot format but the national offices part of the official general ballot for national and state offices shall be substantially in the form shown in this section and the state offices part of such ballot shall be substantially in the form shown in K.S.A. 25-617, and amendments thereto.

STATE OF KANSAS
OFFICIAL GENERAL BALLOT
National and State Offices
County of _____
November _____, 19____

NATIONAL OFFICES

To vote for presidential electors for candidates for president and vice-president make a cross or check mark in the square at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and make a cross or check mark in the square at the left of the names of the candidates.

[] FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT
JONESTERN AND DOE Republican

[] FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT
ROEHEAD AND RICHARDBY..... Democrat
[] FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT
JANE BRAND AND JOHNBERG Independent
Nominations
[] FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT _____
and _____

To vote for a person make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR UNITED STATES SENATOR
Vote for One
[] DAN BOBING, Brussell Republican
[] ROBERTA SMITH, Salina Democrat
[] _____

FOR UNITED STATES REPRESENTATIVE
_____ DISTRICT
Vote for One
[] ELMER O'BRIEN, Wichita Democrat
[] WM.T. MILLER, Maple City Republican
[] _____

When any office is not to be elected, it shall be omitted from the ballot.

History: L. 1973, ch. 153, § 6; L. 1977, ch. 135, § 1; L. 1978, ch. 137, § 5; L. 1979, ch. 106, § 3; L. 1981, ch. 165, § 6; L. 1984, ch. 139, § 4; L. 1991, ch. 100, § 5; L. 1992, ch. 291, § 4; July 1.

Attorney General's Opinions:

Independent nominations; petitions; candidates for president and vice-president; substitution of vice-president candidate. 92-66.

25-617. State offices part of official general ballot, form. The secretary of state shall prescribe the ballot format but the state offices part of the official general ballot for national and state offices shall follow the national offices part substantially as is shown in this section.

STATE OFFICES

To vote for the pair of candidates, make a cross or check mark in the square at the left of the names of the candidates for governor and lieutenant governor. To vote for persons for governor and lieutenant governor whose names are not printed on the ballot, write the names of such persons in the blank spaces and make a cross or check mark in the square to the left.

25-616

Chapter 25.--ELECTIONS

Article 6.--OFFICIAL BALLOTS

25-616. Form for national offices part of official general ballot. The secretary of state shall prescribe the ballot format but the national offices part of the official general ballot for national and state offices shall be substantially in the form shown in this section and the state offices part of such ballot shall be substantially in the form shown in K.S.A. 25-617, and amendments thereto.

STATE OF KANSAS OFFICIAL GENERAL BALLOT National and State Offices County of _____ November _____, 19__

NATIONAL OFFICES

To vote for presidential electors for candidates for president and vice-president make a cross or check mark in the square at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and make a cross or check mark in the square at the left of the names of the candidates.

| ; [] FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT

Vote for One Set of Electors

JONESTERN AND DOE.....Republican

~~| ; [] FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE PRESIDENT~~

ROEHEAD AND RICHARDBY.....Democrat

~~| ; [] FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE PRESIDENT~~

JANEBRAND AND JOHNBERG..... Independent
Nominations

~~| ; [] FOR PRESIDENTIAL ELECTORS FOR PRESIDENT
AND VICE PRESIDENT~~

_____ and _____

To vote for a person make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and make a cross or check mark in the square to the left.

FOR UNITED STATES SENATOR

Vote for One

| |; [] DAN BOBING, Brussell
Republican

| |; [] ROBERTA SMITH, Salina
Democrat

| |; []

FOR UNITED STATES REPRESENTATIVE

_____DISTRICT

Vote for One

| |; [] ELMER O'BRIEN, Wichita
Democrat

| |; [] WM.T. MILLER, Maple City
Republican

| |; []

When any office is not to be elected, it shall be omitted from the ballot.

History: L. 1973, ch. 153, § 6; L. 1977, ch. 135, § 1; L. 1978, ch. 137, § 5; L. 1979, ch. 106, § 3; L. 1981, ch. 165, § 6; L. 1984, ch. 139, § 4; L. 1991, ch. 100, § 5; L. 1992, ch. 291, § 4; July 1.

**STATE OF KANSAS - November 7, 2000 - COUNTY OF SHAWNEE
OFFICIAL GENERAL ELECTION BALLOT**

NOTICE

If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

To vote for presidential electors for candidates for president and vice-president darken the oval at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and darken the oval at the left of the names of the candidates.

To vote for a person, darken the oval at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and darken the oval to the left.

NATIONAL OFFICES	COUNTY OFFICES	JUDICIAL RETENTION
<p align="center">FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT Vote for One</p> <p><input type="radio"/> Browne and Olivier Libertarian</p> <p><input type="radio"/> Buchanan and Foster Reform</p> <p><input type="radio"/> Bush and Cheney Republican</p> <p><input type="radio"/> Gore and Lieberman Democrat</p> <p><input type="radio"/> Hagelin and Ticciati Independent</p> <p><input type="radio"/> Nader and LaDuke Independent</p> <p><input type="radio"/> Phillips and Frazier Constitution</p> <p><input type="radio"/></p>	<p align="center">FOR COUNTY CLERK Vote for One</p> <p><input type="radio"/> Cynthia "Cyndi" Beck Topeka Republican</p> <p><input type="radio"/> Larry Wilson Topeka Democrat</p> <p><input type="radio"/></p> <hr/> <p align="center">FOR COUNTY TREASURER Vote for One</p> <p><input type="radio"/> Rita Cline Topeka Democrat</p> <p><input type="radio"/></p>	<p align="center">QUESTION NUMBER 2</p> <p>To vote for a Judge of the Court of Appeals being retained in office, darken the oval <input type="radio"/> to the left of the word "Yes". To vote against a Judge of the Court of Appeals being retained in office, darken the oval <input type="radio"/> to the left of the word "No".</p> <p>Shall G. Joseph Pierron, Jr., Olathe, Position No. 3, Kansas Court of Appeals, be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p> <p>Shall Christel E. Marquardt, Topeka, Position No. 5, Kansas Court of Appeals, be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p>
<p align="center">FOR UNITED STATES REPRESENTATIVE 2ND DISTRICT Vote for One</p> <p><input type="radio"/> Dennis Hawver Ozawkie Libertarian</p> <p><input type="radio"/> Jim Ryun Lawrence Republican</p> <p><input type="radio"/> Stanley Wiles Ottawa Democrat</p> <p><input type="radio"/></p>	<p align="center">FOR REGISTER OF DEEDS Vote for One</p> <p><input type="radio"/> Marilyn L. Nichols Topeka Republican</p> <p><input type="radio"/> Marsha O'Leary Topeka Democrat</p> <p><input type="radio"/></p> <hr/> <p align="center">FOR SHERIFF Vote for One</p> <p><input type="radio"/> Richard W. (Dick) Barta Topeka Republican</p> <p><input type="radio"/> Mike Padilla Topeka Democrat</p> <p><input type="radio"/></p>	<p align="center">QUESTION NUMBER 1</p> <p>To vote for a Judge of the District Court being retained in office, darken the oval <input type="radio"/> to the left of the word "Yes". To vote against a Judge of the District Court being retained in office, darken the oval <input type="radio"/> to the left of the word "No".</p> <p>Shall Jan W. Leuenberger, Topeka, District Court Judge, 3rd District, Division 1, be retained in office?</p> <p><input type="radio"/> YES</p> <p><input type="radio"/> NO</p> <p>Shall Richard D. Anderson, Topeka</p>
<p align="center">STATE OFFICES</p> <p align="center">FOR STATE SENATOR 18TH DISTRICT</p>		

<p>A ATCHISON COUNTY</p> <p>INSTRUCTIONS TO VOTER 1. To vote you must darken the oval (●) completely. 2. Use a No. 2, soft lead pencil.</p> <p>NOTICE: If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.</p> <p>NATIONAL OFFICES To vote for presidential electors for candidates for president and vice-president darken the oval at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and darken the oval at the left of the names of the candidates.</p> <p>VOTE FOR ONE PAIR</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> BROWNE and OLIVIER, Libertarian</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> BUCHANAN and FOSTER, Reform</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> BUSH and CHENEY, Republican</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> GORE and LIEBERMAN, Democrat</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> HAGELIN and TICCATI, Independent</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> NADER and LADUKE, Independent</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> PHILLIPS and FRAZIER, Constitution</p> <p>FOR PRESIDENTIAL ELECTORS For President and Vice-President</p> <p><input type="radio"/> _____ and _____</p> <p>To vote for a person darken the oval at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, and darken the oval to the left.</p> <p>FOR UNITED STATES REPRESENTATIVE 2ND DISTRICT (VOTE FOR ONE)</p> <p><input type="radio"/> DENNIS HAWVER Ozawle Libertarian</p> <p><input type="radio"/> JIM RYUN Lawrence Republican</p> <p><input type="radio"/> STANLEY WILES Ottawa Democrat</p> <p><input type="radio"/> _____</p>	<p>B STATE OF KANSAS</p> <p>STATE OFFICES FOR STATE SENATOR 1ST DISTRICT (VOTE FOR ONE)</p> <p><input type="radio"/> TOM KAUTZ Atchison Democrat</p> <p><input type="radio"/> EDWARD W. PUGH Wamego Republican</p> <p><input type="radio"/> _____</p> <p>FOR STATE REPRESENTATIVE 48TH DISTRICT (VOTE FOR ONE)</p> <p><input type="radio"/> JERRY HENRY Cummings Democrat</p> <p><input type="radio"/> _____</p> <p>FOR STATE BOARD OF EDUCATION MEMBER - 4TH DISTRICT (VOTE FOR ONE)</p> <p><input type="radio"/> PATRICK H. HILL Topeka Republican</p> <p><input type="radio"/> BILL WAGNON Topeka Democrat</p> <p><input type="radio"/> _____</p> <p>COUNTY OFFICES FOR COUNTY COMMISSIONER 3RD DISTRICT (VOTE FOR ONE)</p> <p><input type="radio"/> MICHAEL D. CAVANAUGH Atchison. Democrat</p> <p><input type="radio"/> RICHARD D. CARLSON Atchison. Republican</p> <p><input type="radio"/> _____</p> <p>FOR COUNTY CLERK (VOTE FOR ONE)</p> <p><input type="radio"/> ANN R. NOREM Atchison. Republican</p> <p><input type="radio"/> PAULINE M. LEE Cummings Democrat</p> <p><input type="radio"/> _____</p> <p>FOR COUNTY TREASURER (VOTE FOR ONE)</p> <p><input type="radio"/> CAROL THOMAS Atchison. Democrat</p> <p><input type="radio"/> DELORES KURTZ McCONNAUGHEY Atchison Republican</p> <p><input type="radio"/> _____</p> <p>FOR REGISTER OF DEEDS (VOTE FOR ONE)</p> <p><input type="radio"/> MARLENE WAGNER Atchison. Democrat</p> <p><input type="radio"/> MICHELLE R. OLIVER Cummings Republican</p> <p><input type="radio"/> _____</p>	<p>C NOVEMBER 7, 2000</p> <p>COUNTY OFFICES FOR COUNTY ATTORNEY (VOTE FOR ONE)</p> <p><input type="radio"/> GERALD R. KUCKELMAN Atchison Republican</p> <p><input type="radio"/> _____</p> <p>FOR SHERIFF (VOTE FOR ONE)</p> <p><input type="radio"/> JEFFREY D. GENTRY Atchison Republican</p> <p><input type="radio"/> JOHN M. CALHOON Atchison Democrat</p> <p><input type="radio"/> _____</p> <p>TOWNSHIP OFFICES FOR TOWNSHIP TRUSTEE (VOTE FOR ONE)</p> <p><input type="radio"/> JOHN G. GEHRING Atchison Democrat</p> <p><input type="radio"/> RONALD L. STIRTON Atchison Republican</p> <p><input type="radio"/> _____</p> <p>FOR TOWNSHIP TREASURER (VOTE FOR ONE)</p> <p><input type="radio"/> MARY JANE SOWERS Atchison Republican</p> <p><input type="radio"/> _____</p> <p>VOTE BOTH SIDES</p>
<p>A WALNUT PRECINCT</p>	<p>B</p>	<p>C 017</p>

A RUSSELL COUNTY

B STATE OF KANSAS

C NOVEMBER 7, 2000

INSTRUCTIONS TO VOTER

- 1. To vote you must darken the oval (●) completely.
- 2. Use a No. 2, soft lead pencil.

NOTICE: If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

NATIONAL OFFICES

To vote for presidential electors for candidates for president and vice-president darken the oval at the left of the names of the candidates. To vote for presidential electors to be selected by candidates for president and vice-president whose names are not printed on the ballot, write the persons' names in the appropriate blank spaces and darken the oval at the left of the names of the candidates.

NATIONAL OFFICES

FOR PRESIDENTIAL ELECTORS
For President and Vice-President
VOTE FOR ONE PAIR

- PHILLIPS and FRAZIER, Constitution
- BROWNE and OLIVIER, Libertarian
- BUCHANAN and FOSTER, Reform
- BUSH and CHENEY, Republican
- GORE and LIEBERMAN, Democrat
- HAGELIN and TICCIATI, Independent
- NADER and LADUKE, Independent
- _____ and _____

To vote for a person darken the oval at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, and darken the oval to the left.

FOR UNITED STATES REPRESENTATIVE
1ST DISTRICT
(VOTE FOR ONE)

- JACK WARNER
Dodge City Libertarian
- JERRY MORAN
Hays Republican
- _____

STATE OFFICES

FOR STATE SENATOR
36TH DISTRICT
(VOTE FOR ONE)

- JANIS K. LEE
Kensington Democrat
- EUGENE M. DAVIDSON
Russell Republican
- _____

VOTE BOTH SIDES

STATE OFFICES

FOR STATE REPRESENTATIVE
110TH DISTRICT
(VOTE FOR ONE)

- DAN JOHNSON
Hays Republican
- JOHN BINDER
Ellis Democrat
- _____

FOR DISTRICT JUDGE
20TH JUDICIAL DISTRICT - DIVISION 2
(VOTE FOR ONE)

- HANNELORE KITTS
Great Bend Republican
- _____

FOR DISTRICT JUDGE
20TH JUDICIAL DISTRICT - DIVISION 3
(VOTE FOR ONE)

- MIKE KEELEY
Great Bend Democrat
- _____

FOR DISTRICT MAGISTRATE JUDGE
20TH JUDICIAL DISTRICT - POSITION 3
(VOTE FOR ONE)

- MARTY K. CLARK
Russell Republican
- _____

FOR STATE BOARD OF EDUCATION
MEMBER - 6TH DISTRICT
(VOTE FOR ONE)

- BRUCE H. WYATT
Salina Republican
- ELOISE LYNCH
Salina Democrat
- _____

COUNTY OFFICES

FOR COUNTY CLERK
(VOTE FOR ONE)

- SIMONE GINTHER
Luray Republican
- _____

FOR COUNTY TREASURER
(VOTE FOR ONE)

- JUDITH A. CORLEY
Gorham Republican
- _____

COUNTY OFFICES

FOR REGISTER OF DEEDS
(VOTE FOR ONE)

- DEE ANN MATHESON
Russell Republican
- _____

FOR COUNTY ATTORNEY
(VOTE FOR ONE)

- DANIEL W. KRUG
Russell Republican
- DOUGLAS W. McNETT
Larned Independent
- _____

FOR COUNTY SHERIFF
(VOTE FOR ONE)

- JOHN R. FLETCHER
Russell Republican
- _____

For HOSPITAL BOARD
POSITION 1 - 4 YEAR TERM
(VOTE FOR ONE)

- DONALD A. KUEHN
Russell
- _____

For HOSPITAL BOARD
POSITION 6 - 4 YEAR TERM
(VOTE FOR ONE)

- SONJA STAAB
Russell
- JAN WILLITS
Russell
- _____

For HOSPITAL BOARD
POSITION 7 - 4 YEAR TERM
(VOTE FOR ONE)

- NANCY L. POPP
Russell
- DOUG RENARD
Russell
- _____

TOWNSHIP OFFICES

FOR TOWNSHIP TRUSTEE
(VOTE FOR ONE)

- _____

FOR TOWNSHIP TREASURER
(VOTE FOR ONE)

- _____

A WINTERSET PRECINCT

B

C

016

**STATE OF KANSAS
OFFICIAL GENERAL ELECTION BALLOT
COUNTY OF LYON
NOVEMBER 7, 2000**

NOTICE: If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

TOWNSHIP OFFICES

To vote for a person, darken the oval at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and darken the oval to the left.

**For TOWNSHIP TRUSTEE
Vote for One**

WAYNE F. STOLL, Democrat
Reading

**For TOWNSHIP TREASURER
Vote for One**

JAMES C. JONES II, Republican
Reading

SPECIAL DISTRICT OFFICES

To vote for a person, darken the oval at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space and darken the oval to the left.

**For READING BENEFIT FIRE
DISTRICT #1 POSITION #2
Vote for One**

DARRYL W. PROTHEROE,
Reading

**SUPREME COURT JUSTICES
COURT OF APPEALS JUDGES**

QUESTION NUMBER ONE

To vote for a Justice of the Supreme Court being retained in office, darken the oval to the left of the word "Yes." To vote against a Justice of the Supreme Court being retained in office, darken the oval to the left of the word "No."

Shall **DONALD L. ALLEGRUCCI,**
Pittsburg, Position No. 6, Kansas
Supreme Court, be retained in
office?

YES

NO

Shall **ROBERT E. DAVIS,**
Leavenworth, Position No. 7,
Kansas Supreme Court, be
retained in office?

YES

NO

QUESTION NUMBER TWO

To vote for a Judge of the Court of Appeals being retained in office, darken the oval to the left of the word "Yes." To vote against a Judge of the Court of Appeals being retained in office, darken the oval to the left of the word "No."

Shall **G. JOSEPH PIERRON, JR.,**
Olathe, Position No. 3, Kansas
Court of Appeals, be retained in
office?

YES

NO

Shall **CHRISTEL E. MARQUARDT,**
Topeka, Position No. 5, Kansas
Court of Appeals, be retained in
office?

YES

NO

**JUDICIAL RETENTION
JUDGES OF THE
DISTRICT COURT**

QUESTION NUMBER ONE

To vote for a Judge of the District Court being retained in office, darken the oval to the left of the word "Yes." To vote against a Judge of the District Court being retained in office, darken the oval to the left of the word "No."

Shall **MERLIN G. WHEELER,**
Emporia, 5th District, Division
3, be retained in office?

YES

NO

**VOTE
BOTH
SIDES**



8191 PRATT ROAD • P.O. BOX 128 • ATCHISON, KANSAS 66002-0128

913-367-0110

1-800-467-7024

FAX (913) 367-5109

Lyon County Clerk
Karen Hartenbower
402 Commerical
Emporia Ks 66801

Karen

I appreciate visiting with you this morning concerning the Presidential wording on the Kansas ballot. We printed 29 county ballots for Kansas counties. Shawnee and Wyandotte did not preface each Presidential Candidate with the wording we discussed. Russell County chose not to use that wording as it would have necessiated printing a 2nd ballot. Records show that we printed 22 counties in 1996 and 16 counties in 1992. The Lockwood Company did not preface each candidate in those election years with the wording FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT. We did not have any County Clerks say they would prefer to have the wording so stated. In 2000 we discussed the wording with Brad Bryant, of the Secretary of States Office. He advised we should use the wording as it was statutory. Karen, we at The Lockwood Company, think it would be a clearer ballot for the voter to read with out the wording on each candidate. It could be in the leading statement and meant for all candidates for President and Vice-President. I have included a Shawnee and Russell County ballot and an Atchison county ballot.

Respectfully

Clifford S. Maze
Lockwood Company

RON THORNBURGH
Secretary of State



First Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Ethics and Elections

Testimony on Senate Bill 125

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

March 5, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of SB 125. This bill was proposed by the Secretary of State's office as a technical clean up bill for elections. The bill has six provisions.

1. Section 1 updates provisions in K.S.A. 25-205 that were passed ten years ago in preparation for the 1992 reapportionment. These provisions allow for easier petition requirements and later candidate filing deadlines if the Legislature is unable to complete its redistricting plan early enough to allow an adequate candidate filing period. This bill would update the 1992 provisions to be effective in any redistricting year.
2. Sections 2 and 4 delete the office of county surveyor from the ballot preparation statutes because there are no elected surveyors in Kansas any more. Section 2 of the bill deletes the office of surveyor from K.S.A. 25-213, which is the primary election ballot statute, and Section 4 deletes the office from K.S.A. 25-611, which is the general election ballot statute.
3. Section 3 of the bill amends K.S.A. 25-413 by deleting a reference to K.S.A. 25-410, which was repealed in 1996 with passage of legislation implementing the National Voter Registration Act. The oath of challenged voters in K.S.A. 25-410 was repealed and replaced with the signing of the affidavit on the voter registration application form. Because K.S.A. 25-410 was repealed, the reference to that statute needs to be deleted from K.S.A. 25-413.
4. Sections 5 and 6 are Year 2000 provisions. They update two ballot preparation statutes by deleting references to "19__."
5. Section 7 amends language in K.S.A. 25-3102 dealing with replacing absent members on county boards of canvassers. Senate Bill 125 would update the language to accommodate counties that have five county commissioners instead of three.

6. Section 8 amends K.S.A. 25-3801 by deleting a reference to K.S.A. 25-3802, which was repealed in 1990. The statute deals with a county party chair's authority to fill vacancies in the positions of precinct committee men and women.

We recommend the committee pass SB 125 favorably. Thank you for your consideration.