

## MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE:

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on March 12, 2001 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Theresa Kiernan, Office of the Revisor of Statutes  
Dennis Hodgins, Kansas Legislative Research Department  
Shirley Weideman, Committee Secretary

Conferees appearing before the committee:

**HB 2531** Neutral: Brad Bryant, Deputy Assistant Secretary of State  
Opponent: Karen Hartenbower, Lyon County Clerk/Election Officer

**SB 47** Proponent: Jeanne Turner, Lyon County District Clerk

**SB 218** Proponents: Karen Hartenbower, Lyon County Clerk/Election Officer  
Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Chairman Powell opened the hearing on **HB 2531 - Elections; advance voting; adult care homes.**

Representative Dennis Pyle appeared before the committee in support of **HB 2531**. He said that he visited a nursing home in his district during his campaign and visited a lady who was legally blind. She was on the list that the nursing home prepared for requesting advance ballots. Representative Pyle asked this lady if she had requested a ballot and she told him that she had not. The nursing home administrator can collect names, sign the affidavit of assistance and then help the resident mark the ballot when it arrives. He said this bill would require two people from the elections office to be present at the nursing home for two hours in order to be present when these ballots are marked. He included a copy of the request for advance ballots and the affidavit of assistance. Representative Pyle answered questions asked by committee members. (attachment #1)

Karen Hartenbower, Lyon County Clerk/Election Officer, testified in opposition to **HB 2531**. She has three major objections to this bill 1)finding members from each party who are willing to work extra hours at nursing homes, 2)the impossibility of collecting ballots within two hours of delivery and 3)using a locked box for delivery of the ballots and returning them would be too cumbersome when a sealed envelope would probably be sufficient. Ms. Hartenbower also had letters from other counties who opposed this bill. (attachment #2)

Brad Bryant, Deputy Assistant Secretary of State, appeared before the committee as neutral concerning **HB 2531**. His concerns were for the fiscal cost of providing election board workers on additional days, finding members of each political party in that county to visit nursing homes, completing the balloting in two hours and the handling of nonpartisan and question-submitted elections. Mr. Bryant answered committee members' questions. (attachment #3)

Since there were no other questions, the hearing was closed on **HB 2531**.

Chairman Powell opened the hearing on **SB 47 - Consideration of objections in election controversies.**

Jeanne Turner, Lyon County District Clerk, appeared in support of **SB 47**. She said that this bill deals with contested elections where an objection has been filed. She does not feel that the clerk of the district court is a proper person to be on the panel. (attachment #4)

CONTINUATION SHEET

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There being no further discussion the hearing on **SB 47** was closed.

Representative Mayans moved and Representative Hermes seconded the motion that **SB 47** be passed favorably and placed on the consent calendar. Motion passed.

Hearing was opened on **SB 218 - Elections; counting of provisional ballots.**

Appearing in support of **SB 218** was Karen Hartenbower, Lyons County Clerk/Election Officer. She said this bill will ensure that all provisional ballots will be handled in the same manner by all county clerks and that is that the provisional ballots shall be determined as to acceptance and then the county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns. Ms. Hartenbower answered questions asked by committee members. (attachment #5)

Brad Bryant testified before the committee in support of **SB 218.** He said that this legislation clarifies the sequence of events prescribed in law for the processing of provisional ballots. (attachment #6)

The hearing was closed on **SB 218** since there was no other discussion.

**SB 63 - Elections; registration of voters, requiring last four digits of social security number.**

Representative Toplikar moved to pass **SB 63** favorably out of the committee. The motion was seconded by Representative Hermes. Motion passed.

**SB 107 - Petition sufficiency; duty of county or district attorney.**

Chair Powell suggested that **SB 107** be amended to provide that the county attorney can challenge the petition and the court must make a decision within 20 days.

Representative Alldritt moved Chair Powell's amendment to **SB 107.** Representative Hermes seconded the motion. Motion passed.

Representative Hermes moved and Representative Alldritt seconded the motion that **SB 107 as amended** be passed out of the committee. Motion passed.

**SB 125 - Technical clean up amendments to election laws.**

Chairman Powell suggested amending **SB 125** to list title of electors for presidential ballots only once on the ballot and moving the part of the advanced ballot section of **HB 2531** into the correct section of that bill.

Representative Hermes moved that **SB 125** be amended as suggested by Chairman Powell. Representative Alldritt seconded the motion. Motion carried.

Representative Hermes moved that **SB 125 as amended** be passed favorably from the committee.. Representative Findley seconded the motion. Motion carried.

**SB 126 - Recount procedure for offices elected on statewide basis.**

Chairman Powell suggested amending **SB 126** to include the State Senate, State House of Representatives, and State Board of Education, where those races include more than one county, in the Governor's amendment to allow the state to pay for recounts when the vote is close (within 0.5%) in statewide offices for U.S. Senate, U.S. House of Representatives and Presidential elections. He would also amend **SB 126** to provide the polling time to be the same in the 5 counties that are in both the Mountain Time Zone and the Central Time Zone (6 a.m. to 6 p.m. in MST and 7 a.m. to 7 p.m. in CST).

Representative Hermes moved Chairman Powell's amendment to **SB 126.** The motion was seconded by Representative Alldritt. Motion carried.

CONTINUATION SHEET

Minutes of House Ethics and Elections Committee for March 12, 2001

Representative Hermes moved and the motion was seconded by Representative Huff that **SB 126 as amended** be passed favorably out of committee. Motion carried.

**SB 127 - Election procedures; petitions and advance voting.**

Chairman Powell offered an amendment to allow the election officers to have an inactive voter list for those who have not voted in the last two general elections. Their names would not be removed from the voter registration list.

It was moved by Representative Morrison and seconded by Representative Powers that **SB 127** be amended to include Chairman Powell's amendment. Motion carried.

Representative Wilson moved and Representative Alldritt seconded the motion for a conceptual amendment to **SB 127** to forbid the voter registration application from containing a request to remove the voter's address. Motion passed.

Representative Hermes moved that **SB 127 as amended** be passed favorably from the committee. The motion was seconded by Representative Wilson. Motion carried.

The meeting was adjourned at 5:15 p.m. The next scheduled meeting will be March 14.

House Ethics and Elections

GUEST LIST Date March 12, 2001

Your Name	Representing
<p><i>Nancy Slaughnessy</i>  <i>Karen Hartenbrower</i></p>	<p><i>Fedorica Consult.</i>  <i>Kansas County Clerks &amp;</i>  <i>Election Officials Assn.</i></p>
<p><i>Chris Krdy</i></p>	<p><i>Rep. Garner's office</i></p>
<p><i>Jayne Hamm</i></p>	<p><i>Catalyst Inc.</i></p>
<p><i>Maris Pyl</i></p>	<p><i>Representative 49<sup>th</sup> Dist.</i></p>
<p><i>Brad Bryant</i></p>	<p><i>Sec. of State</i></p>
<p><i>Kathy Porter</i></p>	<p><i>Judicial Branch</i></p>
<p><i>Jeanne A Turner</i></p>	<p><i>Judicial Branch +</i>  <i>KADCCA</i></p>

Kevin M. Hill, County Attorney - 742-2181  
Debbie Parker, County Clerk - 742-2581  
Lamar Shoemaker, Sheriff - 742-7125

COUNTY COMMISSIONERS  
.....  
Steve Roberts, District #1  
Glen Leitch, District #2  
Warren L. Ploeger, District #3  
(785) 742-2471 - FAX-(785) 742-3255

Deborah E. Roland, Treasurer - 742-2051  
Nancy Prawl, Register of Deeds - 742-3741  
Tom Brown, Appraiser - 742-7232

## COUNTY OF BROWN, STATE OF KANSAS

COURTHOUSE - 601 OREGON ST.  
HIAWATHA, KS 66434-2283

Dennis Pyle, Representative  
State Capitol Room 431-N  
Topeka, KS 66612

March 6, 2001

Dear Dennis,

Enclosed are the forms we use for Advance Ballots for the Assisted Care Facilities in Brown County. The forms are mailed to five nursing homes/elderly housing residences. These include four facilities in Hiawatha: Oak Ridge Acres Nursing Home, Maple Heights Nursing Home, Maple Grove Apartments, Gran Villa Apartments; and in Horton: Tri County Manor.

The Director of each residence asks which residents are interested in obtaining an Advance Ballot. Those names are written onto the Affidavit of Assistance Form, which is signed by the person who will be assisting the residents. That person assisting must be a registered voter of Brown County. The form is then returned to the County Clerk's Office, either by mail or by the person assisting. The names on the form are checked against voter records, to be sure each resident is a registered voter of Brown County. Advance Ballots are prepared, the ballots are then either mailed or picked up the person assisting.

After the ballots have been voted, they can be mailed back or brought back by the person assisting. The ballots must be our office by Election Day at 7 P.M.

If you have any additional questions please call our office at 785-742-2581.

Sincerely,



Debbie Parker, Brown County Clerk

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3-12-01  
Attachment 1

Kevin M. Hill, County Attorney - 742-2181  
Debbie Parker, County Clerk - 742-2581  
Lamar Shoemaker, Sheriff - 742-7125

COUNTY COMMISSIONERS  
.....  
Steve Roberts, District #1  
Glen Leitch, District #2  
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Deborah E. Roland, Treasurer - 742-2051  
Nancy Prawl, Register of Deeds - 742-3741  
Tom Brown, Appraiser - 742-7232

## COUNTY OF BROWN, STATE OF KANSAS

COURTHOUSE - 601 OREGON ST.  
HIAWATHA, KS 66434-2283

March 5, 2001

Re: Advance Voting

The General Election is April 3, 2001. Please use the enclosed form for voters wishing to vote Advance Ballots. List each resident's name and address. **Signature of applicant needs to be signed by the person who is assisting the voters.**

**We need this list as soon as possible.**

When we receive this list, we will then mail the advance ballots. Thank you for your help in this matter.

Sincerely,

Debbie Parker  
Brown County Clerk

**AFFIDAVIT OF ASSISTANCE**

**April 3, 2001**

Affirmation of an elector of the County of Brown and State of Kansas

**# ELECTOR**

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

name \_\_\_\_\_  
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city \_\_\_\_\_  
party \_\_\_\_\_

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

**# ELECTOR**

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
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name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

name \_\_\_\_\_  
address \_\_\_\_\_  
city \_\_\_\_\_  
party \_\_\_\_\_

I hereby declare under penalty of perjury that I have rendered assistance in marking and/or transmitting the enclosed ballot of of the above named voter. I further declare that I have not exercised undue influence and have marked the ballot as instructed by the sick, physically disabled or illiterate voter to whom the ballot was issued.

**Signature of applicant** \_\_\_\_\_

(note: False statement on this affirmation is a severity level 9, nonperson felony.)

Office use: Date app received: \_\_\_\_\_ Transmitted by: \_\_\_\_\_ KSA 25-1122d(a)



**Karen K. Hartenbower**  
**LYON COUNTY CLERK/ELECTION OFFICER**  
**402 Commercial**  
**Emporia, Kansas 66801**  
**620-341-3245**  
[lyclerk@osprey.net](mailto:lyclerk@osprey.net)

March 12, 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 Official's Association.

I would like to testify against HB2531 pertaining to assisting voters in adult care homes. There are several points I would like to address:

**Page 4 lines 16-17:** the board shall be composed of a member from each party represented on the ballot.

Where are we going to find those workers? What will they be paid? How many days will they work? Why is this brought up now? It has not been a problem in the past. We have a hard time finding workers for Election Day as it is. We have election boards that are all one party because we cannot find someone to work from the other party. Central committee chairs many times do not turn in a list of workers. See the attachments from Sherman County Clerk and Sedgwick Election Commissioner.

**Page 4 lines 17-18:** voted ballots shall be collected within 2 hours of the time of delivery by the special election board.

Two hours is an unreasonable time to accomplish this task. The 'same day' would be more workable. See all attachments, which address this problem. As Mr. Cotter, Social Worker from Good Samaritan Home in Goodland points out you must find the voters in their room, awake and then assist them with their voting if they ask you to. Assisting an older person vote, which I have done, takes 15 minutes or more depending on the length of the ballot. So you would assist several voters then run the ballots back to the election office and then go

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back to the 'Home' assist a few more then do it again. In a large facility this would be burdensome. You would spend much travel time between picking up the ballots and taking them back let alone assisting the voter.

**Page 4 lines 19-20:** voter placing the ballots in a locked box for delivery.

Is this necessary? The voter would seal the ballot in the envelope provided which is the way we handle voting away from the election office before Election Day anyway. The locked box is another time consuming effort. At the election office then the special board must wait until the ballots are emptied out of the locked box. Current process is the special board would just hand the sealed ballots to staff in the election office who would place them in a locked ballot box. How do the board workers get the locked box to the bedridden patient? Drag it up to on the bed – possible injury? How is this making 'voting easier'?

Questions?

**Karen Hartenbower**

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**From:** <mchapman@sedgwick.gov>  
**To:** <lyclerk@lyoncounty.org>  
**Sent:** Friday, March 09, 2001 2:53  
**Subject:** RE: FYI

Thanks Karen. Here are a few of the concerns I have in regard to 2531:

- Two hours would not be a sufficient amount of time to serve the residents in the larger homes. And when therapy, meals, naps and other activities are taken into consideration, it might not even be enough time for some of the smaller homes.
- Recruiting enough board members who would be willing to undertake such a job and enough to serve 85 homes in Sedgwick County would be amost difficult task. Add at least one staff member.
- Members of three of the parties who have candidates on the ballot might be impossible to recruit for such a job.

Good luck!

Marilyn K. Chapman  
Commissioner of Elections  
316-383-7101  
mchapman@sedgwick.gov

SHERMAN COUNTY  
813 Broadway, Rm. 102  
Goodland, Kansas 67735

.....  
facsimile transmittal

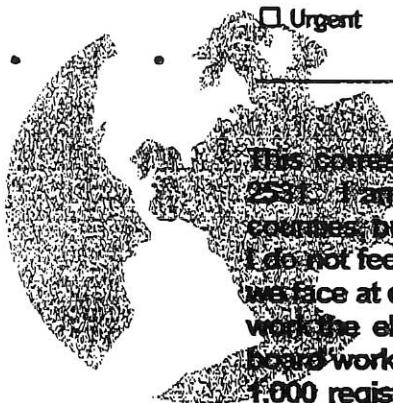
To: Brad Bryant Fax: 785-291-3051

From: Janet R. Rumpel Date: 2/22/01

Re: HB 2531 Pages: 2

CC: Karen Hartenbower

Urgent  For Review  Please Comment  Please Reply  Please Recycle



This correspondence is in regards to your request for information related to HB 2531. I am greatly concerned about this bill, not so much for the costs to the counties, but rather the problems that it will cause for the small counties in Kansas. I do not feel that the individuals that introduced this bill realize the difficulties that we face at each and every election trying to find enough election board workers to work the elections. We spend a week making calls to get a total of 27 to 34 election board workers (from a list of approximately 2,400 registered Republicans and over 1,000 registered Democrats). Many times it is impossible to get an even mix of Republicans and Democrats on the boards for election day, and now we are being asked to have yet another election board with members from each political party that has a candidate on the ballot. The five larger counties in the State may have enough registered voters for each of the political parties, however, I think this will be a big problem for the small counties.

As of today, we have 3 registered Reform party members, 29 Libertarians., and 4 Constitution party members. What are we going to do in the November General Elections when we cannot get anyone from these parties to work?

Another concern is the requirement that the ballots be collected within 2 hours of their delivery. This is a problem when you are dealing with voters in a nursing home that have special needs. I am sending a fax from the social worker who works at our local Good Samaritan Center. He has always assisted with the advance voting needs of those patients at the nursing home that need assistance. I think he has clearly addressed the problems that will be encountered in trying to fulfill the requirements of this new proposed law.

.....

To pass a law that is so confining appears to be defeating the entire purpose of advance voting, which was to make it easier for people to vote.

I have not shown an estimated cost associated with implementing this proposed law because frankly, I do not believe that we can accomplish the requirements of the law!

I am trying to understand the purpose of this proposed legislation. It appears to me that perhaps rather than passing this piece of legislation, the legislators need to address the problem of having names of nursing home residents on our permanent advance voter lists when these patients are no longer capable of voting (for example: those that have Alzheimer's, etc). We have several on our list that cannot even vote with assistance, so their ballots are returned each election unopened, however, since they are not even capable of signing a letter requesting that their name be removed from the lists, and because they have not moved, we cannot purge them from the lists.

If the legislators are concerned about fraudulent voting then they really need to get the names of incapable voters off the lists to reduce the chance of having someone other than the registered voter voting the ballot.

I am sorry that I can't give you an idea of costs. I don't think the cost concerns me as much as the other aspects of this legislation.

Sincerely,

Janet R. Rumpel  
Sherman County Clerk



February 22, 2001

Dear Sir or Madam:

Hello, I am Rob Cotter a social worker at a Good Samaritan Home in Goodland, KS. It has come to my attention about some possible changes with voting in regard to Advance ballots & nursing home residents.

The information presented to me was that a special election board comprised with a representative from each political party on the ballot. This special election board would come to the facility with the Advance ballots. The ballots need to be completed within two hours & placed in a locked box.

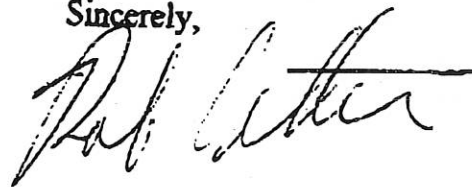
I have some reservations about the feasibility of this proposal. The first is that it would be difficult to get all the ballots completed within two hours for several reasons:

- 1) It would be difficult to find a time during the day to find everyone in the building the same time. There are activities, doctor appointments, hair care, bathing, visitors, etc.
- 2) Another challenge is to find a time that all the people register to vote in this facility, awake at the same time.
- 3) Frequently the person(s) doesn't want to vote at that time for a variety of reasons. An additional reason is that the individual may want a family or friend to be with them.

The next doubt would be to find a person to represent each political party in western Kansas. What would happen if an individual could not be found to be a delegate?

Thank you for your time & consideration in this matter.

Sincerely,



Rob Cotter, LBSW  
Social Services



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 House Bill 2531

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

March 12, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2531. Our office is not taking a position on this bill, but we wish to offer some comments. First, we estimate a fairly large fiscal impact on the counties each year; and second, county election officers will encounter some administrative difficulties carrying out the provisions of this legislation.

Please note the following:

1. It will be difficult to find enough people to serve on the special election boards. Recruitment of an adequate number of willing and able board workers to work on election day is a chronic problem statewide as it is now. Requiring additional boards to work one or more additional days during the advance voting period will make recruitment that much more difficult.
2. It will be difficult to find enough board workers of each party to comply with the requirements of HB 2531. In some counties this will be impossible. The Constitution, Libertarian and Reform parties simply do not have enough members in some counties to fill this need. These minor parties usually have candidates in at least one statewide race, however, in order to maintain their official party recognition status. Thus, every county will need members of each of the five recognized parties on their special boards.
3. Two hours for ballot collection is not enough time, especially in large nursing homes. Our office has received information indicating that the daily regimen of baths, naps, visitation and doctor appointments will make accomplishment of the requirements of HB 2531 within the two-hour time period extremely difficult.

4. The bill leaves some questions unanswered. For instance:

- What if a voter applies for a ballot after the designated ballot distribution day? Will the special board be required to visit each home more than once? The fiscal note was based on a single visit per election, but current law requires a ballot be mailed within 2 days of receipt of a signed application in the election office.

- How many board members are required for nonpartisan and question-submitted elections?

We urge the committee to consider these questions during its debate on this legislation.

Thank you for your consideration.

John Bern, President Elect

Barton County  
1400 Main. Room 306  
Great Bend. KS 67530-4098  
316-793-1863  
FAX 316-793-1860  
E-MAIL: barton.distcrt@greatbend.com



Geneva Mason, Treasurer

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P O Box 531  
Stockton, KS 67669-0531  
785-425-6718  
FAX 785-425-6568  
E-MAIL: rcdc@ruraltel.net

Lisa Wilson, Secretary

Jackson County  
400 New York, P O Box 1026  
Holton. KS 66436-1026  
785-364-2191  
FAX 785-364-3804  
E-MAIL: lwilson@holtonks.net

Joby Henning, President

Ness County  
P O Box 445  
Ness City. KS 67560-0445  
785-798-3693  
FAX 785-798-3348  
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Robin Becker, Immed. Past Pres.

Phillips County  
P O Box 564  
Phillipsburg. KS 67661-0564  
785-543-6830  
FAX 785-543-6832  
E-MAIL: plcocdc@ruraltel.net

Mr. Chairman and Members of the Committee:

I am here speaking on behalf of the Kansas Association of District Court Clerks and Administrators (KADCCA). We appreciate the opportunity to state our views on SB47.

K.S.A. 25-308 (2c), regarding elections, is an item of concern that has caught several of the district court clerks in the middle of objections by candidates. It states, "In the case of nominations of county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, **clerk of the district court** and county attorney or district attorney and a decision of a majority of these officers shall be final."

In 1893, when this bill was written, district court clerks were elected county officers. This changed with the unification of the court system in 1976. There are instances now where the clerk of the court is not a resident of the county where the election results may be contested. Both of the other persons involved in this process are elected county officials.

We do not feel that the clerk of the district court is a proper person to have on this panel. The duties of the clerk of the court are ministerial in nature (i.e. administrative). I have found that clerks have been involved in objections to the election which have included county commissioners, school board members, and sheriffs. We would like to see "clerk of the district court" substituted with someone else. One suggestion might be to substitute "an elected official of the county whose position is not involved in the controversy who shall be designated by the county election officer." We have no objections to any other options you might want to consider.

Thank you for allowing me the opportunity to speak to you today on this issue. I would be happy to answer any questions you might have.

**KANSAS ASSOCIATION OF DISTRICT COURT  
CLERKS AND ADMINISTRATORS**

House Ethics and Elections  
3-12-01  
Attachment 4



**Karen K. Hartenbower**  
**LYON COUNTY CLERK/ELECTION OFFICER**  
**402 Commercial**  
**Emporia, Kansas 66801**  
**620-341-3245**  
[lyclerk@osprey.net](mailto:lyclerk@osprey.net)

March 12, 2001

The Honorable Tony Powell, Chair  
House Committee Ethics & Elections  
Statehouse, Room 21-S

Representative Powell, Committee and others:

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

I would like to testify in favor of SB 218 pertaining to provisional ballots.

The proposed change says that the provisional ballots shall be determined as to acceptance. Then the county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns.

This is the way many counties handle provisional ballots. After the November 2000 Presidential Election I visited with many county clerks and was dismayed to find that we are not all handling provisional ballots in the same manner. I was also dismayed to find some counties treat them as they did the old 'challenged ballots' and did not count them at all if they would not make a change in the outcome.

We must handle ballots in the same manner through out the State to keep from having the fiasco that Florida had. This bill will be very helpful to all election officials.

Questions?

House Ethics and Elections  
3-12-01  
Attachment 5

**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 218

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

March 12, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify before the committee in support of Senate Bill 218. This is a bill proposed by the Secretary of State to recommend changes to address one of the concerns raised by Mr. Ed Bideau in a January 10, 2001 letter to the Senate Committee on Elections and Local Government. As stated by Mr. Bideau, the election contest in the 8th District of the Kansas House of Representatives race pointed out some differences in the ways various counties process their provisional ballots. SB 218 would clarify that process.

This bill specifies that provisional ballots should not be opened before the county canvass on the Friday after the election, and at that time the county board of canvassers should review the sealed provisional ballots, determine which of them are valid, and count only those which are valid. This bill leaves with the county canvassers the authority to determine which provisional ballots are valid, which is appropriate and consistent with current law.

Simply put, this legislation clarifies the sequence of events prescribed in law for the processing of provisional ballots. We thank Mr. Bideau for raising the issue, and we appreciate this committee's willingness to consider reforms to address his concerns.

SB 218 will improve the canvassing process and promote uniformity among the counties in the way they handle provisional ballots. We recommend the committee pass the bill favorably.

Thank you.