

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1: 30 p.m. on January 24, 2001 in Room 245-N of the Capitol.

All members were present except:

Committee staff present: Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Ken Wilke, Office of the Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Senator O'Connor
Brad Bryant, Deputy Assistant Secretary of State
Connie Schmidt, Johnson County Election Commissioner
Larry Fischer DVM
Jeannie Turner, District Court Clerk, Lyon County

Others attending: See attached list.

Hearing on: **SB 62 - enacting the constitutional awareness act**

Dennis Hodgins, Legislative Research Department, explained **SB 62** would create the constitutional awareness act, and by July 1st 2001 require that all state officers take an open book test. The intent of the bill would be to test that persons knowledge of the Kansas Constitution, and the Constitution of the United States. The State offices would include: the Governor, Lt. Governor, secretary of state, attorney general, state treasurer, commissioner of insurance, state senator, state representative, member of the state board of education, and any appointive office for which the appointment is subject to confirmation. The test would be created by the State Board of Regents, which would then create member committee to make up the examination and the handbook. The person seeking office would take the test two weeks prior to the election, and persons appointed by the Governor would need to take the test prior to taking office.

Senator O'Connor testified in support of **SB 62** - constitutional Awareness Act. Senator O'Connor stated the concept of this legislation is to improve the foundational knowledge necessary for the making of good laws so that lawmakers will be less likely to violate Kansans U. S. Constitutional rights (Attachment 1).

Dr. Larry Fischer, summarized his testimony in support of **SB 62** The constitution is the only law with an agreement or contract between the people and the government. The people are the principal and the government is the agent (Attachment 2).

There being no others wishing to testify, the hearing on **SB 62** was closed.

Hearing on: **SB 63 - relating to the registration of voters**

Dennis Hodgins, legislative research gave a quick review on **SB 63**. When a person is applying to register a vehicle, they are required to give certain information to determine their eligibility and for identifying their vehicle. The current application requires name, date of birth, telephone number and any previously registered vehicles. This bill would add the requirement to the application of the last four digits of the social security number.

Brad Bryant, Deputy Assistant Secretary of State, testified before the committee in support of **SB 63**. Brad stated passage of this bill would give Kansas election officers a tool to reduce the number of duplicates and ineligible voters from the registration list (Attachment 3).

CONTINUATION SHEET

January 24, 2001

Connie Schmidt, Johnson County Election Commissioner, gave final testimony in support of **SB 63**, (Attachment 4). She stated the additional requirement of the last four digits of the social security number would assist in determining voter eligibility, and maintaining the official voter registration file.

There being no others wishing to testify on **SB 63** the hearing was closed.

Hearing on: **SB 47 - concerning elections; relating to objections**

Dennis Hodgins, Legislative Research, explained **SB 47**. The bill removes the clerk of the district court as one of the persons who considers objections to nomination for county, township, city, and school officers, and replaces that person with an elected official whose position is not involved in the controversy.

Jeannie Turner, District court Clerk, Lyon County appeared before the committee in support of **SB 47** (Attachment 5). She appeared on behalf of the Kansas Association of District Court Clerks and Administrators (KADCCA).

There being no others wishing to testify on **SB47** the hearing was closed.

Senator Clark requested the committee to attain information to a question he had regarding **SB 47**. In a school district comprising parts of more than one county, to which county election officer is an objection filed?

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled January 25,

**SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST**

Date Jan 24

Connie Schmit	Johnson Co. Election Commissioner
Brad Bryant	Sec. of State
Christy Stutz	Sec. of State
Kyle Kessler	DOB
Harlan Bartel	Gimarron, KS
Abigail Bartel	
Kay Falley	Third Judicial Dist.
Larry Fischer	citizen
GEORGE PETERSEN	Ks Taxpayers Network



TOPEKA

KAY O'CONNOR

SENATE DISTRICT 9
LENEXA, DESOTO, EDGERTON
AND NORTHWESTERN OLATHE

COMMITTEE ASSIGNMENTS

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January 23, 2001

Madam Chair & members of the committee:

I want to thank you for the opportunity for a hearing on this bill, which I affectionately call the Constitutional Awareness Act.

I have been introducing this bill for the past 3 years and to my frustration, the usual response is a smile. But this proposed legislation is truly not a laughing matter. I take the need for people who deal in the writing and implementation of law very seriously as I'm sure you do.

The attached commentary by Thomas L. Jipping is very enlightening as to the perhaps emergency need for legislation such as this. It is frightening to think that 41% of the general public does not know the number of branches of government. Even more frightening is that nearly 25% of the public cannot name one of the ten rights listed in the first ten Amendments (the Bill of Rights).

We duly elected legislators come from this "general public."

A few bullets about the bill:

- The "test" is open book
- The test is no pass, no fail
- Take it as many time as you wish (until a score of 100% is reached I hope)
- The idea is to increase awareness, not embarrass
- Questions will be on general knowledge, **not** in-depth, technical, legal, or opinions and interpretations
- Questions will be designed by Regents faculty with expertise in this area

The concept of this legislation is to improve the foundational knowledge necessary for the making of good laws so that lawmakers will be less likely to violate Kansas and U. S. Constitutional rights. Also implementers of our laws, it is hoped, will be less likely to get into the embarrassing position of possibly violating constitutional rights.

Our founding fathers deserve to have their profoundly excellent documents commonly read, understood, and adhered to. Please give your serious consideration and support to a bill that makes us all smile, but in reality, we know will be good for us, for Kansas and our citizens.

I will stand for questions at the pleasure of the Chair.

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Attachment 1

There are so many individual issues that need attention that sometimes we fail to see that all these individual trees are actually part of the same forest. Many of us, for example, are trying to address the dramatic expansion of judicial power that threatens to permanently erode our freedom ability to influence our culture. Others are trying to address the education deficit among the next generation of leaders. These two areas, however, are more related than we sometimes think. America's founders believed that certain principles about government power and individual liberty were essential for freedom to flourish and they wanted people to know and support those principles. When ratification of the new Constitution was in doubt, three of its supporters wrote a series of essays explaining the new charter and published them in newspapers for citizens to read. Those essays are collectively known as the Federalist Papers. John Jay, James Madison, and Alexander Hamilton wrote those 85 essays in the hopes that the average upstate New York farmer would embrace the fundamental principles of constitutionalism.

Now I spent four years in law school, an extra year because I also pursued a masters degree. I took two courses in constitutional law. In all those years, I only remember hearing the Federalist Papers mentioned once and, no, it was not in either of those constitutional law courses. I had to take a course in early American constitutional history in the university's history department to find more than that.

If Jay, Madison, and Hamilton were right that people needed first to be educated about the principles and requirements of liberty before they would embrace them, the opposite is unfortunately true as well. Ignorance of those principles will mean erosion of what those principles represent. People will not know that the founders designed the judiciary to be the weakest branch of government and, therefore, will be oblivious to the expanding government tyranny going on every day in America today.

Ignorance of the American political system and the Constitution has been growing for some time. The National Assessment of Education Progress found that such knowledge among 17-year-olds declined ten percentage points from 1969 to 1976. That year, 20% thought laws about military service were a function of local government, less than three-quarters knew Congress was part of the legislative branch and only a third could place the Cabinet in the executive branch. Forty-four percent did not

know that each state has two Senators.

The picture has not improved. A 1997 poll by the National Constitution Center, for example, found that one-third of Americans cannot name a single branch of the federal government and 41% do not even know the number of branches. Nearly one-quarter of Americans cannot identify a single right guaranteed by the First Amendment, just 6% can identify all of them, and 80% do not know the number of amendments in the Constitution.

The same group polled teenagers in 1998 with even more disappointing results. While fewer than 2% could identify the father of the Constitution, more than 58% could name the father of the Microsoft Corporation. Just 2% knew the Chief Justice of the United States, but nearly 95% knew the actor who played the "Fresh Prince of Bel Air" on television. Just a quarter could name the city where the Constitution was written, but 75% knew the city with 90210 as its zip code. While 35% knew the first three words of the Constitution, 59% could name the Three Stooges.

Even the American Bar Association, which has helped protect the growth of judicial power from criticism, is now calling for better civics education. If we can do what the founders did, educate Americans about the fundamental principles of liberty, we can better see when those principles and that liberty are being threatened and perhaps act before it is too late.

Constitutional Awareness Act

Hearing, January 24, 2001, Room 245 N
Senate Bill No. 62

I am here to speak in favor of SB 62, especially the portion for the taking of open book examinations.

What is a constitution? Why would we ask anyone to become familiar with such an instrument?

A constitution is more than just a set of fundamental laws; it is a bundle of ideas. A constitution is defined as an agreement or contract. In America it is fundamental law voted on by the people who are known as "Principals." The principals choose their "Agents" and delegate their power to uphold the bundle of ideas contained in the document. The importance of a constitution within our government is immense because they are, with two notable exceptions (referendum and initiative), the only law voted on directly by the people. It is a manifestation of their sovereignty.

In the United States, constitutions, state and central, do several identifiable things:

1. They recognize the people as sovereign. ["All political power is inherent in the people, and all free governments are founded on their authority..." Kansas Bills of Rights No. 2].
2. They recognize 'natural rights.' ["All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness (property)." Kansas Bills of Rights No. 1].
3. They enumerate, and therefore limit, the powers of government. Government has no power beyond that which is granted. All powers not granted are retained by the people. This is a very important concept.
4. They allow for representation of the people by leaders who have the confidence of the majority or quorum.
5. They provide basic rules for law.
6. They protect minorities from the acts of majoritarian democracy.
7. They imply individuality, i.e., rights inhere to individuals, not to groups.

Ignorance, avarice or ambition can lead to dissolution of constitutions over time. Changes, which are imperceptible to one generation, can often only be discerned by keen eyes and minds over an extend time. This is bad because constitutional principles, being those of contract, can only be rightly changed by amendment.

History provides an example how the Roman senate was relieved of power:

"...The senate of Rome, losing all connection with the Imperial court and the actual constitution, was left a venerable but useless monument of antiquity..." Edward Gibbon, *Decline and Fall of the Roman Empire*, ISBN 0-679-42308-7, Vol. 1, pg. 420.

Gibbon also observed that avarice and ambition are always enemies of fundamental law:

"By declaring themselves the protectors of the people, Marius and Caesar had subverted the constitution of their country." Vol. 1 pg. 78

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Attachment 2

Gibbon even gives us the solution:

“A martial nobility and stubborn commons, possessed of arms, tenacious of property, and collected into constitutional assemblies, form the only balance capable of preserving a free constitution against enterprises of an aspiring prince.” Vol. 1, pg. 68

These three examples allow the thoughtful mind to easily realize that unauthorized changes in constitutions are to be feared. An open book test for elected government officials erects another barrier between “aspiring princes” and the contract with the people. This is the value of SB-62.

Law of Agency:

Fundamental political principles are seldom taught in modern society. Yet such principles were of great interest at the founding of this country. The Founders were familiar with the Ancients and the Moderns with regards to what constitutes good government. One writer who found favor with early Americans was Algernon Sidney. He spoke of the Law of Agency.

“How full soever the power of any person or people may be, he or they are obliged to give only so much to their delegates, as seems convenient to themselves, or conducing to the ends they desire to attain; but the delegate can have none except what is conferred upon him by his principal.... (The delegates) are to be regulated by the law, not the law by them...”

--- Source: *Discourses Concerning Government* by Algernon Sidney, Liberty Fund, ISBN 0-86597-089-1, Pg. 563.

Writing in “*View of the Constitution of the United States with Selected Writings Of St. George Tucker*” (ISBN 0-86597-201-X, 1999), Tucker says,

“Neglect of the principles of the constitution by the public functionary is a substitution of aristocracy, for a representative democracy: such a person no longer regards himself as the trustee, and agent of the people, but as a ruler whose authority is independent of the people, to whom he holds himself in no manner accountable; and he so degenerates into an usurper and a tyrant.” Pg. 42

Even the person most active in creating and explaining our central constitution, James Madison, took time to make sure constitutional principles were understood with relation to law making.

“It not uncommonly happens that there are two statutes existing at the same time, clashing in whole or in part with each other and neither of them containing any repealing clause or expression. In such case, it is the province of the courts to liquidate and fix their meaning and operation. So far as they can, by fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of necessity to give effect to one in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law but from the nature and reason of the thing....

“But in regards to the interfering acts of a superior and subordinate authority of an original and derivative power, the nature and reason of the thing indicate **the converse of that rule as proper to be followed**. They teach us that the prior act of a superior ought to be

preferred to the subsequent act of an inferior and subordinate authority... They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental... [O]r, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents....

‘There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is **void**. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves;’

–Source: *Federalist No. 78*. Text is reversed from the original for clarity.

Even preachers of the American Founding Era spoke of these fundamental principles:

“...[T]he following things are demonstrated:

- 1> That the law was not made for a righteous man, but for the disobedient.
- 2> That righteous men have to part with a little of their liberty and property to preserve the rest.
- 3> That all power is vested in and consequently derived from the people.
- 4> That the law should rule over the rulers, and not rulers over the law.
- 5> That government is founded on compact.
- 6> That every law made by the legislators is inconsistent with the compact, modernly (sic) called the constitution, is usurptive (sic) in the legislators and not binding on the people.
- 7> That whenever government is found inadequate to preserve the liberty and property of the people they have an indubitable right to alter it so as to answer those purposes.
- 8> That legislators in their legislative capacity cannot alter the constitution, for they are hired servants of the people to act within the limits of the constitution...

Source: John Leland (1754-1841); speech given in 1802, *Political Sermons of the American Founding Era*, Liberty Fund, ISBN 0-86597-091-2.

From the aforementioned study of an elementary constitutional concept, the **Law of Agency**, it should be obvious that law-making and being an elected public servant (agent) is an awesome responsibility. It is also evident that the more knowledge public servants have of what is expected, the better suited they are to do the job and protect their constituents from what should not be done. Again, this is the value of SB-62.

To continue, certainly the creation of unconstitutional law is reduced through review by the attorney general. They review bills for constitutionality. Yet it is a fact that unconstitutional statutes do occur. The education of those who aspire to make laws, or who are elected to other offices, represents another safeguard. Spreading the knowledge of what fundamental law is the function of SB-62.

I have previously asserted that unconstitutional law is not binding upon the ‘principal’, meaning the people. However, it isn’t that simple. The time and expense for the principal, in this case usually an individual, to prove in court such unconstitutionality, is often prohibitive. As a safeguard, lawmakers should realize this probable legal imposition upon their constituents, often implemented by the “spirit of the moment,” is very onerous. With this in mind, conscientious elected officials should be proud to be educated in constitutional fundamentals. It is sheer hubris to think otherwise.

In the weeks that follow, debates over this bill will undoubtedly say that such “test” requirements were struck down by the Founders of our government. My knowledge of this subject indicates the only “tests” that

were discussed and prohibited were 'religious' tests. These tests should not be confused with the mission of SB-62. Over and over again, the cry that "knowledge is power" resounded over our land in its infancy. It is hard to believe our forebears would not have wanted their "agents", i.e. statespersons, to be of the same ilk.

Why weren't tests administered from the outset? My answer is in three parts: First, very informed people created the framework of our government. As time passed the quality of the people seeking public service was not as astute. Writing in the early 1830's, Alexis de Tocqueville observed in his work, *Democracy in America*, that "... It is a constant fact that at the present day the ablest men in the United States are rarely placed at the head of affairs ... The race of American statesmen has evidently dwindled remarkably in the course of the last fifty years." This by not means reflects on the esteemed audience this morning (grins). In short, historically the level of knowledge about constitutionalism was at such a height that no one could imagine a people would not continue is such precious mind-set.

Secondly, it must be realized that fundamental principles are often lost in the hustle and bustle of modern civilization. In physics such a phenomenon is called 'entropy'. It is a condition where order gives way to degeneration. This can be dangerous in the moral world also. Nothing is to be feared more than a change in laws that undergird society. Plucknett, quoting the political thinker Montesquieu, observed that "Different forms of government [are] assigned to each its characteristic principle... The really vicious situation is when institutions which are fitted for one principle of government are forced to work although that principle has been replaced by another." (Montesquieu, *Eprit des Loix*, as quoted in *A Concise History of the Common Law* by Theodore F.T. Plucknett, pg. 70.) The "characteristic principles" of Montesquieu are embodied in constitutions. Consequently, to prevent "the really vicious situation," from being manifest, those who wish to rule must be aware of those maxims embodied in fundamentals. This is another value of SB-62.

The third reason why we need testing now, as opposed to times passed, is the switch from 'common law' to 'positive law.' Most here will realize the laws of our country were based on English Common Law until about 1920. In the early part of the 20th century, law schools began teaching case law. Case law allows 'precedent' to set a standard. This can be a tool to abruptly change laws.

The term "positive" law means only the will of the maker. "Positive law" can agree or disagree with "natural law." The word "positive" with regards to law has noting to do with goodness. Please realize early legislators found law; they did not make law. As a corollary, citizens were also aware of the source of their laws, and they had an advantage of a fairly homogenous culture with regards to ideas.

Times have changed. One result of modern 'diversity' is its effect on ideology. This means simply that there is no common grounds where law can easily be found. As a result, laws are more often made than found. This is neither good nor bad until such law is compared to an icon. That icon must always be the constitution. It follows that without knowledge of what that fundamental law says, no other law can be measured. Under such circumstances law can only be equated with power—not contract.

Following this thought, SB-62 would help more informed leaders to identify unauthorized positive laws. Why is this important? Because relativism and constitutionalism are diametrically opposed.

"... (R)elativism urges suspension of judgment of what is right or wrong. Relativism, when applied through the court, is called **legal positivism** and is easily recognized by its major tenets:

1. There are no objective, ... standards of law.

2. Law is law simply because the highest human authority, the state, has said it is law and is able to back it up.
3. Since man and society evolve, law must evolve also.
4. Judges, through their decisions, guide the evolution of law.
5. The use of "case law" method of teaching. Under the study of case law it is possible to obtain a law degree without ever having read the Constitution."

Source: David Barton, *The Myth of Separation*, pg. 201-3.

One last advantage of an informed and trained cadre of elected officials is the idea that that the judiciary is not necessarily the last word in interpreting the Constitution. Notable historical events have shown other parts of government can decide such issues. Lincoln's Emancipation Proclamation is an example. This concept was addressed in the United States Senate by Dr. Casper:

"However, it is very important... to remember that the Constitution, contrary to popular beliefs, widespread among lawyers in this country, is not just what the Supreme Court says it is. The Constitution is generally obligatory and we should rely on constitutional arguments and should invoke them even if we cannot get court determinations. The courts are of secondary importance as far as I am concerned. Neglect of the Constitution outside litigation is a very unfortunate development which I think is due to that school known as legal realism which took hold in the early twenties among law professors who tried to take a behavioral approach to law. The legal realists' theoretical fascination with prediction made them concentrate on the courts... There are entire areas where the courts have nothing to say, and this position would lead us to the conclusion that as long as the Supreme Court does not interpret the Constitution, the Constitution is not law, which is obviously an absurd conclusion..."

Source: National Emergency Hearings Before the Special Committee on the Termination of the National Emergency, United States Senate, 93rd Congress, First Session, Washington, D.C. April, 11, 12, 1973, pg. 85

In closing, I would say this is a complex, but at the same moment, a simple, subject. Libraries are replete with volumes concerning the issue of 'constitutions.' Yet on the simple side it is hard to argue that testing should be done prior to driving an automobile and none should be done when driving the ship of state. Fundamentals are easy to memorize and to understand. The comparison of complex laws to standards is a necessity that can bring a sharp sword to the arena of politics. Will SB-62's 'testing' make our system errorless? No. Will 'testing' make our system better? Yes.

I will stand for questions.

Respectfully submitted,



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STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on Senate Bill 63

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

January 24, 2001

Madam 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 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.

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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 SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

Submitted by Connie Schmidt, Johnson County Election Commissioner

Wednesday, January 24, 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 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.

*Senate Elec + Loc Gov
1-24-01
Attachment 4*

**TESTIMONY BEFORE SENATE ELECTIONS AND LOCAL GOVERNMENT
COMMITTEE**

**Submitted by Connie Schmidt, Johnson County Election Commissioner
Vice Chair, Kansas County Clerks/Election Officials
Elections Committee**

Wednesday, January 24, 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

KANSAS VOTER REGISTRATION APPLICATION

Last Name: **PEREZ** Date of Birth: **05-14-1952** Today's Date: **05-12-2000**
 First Name: **CESAR** Mid Initial: **A** Jr Sr II III IV: Social Security Number (optional): _____ Female: Male:
 Naturalization Data (if any): **1972 (Citizenship)**

RESIDENCE ADDRESS Section/Township/Range (if rural route): _____
 Street No. or RR No.: **13166** Dir.: _____ Street Name: **KNOX** St., Dr., Etc.: **ST**
 Apt. No.: _____ City: **OVERLAND PARK** Zip Code: **66213-** _____
 County: **JOHNSON** Date Residence Established: **1967** Daytime Phone (if available): **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.)
 Street #, RR#, PO Box# (Write in PO Box): _____ Dir.: _____ Street Name: **JO CO ELECTIONS** St., Dr., Etc.: _____
 Apt. No.: _____ City: _____ State: _____ Zip Code: **MAY 17 2000**

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**

Name on Previous Registration: **C ARMANDO PEREZ SR**
 City Where Previously Registered: **OVERLAND PARK** County: **JOHNSON** State: **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.

KANSAS VOTER REGISTRATION APPLICATION

PEREZ 02-28-1982 05-15-2000

CESAR A Social Security Number (optional) Female Male

RESIDENCE ADDRESS 13166 KNOX ST OVERLAND PARK 66213 JOHNSON 1982

Naturalization Data (if any) 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.)

Street #, RR#, PO Box# (Write in PO Box) Dir. Street Name St., Dr., Etc. Apt. No. City State Zip Code

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

Name on Previous Registration City Where Previously Registered County State

X C. Armando Perez

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

KANSAS VOTER REGISTRATION APPLICATION

P E R E Z										02-28-1982		05-15-2000	
Last Name										Date of Birth		Today's Date	
C E S A R										A			
First Name										Mid Initial		Social Security Number (optional)	
RESIDENCE ADDRESS										Section/Township/Range (if rural route)		Naturalization Data (if any)	
13166										KNOX		ST	
Street No. or RR No.										Dir.		St., Dr., Etc.	
										OVERLAND PARK		66213-	
Apt. No.										City		Zip Code	
JOHNSON										1982			
County										Date Residence Established		Daytime Phone (if available)	

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					
Street #, RR#, PO Box# (Write in PO Box)										Dir.		Street Name		St., Dr., Etc.	
												MAY 17 2000			
Apt. No.										City		State		Zip Code	

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Name on Previous Registration									
City Where Previously Registered									
County					State				

X C. Mendez

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

Isern, President Elect

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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**

Senate Elec + Loc Gov
1-24-01
Attachment 5-