

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 18, 2001 in Room 245-N of the Capitol.

All members were present except: Senator Schmidt - excused

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

Conferees appearing before the committee: Vera Gannaway, Governmental Ethics Commission Attorney
Jim Yonally, Kansas Society of Land Surveyors
Jonathan Small, National Multi Housing Council
Joleen Walker, Mitchell County Clerk
Lou Kerns, Washington County Clerk
Representative Jerry Williams

Others attending: See attached list.

Jim Yonally, Kansas Society of Land Surveyors, ask the committee to introduce a bill which would allow two or more counties to form a county surveyor district (Attachment 1). Senator Clark made a motion to introduce the legislation, seconded by Senator Jackson. The motion carried

Jonathan Small, National Multi Housing Council, request the introduction of a bill concerning counties, municipalities, and townships; relating to rent control (Attachment 2). Senator Huelskamp moved to recommend the introduction of Jonathan Small's request relating to rent control, seconded by Senator O'Connor. The motion carried.

Vera Gannaway, Governmental Ethics Commission Attorney, made a conceptual request asking the Committee to make a recommendation that the legislature amend KSA46-277, relating to violations of the state governmental ethics law. Senator Huelskamp made a motion the Committee introduce the proposed legislation, seconded by Senator Jackson. The motion carried.

Representative Jerry Williams presented testimony regarding recounts and contests in elections (Attachment 3). Representative Williams spoke on behalf of Edwin H. Bideau III and presented Mr. Bideau's testimony recommending legislation relating to provisional ballots (Attachment 4). The Chair asked Brad Bryant, Deputy Assistant Secretary of State to review and make recommendation to the committee in reference to Mr. Bideau's testimony.

Joleen Walker, Mitchell County Clerk, briefed the Committee on voting procedures in Mitchell County (Attachment 5).

Lou Kerns, Washington County Clerk, spoke to the Committee regarding their voting procedure regarding paper ballots (Attachment 6).

The meeting adjourned at 2:20 p.m.

The next meeting is scheduled for January 22, 2001.

PROPOSED BILL DRAFT

ADD, AS A NEW SECTION, TO K.S.A. 19-1403 -

The board of county commissioners of any county may unite with the board of county commissioners of another county, or counties, to form a county surveyor district and employ a county surveyor for the two, or more, counties included in such district. The boards of county commissioners of any such county surveyor district may reduce or increase the size of the district as the conditions may warrant or demand, but no district so formed shall be altered or changed in less than one year from the date of such formation. No person shall be eligible to hold the office of county surveyor; in any county surveyor district, who is not a land surveyor licensed to practice under the provisions of K.S.A. 74-7001 et. seq., and amendments thereto.

EXPLANATION

The statutes require that someone serve in the capacity of a land surveyor for each of the 105 counties of Kansas. In some counties, there is little need for surveying, and this is far from a full-time job. This bill is permissive legislation, which would allow two, or more, counties to go together to form a county surveyor district, and the district could hire someone to fulfill the duties of this job for all the counties in the district. This provision would allow counties to meet their statutory obligation, bring about certain economies, and making it easier to find someone willing to fill these positions.

We respectfully request the introduction of this bill.

Senate Elec + Loc. Gov
1-18-01

Attachment 1

SENATE BILL No. _____

By Committee on Elections and Local Government

DRAFT

10 AN ACT concerning counties, municipalities, and townships; relating to rent control.

11

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

13

14 Section 1. As used in this Act, "local governmental unit" means a political subdivision of this
15 state, including but not limited to a county, municipality or township.

16

17 Sec. 2. (a) No local governmental unit shall enact, maintain or enforce an ordinance or
18 resolution that would have the effect of controlling the amount of rent charged for leasing private
19 residential or commercial property. (b) This section shall not impair the right of any local
20 governmental unit to manage and control residential property in which this local governmental
21 unit has a property interest.

22

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

Senate Elea. + Loc. Gov
1-18-01

Attachment 2

Jonathan D. Small, Chartered
Topeka, Kansas

**SENATE COMMITTEE ON ELECTIONS
& LOCAL GOVERNMENT**

Thursday, January 18, 2001

**TESTIMONY
by
Jerry D. Williams
State Representative
District #8**

Thank you Senator Barbara Allen and Committee Members on the Senate Committee on Elections and Local Government for this opportunity to visit with you today about recounts and contests in elections.

I am here today as testimony to the fact that not only did recounts and contested elections occur in the state of Florida, Kansas had its own recount and contested election in the 8th District for the Kansas House of Representatives. I was part of that election which was not settled until Tuesday, December 19, 2000, six (6) weeks after the November general election.

The state of Florida had "chads, dimple ballots and pregnant ballots," that was well publicized during the election of 2000. Not so well publicized was the problem with "provisional ballots" in District #8.

Provisional ballots are ballots cast by voters who had moved from one precinct to another and ending up registering to vote at their new address and casting a provisional ballot. The problem was a result of provisional ballots being handled differently by Allen and Neosho Counties.

*Senate Elec + Loc Gov
1-18-01
Attachment 3*

WHAT NEEDS TO BE DONE:

- 1 The Kansas Statutes addressing provisional ballots need to be reviewed and changes made to clear up statutory conflicts.
2. Provisional ballots procedures need to be developed for county election officials to follow between election day and board of canvassers day on Friday following the date of the election. It is my opinion that the board of canvassers should be the point of decision for provisional ballots. Provisional ballots should remain sealed until a ruling is made by the board of canvassers.

In order to establish what needs to be done on provisional ballots, I want to refer the committee to the letter dated January 10, 2001, addressed to Senator Barbara Allen and prepared by past Representative and Attorney Edwin H. Bideau, III, Chanute, Kansas. I had asked Attorney Bideau to forward this letter ahead of my testimony today. I believe Attorney Bideau has done an excellent job of detailing the problems with 1) Kansas State Statutes, 2) provisional ballot procedures and 3) recommendations for the Senate Committee on Elections and Local Government to consider so future problems like what occurred with provisional ballots in the 8th District will not occur again in some future election.

Thank you for this opportunity to provide testimony.

Note: Refer to attached letter prepared by Edwin H. Bideau, III

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Attorneys at Law

EDWIN H. BIDEAU III
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January 10, 2001

Senator Barbara Allen, Chair
Senate Elections and Local Government Committee
Kansas State Senate
Statehouse
Topeka, Kansas 66612

Dear Senator Allen:

As you may know, I recently served as the attorney for several Republican voters in Allen and Neosho Counties who filed a contest action in Neosho County District Court to contest the election results for the 8th District State Representative seat in the Kansas House of Representatives. The contest was filed because a recount in both Allen and Neosho County gave the election to Jerry Williams the Democrat candidate by three (3) votes and it appeared that provisional ballots cast by voters who had moved from one precinct to another were counted or treated differently in Neosho and Allen counties.

After a review of the results of the recount there were nine (9) provisional ballots in Allen County which had not been opened or counted and we felt that at least seven of these should be counted. It appeared to us that the Allen county board of canvassers was under the mistaken assumption that any voter who had moved more than thirty (30) days prior to the election, regardless of whether that move was within the county or outside the county, could not vote unless they had re-registered. They apparently were not aware of the statutory changes which had been made so that a voter who moved within the county could vote a provisional ballot and have it counted under the statute.

In addition, it appeared to us that the existing Kansas statutes regarding voters who had moved within the county were confusing at best and contradictory. A great deal of confusion existed even in counties aware of the recent statutory changes as to whether a voter who moved within the county should be allowed to vote at his new precinct, his old precinct, or either one. A copy of the notice which was filed with the court and which sets out the grounds for the contest is enclosed.

After the election contest was filed with the court, the District Judge conducted a discovery conference by agreement of both parties and the Allen County provisional ballots were opened and examined. After that examination it became clear that even if the Allen county provisional ballots were counted, although the result would be closer, it would not change the

Senate Elec + Loc Gov
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Attachment 4

outcome of the election. After a further review of 24 provisional ballots cast in Neosho County but not opened, the contest action was voluntarily dismissed.

The purpose in writing to you today is to bring to your attention what appears to be confusion and conflict regarding provisional ballots cast by voters who have moved within the same county and who were properly registered at their former address but have not re-registered at their new address or new precinct. In Neosho County the county election officer allowed a registered voter who had moved to vote either at their new or old precinct, wherever they showed up, and the vote was counted by the canvassing board. Mr. Gibson, the Neosho County Clerk told me they were advised to follow this procedure by the Election Division of the Secretary of State. In Allen County a voter was allowed to vote a provisional ballot but it was not counted if they moved more than 30 days prior to the election. It does not appear that in either county the voters were told to go to any central location or to any other precinct to vote.

Statutory Conflicts

The confusion and lack of clarity which I am pointing out arises from the provisions of four separate statutes as outlined in the Notice of Contest filed with the court. Three separate Kansas statutes allow a registered voter who has moved from an address on the registration book to another address within the same county to vote a provisional ballot at any election yet their provisions seem to be in conflict as follows:

A. K.S.A. 25-2316c (b) as amended by H.B. 2854, Chapter 49, 2000 Kansas Session Laws, and is the most recent pronouncement of the Kansas legislature on the subject being amended during the 2000 legislative session, provides as follows:

(b) When a registered voter changes residence, such voter shall reregister in order to be eligible to vote, except that when a registrant has moved from an address on the registration book to another address within the county and has not reregistered, such registrant shall be allowed to vote a provisional ballot at any election, or to apply for an advance voting ballot, on the condition that such registrant first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto.

Please note that this statute specifically allows a voter who has moved to another address within the county to vote a provisional ballot as a qualified elector. This statute contains no provision or requirement that the voter cast their ballot at the new precinct, old precinct, or any central location.

B. K.S.A. 25-2353, which was enacted in 1996, provides as follows:

Move of registrant; update of registration record and provisional ballot. A registrant who has moved to a new address in the same county shall be permitted to update the voter's registration record and vote a provisional ballot at the registrant's new polling place, or at a central location determined by the county election officer.

This statute also allows a person who is registered in the county but moves to another address in the same county to vote a provisional ballot as a qualified elector. However, this statute seems to require that the vote be cast at the new precinct polling place or a central location designated by the election officer.

(Note: A central location was not designated in either Neosho or Allen County)

C. K.S.A. 25-414 (b), which was amended in 1996, at the same time K.S.A. 25-2353 was enacted, also provides as follows:

A person who: (1) Has moved from an address in the registration book to another address in the same county or (2) has not moved, but the registration list indicates otherwise, is a qualified elector, but shall be challenged by an election judge and entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.

This statute specifically provides that a registered voter who has moved to another address within the same county is qualified to vote but shall be challenged by an election judge and entitled to cast only a provisional ballot pursuant to K.S.A. 25-409. Once again, this statute contains no requirement or instruction as to whether the ballot must be cast at the new precinct or old precinct.

It was our view when the election contest was filed that these three statutes are in conflict and we intended to take the position that the Neosho County method, allowing the voter to cast a provisional ballot at either the new or old precinct, was correct.

In addition to the three statutes cited above, we still have K.S.A. 25-3701 on the books. This statute which was enacted in 1972 and has not been subsequently amended or repealed even after the enactment of the three statutes cited above in 1996, provides as follows

In-state residence change; vote in former residence, when. For the purposes of this act, a 'former precinct resident' shall mean a person who is otherwise a qualified elector of the state of Kansas, who has removed from the precinct of his former residence in this state and established residence in another precinct in **this state** (emphasis added) during the thirty (30) days next preceding any election held in the precinct of his former residence. Such person may vote in such election in such precinct of his former residence to the same extent and in the same manner as if he had retained his residence in such precinct, except as otherwise provided in this act.

If this statute is read on its own, without reference to the other three it would appear that any voter who has moved more than 30 days from the election date cannot vote and that if he has moved within 30 days, the voter goes back to the old precinct to vote. However at least one of the statutes cited above provides that if the move is within the same county, the voter goes to the new precinct instead of the old. This is at best highly confusing and contradictory.

We felt that the intent of leaving this statute on the books and unamended was to deal with voters who had moved to another precinct but had also crossed county lines and had not simply moved within the same county. However, it can be read differently and again can be quite confusing. If the legislative intent is to require those who have moved across county lines within 30 days of the election to reregister or be unable to vote then that should be more clearly stated. Likewise if the legislative intent is that a person who moves across county lines less than 30 days from the election shall return to the old county to vote then that should also be more clearly stated. A person who moves across county lines could also move from one legislative district to another just as a person who moves within a county. Whether they go to

the new precinct or the old precinct and which precinct they are counted in could make a difference in a close election.

Provisional Ballot Procedures

An additional issue which was faced in both the recount and the election contest is that it appeared that the board of canvassers did not pay much attention to provisional ballots which had been rejected and not opened or counted by the election officers. As you should know, a provisional ballot is sealed so that no one knows how the voter cast their ballot until it is opened. If it is not allowed to be counted, it is never opened. I feel that some procedure should be implemented allowing the provisional ballots to be opened and considered by either the board of canvassers or a recount so that at least the parties can be aware as to whether those would change the result of the election or not.

In our particular case, the only way to discover how the provisional ballots in Allen County were cast was to file the contest action with the District Court. Had the totals of the provisional ballots been known or revealed at the recount, even if those provisional ballots were not counted, this election contest could have been totally avoided. It would have been avoided because the parties would have known that even if those ballots were all counted, the results of the election would not change. The current statutory procedure will almost require filing of a contest action in every close election where there are any provisional ballots cast. If the provisional ballots were opened and examined during a recount, even if they were not counted by the recount canvassers, at least the parties would know where they stood and whether a contest action was actually needed.

Recommendations

Based upon our review of these statutes and our experiences in this recent election contest we feel that the legislature should closely review these statutes and resolve what we feel are substantial conflicts and inconsistencies. If it is the intent of the legislature to require a voter who moves within a county to vote at either the new precinct or the old precinct or either one, this should be clearly stated. Likewise the old statute regarding any move "in this state" should be reconciled with the new statutes regarding a move within the same county. I believe that both parties in the election contest would agree with this recommendation and that whatever statutory procedure is ultimately to be followed should be followed uniformly in every Kansas county. Although one might argue that the Election Division could provide guidelines and recommendations, I think that in this instance the election officers have been given confusing and contradictory statutes to work with and I would strongly recommend changing the statutes cited above so that they are uniform and not in conflict.

I would also recommend that the statutes regarding provisional ballots be amended so that all provisional ballots are opened and examined by the board of canvassers or in the alternative, in the event of a recount. I must emphasize that provisional ballots that would be examined under this procedure must be kept separate and properly identified so that if a contest is later filed, they can be examined by the court or any legislative committee considering a contest petition. If this procedure was not adopted by the legislature then I would suggest at least amendment of the election contest action so that either party can obtain an early examination of the provisional ballots and be apprised of how those ballots might change the results of the election if counted. In our case we were able to do that by agreement of the parties, but there is no provision in the statute to allow that if there is not unanimous agreement.

I cannot under emphasize the amount of stress and uncertainty that a legislative candidate or any other candidate and the voters of their district have to go through in a close election of this nature. That stress is particularly burdensome where the statutory procedures are not clear and where provisional ballots might change the results of the election. I would strongly urge prompt action to reconcile these statutes and to bring about standard and uniform procedures across the state for provisional ballots and registered voters who have moved to a new precinct.

Thank you for the opportunity to express my views on this issue and to relate our experiences in the election contest for the 8th Representative District to you and please feel free to share this information and recommendations with any members of your committee. I am sending an identical letter to the Chair of the House Elections and Ethics Committee, Senate President and Speaker of the House. Should you desire any additional information or recommendations, please do not hesitate to give me a call. We would be glad to assist in any way possible.

Sincerely

A handwritten signature in black ink, appearing to read "Edwin H. Bideau III". The signature is written in a cursive style with some overlapping strokes.

Edwin H. Bideau III

EHB:eb

cc: Sen. Duane Umbarger
Rep. Jerry Williams

PROPOSED BILL DRAFT

ADD, AS A NEW SECTION, TO K.S.A. 19-1403 -

The board of county commissioners of any county may unite with the board of county commissioners of another county, or counties, to form a county surveyor district and employ a county surveyor for the two, or more, counties included in such district. The boards of county commissioners of any such county surveyor district may reduce or increase the size of the district as the conditions may warrant or demand, but no district so formed shall be altered or changed in less than one year from the date of such formation. No person shall be eligible to hold the office of county surveyor; in any county surveyor district, who is not a land surveyor licensed to practice under the provisions of K.S.A. 74-7001 et. seq., and amendments thereto.

EXPLANATION

The statutes require that someone serve in the capacity of a land surveyor for each of the 105 counties of Kansas. In some counties, there is little need for surveying, and this is far from a full-time job. This bill is permissive legislation, which would allow two, or more, counties to go together to form a county surveyor district, and the district could hire someone to fulfill the duties of this job for all the counties in the district. This provision would allow counties to meet their statutory obligation, bring about certain economies, and making it easier to find someone willing to fill these positions.

We respectfully request the introduction of this bill.

State of Kansas
Official General Election
Constitutional Amendment Ballot
Mitchell County, Plum Creek Township
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.

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 it, make a cross or check mark in the square to the left of the word "No".

QUESTION NUMBER ONE

Explanatory statement. The purpose of this amendment is to allow any retirement or pension plan authorized pursuant to the laws of this state to be a stockholder in any banking institution.

A vote for this amendment would allow any retirement or pension plan authorized pursuant to the laws of this state to be a stockholder in any banking institution.

A vote against this amendment favors retaining the current prohibition against the state and any retirement or pension plan authorized pursuant to the laws of this state from being a stockholder in any banking institution.

Shall the following be adopted?

Section 2 of article 13 of the constitution of the state of Kansas is hereby amended to read as follows:

§2. State not to be stockholder. The state shall not be a stockholder in any banking institution, *except that any retirement or pension plan authorized pursuant to the laws of this state may be a stockholder in any banking institution.*

- YES
 NO

Senate Elec + Loc Gov
1-18-01
Attachment 5

State of Kansas
Official General Judicial Ballot
Supreme Court Justices
Court of Appeals Judges
Mitchell County, Plum Creek Township

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.

QUESTION NUMBER ONE

To vote for a Justice of the Supreme Court being retained in office, make a cross or check mark in the square to the left of the word "Yes." To vote against a Justice of the Supreme Court being retained in office, make a cross or check mark in the square to the left of the word "No."

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

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

QUESTION NUMBER TWO

To vote for a Judge of the Court of Appeals being retained in office, make a cross or check mark in the square to the left of the word "Yes." To vote against a Judge of the Court of Appeals being retained in office, make a cross or check mark in the square to the left of the word "No."

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

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

State of Kansas
Official General Election Ballot
 National Offices
Mitchell County, Plum Creek Township
 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.

<u>NATIONAL OFFICES</u>	<u>NATIONAL OFFICES</u>
<p>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 person's names in the appropriate blank spaces and make a cross or a check mark in the square at the left of the names of the candidates.</p>	<p>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.</p>
<p>FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE PRESIDENT Vote for One Pair</p>	<p>FOR UNITED STATES REPRESENTATIVE 1ST DISTRICT Vote for One</p>
<p><input type="checkbox"/> JOHN HAGELIN AND LAURA TICCIATI - INDEPENDENT</p>	<p><input type="checkbox"/> JACK WARNER, Dodge City LIBERTARIAN</p>
<p><input type="checkbox"/> RALPH NADER AND WINONA LaDUKE - INDEPENDENT</p>	<p><input type="checkbox"/> JERRY MORAN, Hays REPUBLICAN</p>
<p><input type="checkbox"/> HOWARD PHILLIPS AND J. CURTIS FRAZIER - CONSTITUTION</p>	<p><input type="checkbox"/> _____</p>
<p><input type="checkbox"/> HARRY BROWNE AND ART OLIVIER - LIBERTARIAN</p>	
<p><input type="checkbox"/> PAT BUCHANAN AND EZOLA FOSTER - REFORM</p>	
<p><input type="checkbox"/> GEORGE W. BUSH AND DICK CHENEY - REPUBLICAN</p>	
<p><input type="checkbox"/> AL GORE AND JOE LIEBERMAN - DEMOCRATIC</p>	
<p><input type="checkbox"/> _____ AND _____</p>	

State of Kansas
Official General Election Ballot
 County and Township Offices
Mitchell County, Plum Creek Township
 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.

COUNTY OFFICES	COUNTY OFFICES
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.	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 COUNTY COMMISSIONER - 2ND DIST Vote for One <input type="checkbox"/> WILLIAM P. (BILL) BUNGER, Beloit REPUBLICAN <input type="checkbox"/> _____	FOR COUNTY ATTORNEY Vote for One <input type="checkbox"/> WILLIAM R. LUDWIG, Beloit DEMOCRATIC <input type="checkbox"/> _____
FOR COUNTY CLERK Vote for One <input type="checkbox"/> JOLEEN WALKER, Beloit REPUBLICAN <input type="checkbox"/> _____	FOR SHERIFF Vote for One <input type="checkbox"/> EVERT O. LaCOE, JR., Beloit DEMOCRATIC <input type="checkbox"/> DOUGLAS R. DAUGHERTY, Beloit REPUBLICAN <input type="checkbox"/> _____
FOR COUNTY TREASURER Vote for One <input type="checkbox"/> CAROL EMMOT, Beloit REPUBLICAN <input type="checkbox"/> _____	TOWNSHIP OFFICES
FOR REGISTER OF DEEDS Vote for One <input type="checkbox"/> SUSANNE THOMPSON, Beloit REPUBLICAN <input type="checkbox"/> _____	FOR TOWNSHIP TRUSTEE Vote for One <input type="checkbox"/> BOB GENGLER, Beloit DEMOCRATIC <input type="checkbox"/> _____
	FOR TOWNSHIP TREASURER Vote for One <input type="checkbox"/> JERRY WESSLING, Beloit REPUBLICAN <input type="checkbox"/> _____

Do not seal in ballot sack. Return with supplies.

Note: — After the count is completed, the Judges and Clerks shall make three certificates of the vote cast for all candidates on the ballots, all to be returned at once, in separate envelopes to the County Election Officer, one to be delivered to the Secretary of the party casting the highest number of votes at the last election, and one to the Secretary of the party casting the next highest vote at the last election.

CERTIFICATE OF VOTES CAST

GENERAL ELECTION

~~ABSENTEE~~

Date **NOVEMBER 7,**

2000

NATIONAL		No. of Votes Received	STATE		No. of Votes Received	LOCAL QUESTIONS		No. of Votes Received
PRESIDENT/VICE-PRESIDENT			STATE SENATOR - 36TH DISTRICT			JUDGES		
Hagelin/Ticciati	Ind	1	Eugene M. Davidson	Rep	16		Yes	
Nader/LaDuke	Ind	1	Janis K. Lee	Dem	40	Donald L. Allegrucci	Yes	27
Phillips/Frazier	Con						No	11
Browne/Olivier	Lib					Robert E. Davis	Yes	28
Buchanan/Foster	Ref	4					No	7
Bush/Cheney	Rep	42				G. Joseph Pierron, Jr.	Yes	29
Gore/Lieberman	Dem	9	STATE REPRESENTATIVE				No	8
			119TH DISTRICT			Christel E. Marquardt	Yes	29
							No	6
			Laura McClure	Dem	28		Yes	
			James W. Boyd	Rep	29		No	
UNITED STATES REPRESENTATIVE							Yes	
1ST DISTRICT							No	
						CONSTITUTIONAL AMENDMENTS		
Jack Warner	Lib	4					No	
Jerry Moran		46	STATE BOARD OF EDUCATION			Question #1	Yes	35
			6TH DISTRICT				No	12
						Question #2	Yes	27
			Eloise Lynch	Dem	20		No	21
			Bruce H. Wyatt	Rep	25		Yes	
							No	
							Yes	
							No	
							Yes	
							No	
							Yes	
							No	
							Yes	
							No	

We, the undersigned, who are all the judges and clerks of the election board of ~~PLUM CREEK TOWNSHIP~~ **American Legion Hall, Beloit** (Voting Place) on the **7th** day of **November** **2000**, do hereby certify that the candidates whose names appear above received the number of votes cast as written opposite their names, and that the votes cast on questions submitted are as indicated above.

Larochy Kolawick
Shirley G. Remus } Clerks

_____ } Clerks

John A. Kolawick

_____ } Judges

Steve G. Berger
Alberta A. Cordell } Judges

Do not seal in ballot sack. Return with supplies.

Note: — After the count is completed, the Judges and Clerks shall make three certificates of the vote cast for all candidates on the ballots, all to be returned at once, in separate envelopes to the County Election Officer, one to be delivered to the Secretary of the party casting the highest number of votes at the last election, and one to the Secretary of the party casting the next highest vote at the last election.

CERTIFICATE OF VOTES CAST

GENERAL ELECTION

~~ADVANCE VOTING~~

Date

November 7,

2000

COUNTY & TOWNSHIP	No. of Votes Received		No. of Votes Received		No. of Votes Received
COUNTY COMMISSIONER		COUNTY ATTORNEY		LOCAL QUESTIONS	
2ND DISTRICT				TOWNSHIP TRUSTEE	Yes
		William R. Ludwig Dem	41		No
William P. (Bill) Bunger Rep	48	Jerry Harrison	1	Bob Gengler Dem	Yes 55
					No
					Yes
		SHERIFF			No
					Yes
		Douglas R. Daugherty Rep	17		No
		Evert O. LaCoe, Jr. Dem	41		Yes
					No
COUNTY CLERK					Yes
					No
Joleen Walker Rep	55				Yes
					No
					Yes
					No
COUNTY TREASURER					Yes
					No
Carol Emmot Rep	54			TOWNSHIP TREASURER	Yes
					No
				Jerry Wessling Rep	Yes 55
					No
REGISTER OF DEEDS					Yes
					No
Suganne Thompson Rep	54				Yes
					No
					Yes
					No
					Yes
					No
					Yes
					No

We, the undersigned, who are all the judges and clerks of the election board of American Legion Hall, Beloit, KS (Voting Place) on the 7th day of November ~~2000~~ 2000, do hereby certify that the candidates whose names appear above received the number of votes cast as written opposite their names, and that the votes cast on questions submitted are as indicated above.

Sarahy Kalasik
Shirley A. Remus } Clerks

_____ } Clerks

John F. Koland

_____ } Judges

Gene J. Beugner
Alberta A. Cordell

_____ } Judges

QUESTION NUMBER TWO

Explanatory statement. This amendment would allow the legislature to classify and tax aircraft and watercraft upon a basis different from other property.

A vote for this proposition would permit the legislature to provide for separate classification and taxation of aircraft and watercraft and to exempt such property from property taxation and impose taxes in lieu thereof.

A vote against this proposition would continue the taxation of aircraft and watercraft in the same manner as all other property.

Shall the following be adopted?

Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

§ 1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, *aircraft and watercraft*, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- | | |
|--|---------|
| (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located..... | 11 1/2% |
| (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution..... | 30% |
| (3) Vacant lots..... | 12% |
| (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law..... | 12% |
| (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed..... | 33% |
| (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use..... | 25% |
| (7) All other urban and rural real property not otherwise specifically subclassified.. | 30% |

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- | | |
|---|---------|
| (1) Mobile homes used for residential purposes..... | 11 1/2% |
| (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%..... | 30% |
| (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed..... | 33% |
| (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985..... | 30% |

- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property..... 25%
- (6) All other tangible personal property not otherwise specifically classified..... 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

YES

NO

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.

NATIONAL OFFICES

To vote for presidential electors for candidates for president and vice-president make a cross or a 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 person's names in the appropriate blank spaces and make a cross or a check mark in the square at the left of the names of the candidates.

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Phillips and Frazier Constitution

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Browne and Olivier Libertarian

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Buchanan and Foster Reform

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Bush and Cheney Republican

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Gore and Lieberman Democratic

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Hagelin and Ticciati Independent

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

Nader and LaDuke Independent

**FOR PRESIDENTIAL ELECTORS FOR
PRESIDENT AND VICE-PRESIDENT**

and _____

NATIONAL OFFICES

To vote for a person, make a cross or a 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 a check mark in the square to the left.

**FOR UNITED STATES REPRESENTATIVE
1ST DISTRICT**

Vote for one

- Jack Warner, Dodge City Libertarian
 Jerry Moran, Hays Republican

STATE OFFICES

To vote for a person, make a cross or a 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 a check mark in the square to the left.

**FOR STATE SENATOR
21ST DISTRICT**

Vote for one

- Mark Taddiken, Clifton Republican
 David Norlin, Concordia Democratic

**FOR STATE REPRESENTATIVE
106TH DISTRICT**

Vote for one

- Sharon J. Schwartz, Washington Republican

**FOR STATE BOARD OF EDUCATION MEMBER
6TH DISTRICT**

Vote for one

- Bruce H. Wyatt, Salina Republican
 Eloise Lynch, Salina Democratic

Senate Elec & Loc Gov
1-18-01
Attachment 6

SAMPLE
BALLOT

National and State Offices
County of Washington
November 7, 2000

SAMPLE BALLOT

Notice

It is the duty of every citizen to vote in the election. If you are unable to vote in person, you may vote by mail. To vote by mail, you must request a ballot and return it to the county clerk's office.

State of Kansas Official General Ballot

National and State Offices

Greenleaf Precinct

County of Washington November 7, 2000

FOR STATE SENATOR
2nd DISTRICT
Vote for one
 Mark Toddler, Clinton
 David Melvin, Democrat

FOR STATE SENATOR
2nd DISTRICT
Vote for one
 Mark Toddler, Clinton
 David Melvin, Democrat

FOR STATE SENATOR
2nd DISTRICT
Vote for one
 Mark Toddler, Clinton
 David Melvin, Democrat

FOR STATE SENATOR
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Vote for one
 Mark Toddler, Clinton
 David Melvin, Democrat

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Vote for one
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