

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on March 11, 2002 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Ken Wilke, Revisor
Hank Avila, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Chairman Powell opened the hearing on SB 468 - Technical clean up amendments to election laws.

Chair Powell welcomed Brad Bryant, Deputy Assistant Secretary of State, as a proponent for **SB 468**. He told the committee that this is a clean-up bill that was introduced in the Senate. It's three provisions are 1) clarifies the circumstances under which a voter's registration may be canceled by the county election officer, 2) deletes an unnecessary word "two" in K.S.A. 25-3102, which deals with filling temporary vacancies on county boards of canvassers (the previous statute assumed there were only three commissioners) and 3) reduces the statutory qualifications of persons who circulate gubernatorial candidate petitions (petition circulators do not have to be registered voters or residents of the election district where they circulate petitions). Mr. Bryant proposed a technical amendment to **SB 468** regarding recall petitions to strike out "and only in the election district in which such sponsor resides" in the sentence following the title of **25-4324**. He also directed the committee's attention to the two amendments by the Senate Committee on Elections and Local Government. One amended the title of the bill by deleting the word "technical." The other amendment deletes "and the county election officer" and "jointly" from section 2. This last amendment gives the sole responsibility to the county commissioners of finding replacement canvassers to fill temporary vacancies on the board of county commissioners when they are acting as the board of canvassers to certify the results of elections. (Attachment 1)

Mr. Bryant responded to questions asked by committee members regarding how voters are removed from the voter registration list and concerning who is a "sponsor" of a petition.

The hearing was closed on SB 468.

Chair Powell opened the hearing on SB 502 - Election administration procedures; nomination petitions and voter responsibility list.

Brad Bryant, Deputy Assistant Secretary of State, was recognized by Chairman Powell as a proponent of **SB 502**. He said that the Secretary of State proposed this bill as an election administration bill. It has two provisions: 1) grants authority to county election officers to determine the validity of candidate nominations in city and local school board elections (non-partisan elections) because no authority had been written into the law for local school boards, candidates filing for city at-large positions or candidates filing for city positions elected from member districts and 2) Section 4 of the bill amends K.S.A. 25-2706 to require the posting of Voter's Rights and Responsibilities at each polling place on election day. (Attachment 2)

Mr. Bryant answered committee members' questions about the requirement for residency of candidates in local and state elections and regarding voters' rights. He had some examples of Voter's Rights and Responsibilities. (Attachment 3)

Chairman Powell closed the hearing on SB 502.

The committee took up SB 502.

Representative Gilbert moved and it was seconded by Representative Hermes that SB 468 be amended to

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on March 11, 2002 in Room 521-S of the Capitol.

SB 502. Motion carried.

Representative Wilson moved to amend SB 502 to insert in Section 2 of SB 468 “in consultation with county election officers” so that it will read “the remaining member or members of the board in consultation with the county election officers shall select electors to serve in their place.” The motion was seconded by Representative Barnes. Motion passed.

Representative Wilson moved and the motion was seconded by Representative Hermes to pass SB 502 as amended favorably from the committee. The motion passed.

The meeting was adjourned at 4:20 p.m. The next scheduled meeting is March 13 at 3:30 p.m. [Meeting on March 13 was canceled.]



STATE OF KANSAS

House Committee on Ethics and Elections

Testimony on Senate Bill 468

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

March 11, 2002

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of Senate Bill 468. This bill was proposed by the Secretary of State as a technical cleanup bill. It has three provisions.

1. It clarifies the circumstances under which a voter's registration may be canceled by the county election officer and brings K.S.A. 25-2316c into technical compliance with the National Voter Registration Act of 1993. Federal and state law require the election officer to mail a confirmation notice to any registered voter for whom the election officer receives indirect evidence of an address change. In this case, indirect means information from a source other than the voter. If the address change is from one place to another *within the county*, the confirmation notice merely serves to update the registration records in the election office. If, however, the address change is *outside the county or state*, the confirmation notice may ultimately result in the cancellation of the person's registration if: (a) the notice was sent in response to an apparent out-of-county move, (b) the voter fails to respond to the notice, and (c) the voter subsequently fails to vote in the next two consecutive general elections.

By inserting the number (4) in K.S.A. 25-2316c(d)(2), the bill will clarify that a voter's registration may be canceled only if evidence exists that the voter moved out of the county. It would eliminate the chance that this statute could be interpreted to allow cancellation of a person's registration based on an in-county move, which would violate federal law.

This technical amendment would not change current practice among county election officers; they have been informed of the proper procedures and trained to conduct their confirmation mailings in accordance with the NVRA.

2. The bill deletes an unnecessary word (the word "two") in K.S.A. 25-3102, which deals with filling temporary vacancies on county boards of canvassers. This revision is a follow-up to a provision in 2001 Senate Bill 125. The statute provides a procedure for appointing persons to act as county canvasser in the absence of one or more county commissioners. Previous language in the statute assumed there were only three commissioners, but now that sor

or more commissioners, the statute must be updated to allow for the temporary appointment of canvassers to fill multiple vacancies on the board.

Last year's Senate Bill 125 was intended to do this, but the word "two" was inadvertently left in the statute, which makes the statute confusing and appears to unnecessarily limit the appointment authority.

I have attached a photocopy of last year's bill to clarify the intent.

3. The bill reduces the statutory qualifications of persons who circulate gubernatorial candidate petitions. This provision is a follow-up to 2001 Senate Bill 127, which reduced petition circulators' qualifications for various types of petitions to bring state laws into compliance with the U.S. Supreme Court decision in *Buckley vs. American Constitutional Law Foundation*. That decision prohibits states from requiring petition circulators to be registered voters or residents of the election districts where they circulate petitions.

In order to be consistent, gubernatorial candidate petitions should have been included in the 2001 legislation, but were not. This bill would correct that error and add consistency to Kansas petition laws.

Proposed Amendment

We recommend the committee adopt an amendment to SB 468 related to the qualifications of petition circulators mentioned in #3 above. After further review of the *Buckley* case and Kansas statutes, we propose adding a new section to the bill, amending K.S.A. 25-4324 dealing with recall petitions. The new section should delete the words "and only in the election district in which such sponsor resides" in the first sentence. I have attached a draft of this proposed language for the committee's consideration.

Senate Amendments

Also, the committee should be aware that the Senate Committee on Elections and Local Government amended the bill twice.

(1) The Senate committee amended the title of the bill by deleting the word "technical."

(2) The Senate committee amended Section 2 of the bill by deleting the words "and the county election officer" and "jointly." This removes the county election officer from the process of appointing persons to fill temporary vacancies on the board of county commissioners when they are acting as the board of canvassers to certify the results of elections. With this amendment, the county commissioners have the sole responsibility of finding replacement canvassers. While the Secretary of State's office does not believe this amendment to be necessary, we do not oppose it.

We urge the committee to report SB 468, as amended, favorably for passage.

Thank you for your consideration.

1-3

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT _____ and _____

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

FOR PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE-PRESIDENT

Vote for One Set of Electors

- JONESTERN AND DOE
- ROEHEAD AND RICHARDBY
- JANEBRAND AND JOHNBERG

Republican
Democrat
Independent Nominations

FOR UNITED STATES SENATOR

Vote for One

- DAN BOBING, Brussell
- ROBERTA SMITH, Salina
- _____

Republican
Democrat

FOR UNITED STATES REPRESENTATIVE _____ DISTRICT

Vote for One

- ELMER O'BRIEN, Wichita
- WM.T. MILLER, Maple City
- _____

Democrat
Republican

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

Sec. 6. K.S.A. 25-618 is hereby amended to read as follows: 25-618 The official general ballot for county and township offices may be separate from the official general ballot for national and state offices or may be combined with the official general ballot provided for in K.S.A. 25-601 and amendments thereto. The secretary of state shall prescribe the ballot format but the ballot shall be substantially in the form shown in this section and K.S.A. 25-611, and amendments thereto.

STATE OF KANSAS
OFFICIAL GENERAL BALLOT
County and Township Offices
County of _____, City (or Township) of _____
November _____, 19____ Year

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 _____ DISTRICT

Vote for One

-
-
-

FOR COUNTY CLERK

Vote for One

-
-
-

FOR COUNTY TREASURER

Vote for One

-
-
-

And continuing in like manner for all county and township offices to be elected.

Sec. 7. K.S.A. 25-3102 is hereby amended to read as follows: 25-3102. In the event that a member of the county board of canvassers shall die; be absent, or from any casualty be prevented from serving on such board, the remaining members of the county board of canvassers shall select an elector to serve on the county board of canvassers in his *such member's* place. If more than one member of the county board of canvassers shall die, be absent, or from any casualty be prevented from serving on the county board of canvassers, the remaining member *or members* of the board and the county election officer shall jointly select two *persons* electors to serve in their place. Functions and duties of the county election officer may be performed by the deputy of the county election officer in *his* the absence of the county election officer.

Sec. 8. K.S.A. 25-3801 is hereby amended to read as follows: 25-3801. (a) At each primary election, the members of the party residing in each precinct in each county of the state shall elect a man of their number as precinct committeeman and a woman of their number as precinct committeewoman. No person shall be eligible to be a candidate for or hold the office of precinct committeeman or precinct committeewoman of a party in any precinct unless such person actually lives, resides and occupies a place of abode in such precinct, and is in all other respects a qualified elector and is shown as a member of such party on the party affiliation list, in the office of the county election officer. Except as provided in subsection (b), any vacancy occurring in the office of precinct committeeman or committeewoman shall be promptly filled by appointment by the county chairperson, except that any vacancy which occurs because the party had no candidate at such primary election shall not be filled until the county central committee has elected or reelected its chairperson ~~under K.S.A. 25-3802 and amendments thereto~~. Not later than three days after appointment of precinct committeemen and committeewomen, the county chairperson making the appointments shall notify the county election officer of such appointments. The county election officer shall make such appointments public immediately upon receipt thereof.

Proposed Amendment to Senate Bill 468

25-4324

Chapter 25.--ELECTIONS Article 43.--RECALL OF ELECTED OFFICIALS

25-4324. Same; petition; circulation; signatures; withdrawal. The petitions shall be circulated in person by a sponsor ~~and only in the election district in which such sponsor resides~~. No petition shall be circulated in more than one county. The county election officer of the county in which each petition is circulated shall certify to the county election officer where petitions are required to be filed the sufficiency of the signatures on the petition. Any registered elector of such election district may subscribe to the petition by signing such elector's name and address. A person who has signed the petition may withdraw such person's name only by giving written notice to the county election officer where petitions are to be filed before the date filed. The necessary signatures on a petition shall be secured within 90 days from the date that the recall committee receives notice that the county or district attorney has determined that the grounds for recall as stated in the petition are sufficient as required by K.S.A. 25-4322, and amendments thereto. The petition shall be signed only in ink. Illegible signatures unless accompanied by a legible printed name may be rejected by the county election officer.

History: L. 1976, ch. 178, § 24; L. 1978, ch. 147, § 7; L. 1991, ch. 104, § 3; L. 1999, ch. 105, § 10; July 1.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS

House Committee on Ethics and Elections

Testimony on Senate Bill 502

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

March 11, 2002

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of Senate Bill 502. This bill was proposed by the Secretary of State as an election administration bill. It has two provisions.

1. The bill would grant authority to county election officers to determine the validity of candidate nominations in city and local school board elections. In current law, election officers have this specific authority only in national/state/county/township elections held in even-numbered years; the Secretary of State determines the validity of candidate nominations for national and state offices, and the respective county election officers determine the validity of nominations for county and township offices.

The authority to determine whether candidates are eligible to run in the primary for city and local school board elections has not been written into the law, and it is these offices where questions about residency or voter registration of candidates often arise. This bill would clearly grant the county election officers the authority to make such determinations. As always, any candidate who believes a finding of invalidity was made in error may file an objection pursuant to K.S.A. 25-308.

Sections 1 through 3 of the bill deal with this provision:

Section 1 amends K.S.A. 25-2020, which governs candidate filings for local school boards.

Section 2 amends K.S.A. 25-2110, which governs candidate filings for city at-large positions.

Section 3 amends K.S.A. 25-2110a, which governs candidate filings for city positions elected from member districts.

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Attachment 2

2. Section 4 of the bill would amend K.S.A. 25-2706 to require the posting of Voter's Rights and Responsibilities at each polling place on election day. The Secretary of State would adopt regulations prescribing the contents of the document. Our office will consult with election officers in Kansas and other states to develop the necessary requirements. Also, it is possible that federal election reform legislation currently being considered in Congress will affect the contents of the document.

The 2000 presidential election raised national consciousness of many issues, including voter education. The perception is that mismarked ballots where the voters' intent is unclear are caused in part by voters' lack of knowledge about the voting process in general and, specifically, how to mark a ballot. One way to improve voters' knowledge of the process is to provide a clear statement of their rights and responsibilities when the votes are being cast.

The Senate Committee on Elections and Local Government amended the title of the bill so it more accurately describes the bill's purpose. This is a technical amendment with which we concur, and it will have no effect on the bill's substance.

We urge the committee to report SB 502, as amended, favorably for passage.

Thank you for your consideration.

State of Kansas

Voter's Rights and Responsibilities

Rights

As a Kansas elector, you have the right to:

Request a ballot if you meet the constitutional qualifications of an elector and if you have registered to vote.

Review a sample ballot.

Mark your ballot privately.

Obtain up to 2 replacement ballots if yours is mismarked or spoiled.

Occupy the voting booth up to 5 minutes if others are waiting.

Vote a provisional ballot if your name is not on the voter registration list or if there is another question about your qualifications to vote.

An accessible voting place and assistance in obtaining and marking your ballot if needed.

Have your ballot count if it is cast legally and timely.

Report illegal activities or denial of voting rights to the county election officer or the Secretary of State.

Responsibilities

As a Kansas elector, you have the responsibility to:

Meet the constitutional qualifications of a Kansas elector and register at least fifteen days before the election.

Read and follow instructions.

Follow voting procedures established by the county election officer and precinct election board workers.

Follow all federal and state laws related to voting, including laws against electioneering.

Respect the privacy and voting rights of others.

Be informed about the candidates and issues on the ballot.