

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on March 19, 2002 in Room 245-N of the Capitol.

All members were present except: Senator Huelskamp

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

Conferees appearing before the committee: Representative Doug Gatewood
Don Moler, League of Kansas Municipalities
Randy Allen, Executive Dir., KS Assn of Counties
Ashley Sherard, Johnson County Government
Connie Schmidt, Elections Commissioner, Johnson County
Marilyn Chapman, Elections Commissioner, Sedgwick County
Karen Hartenbower, Lyon County Clerk, Emporia

Others attending: See attached list.

Hearing on HB 2337 - Kansas advisory council on intergovernmental relations; established; powers and duties

Chairperson Allen recognized Don Moler, League of Kansas Municipalities, to appear before the Committee in support of **HB 2337 (Attachment 1)**.

Randy Allen, Executive Director, Kansas Association of Counties, presented testimony in support of **HB 2337 (Attachment 2)**.

Representative Gatewood, recognized by Chairperson Allen, testified in support of **HB 2337 (Attachment 3)**.

Ashley Sherard, Johnson County Government, appeared as a proponent to **HB 2337 (Attachment 4)**.

Written testimony in support of **HB 2337** was distributed to the Committee from Erik Saratorius, City of Overland Park (**Attachment 5**) and Mark Tallman, Assistant Executive Director; Kansas Association School Boards (**Attachment 6**).

There were no opponents to **HB 2337**.

With no others to testify, Chairperson Allen closed the hearing on **HB 2337**.

Hearing on HB 2996 - Time of election canvass by county board of canvassers

Connie Schmidt, Elections Commissioner, Johnson County testified before the Committee in support of **HB 2996 (Attachment 7)**.

Testimony in support of **HB 2996** was given by Marilyn Chapman, Elections Commissioner, Sedgwick County (**Attachment 8**).

Karen Hartenbower, Lyon County Clerk, Emporia, Kansas, appeared before the Committee in support of **HB 2996 (Attachment 9)**.

With no opponents to appear on **HB 2996**, the public hearing was closed by Chairperson Allen.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT on March 19, 2002 in Room 245-N of the Capitol.

Action on HB 2747, and HB 2708.

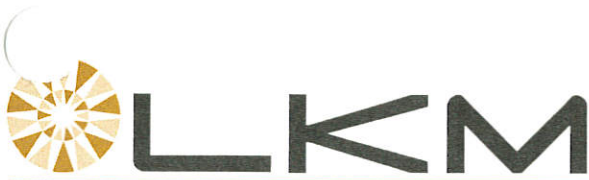
Senator Schmidt moved to pass **HB 2747** out favorably. Seconded by Senator O'Connor, the motion carried.

Senator O'Connor made a motion to move **HB 2708** favorable for passage. Senator Brownlee seconded the motion. The motion carried.

Adjournment

The meeting adjourned at 2:20 p.m.

The next meeting is scheduled for Thursday, March 21, 2002.



League of Kansas Municipalities

To: Senate Election and Local Government Committee
From: Don Moler, Executive Director
Re: Support for HB 2337
Date: March 19, 2002

First I would like to thank the Committee for allowing the League to appear here today in support of HB 2337. This bill was introduced at the request of the League of Kansas Municipalities and the Kansas Association of Counties during the 2001 Legislative Session by this Committee and is an initiative of the League and the KAC. We believe HB 2337 represents a step in the direction of better intergovernmental relations and the improvement of policy making where we have linkages between state and local government. HB 2337 would create the Kansas Advisory Council on Intergovernmental Relations (KACIR). This council would study issues of interest and importance to local government in Kansas as well as the State of Kansas and help to identify policy initiatives and directions which would allow for closer intergovernmental communication and work within and between the governments of Kansas.

It is clear that the reestablishment of the KACIR would provide a forum for allowing the discussion of pertinent topics on a regular and ongoing basis. It could help identify issues that needed to be addressed by the legislature as well as those that need to be addressed at the local level. While the KACIR is not a panacea for fixing everything that needs to be fixed, it takes us a good way down the road towards closer communication between state and local governments. Certainly I would think we would all agree that in these uncertain times, it cannot hurt to allow for greater interaction between state and local government.

As envisioned by the League, those individuals comprising the KACIR would serve without pay and would participate because of their interest in the issues which face local government in Kansas. We feel this is a very low risk approach to allowing greater interaction and communication between and among cities, counties and the state, as well as other entities of local government, and would provide the ability to focus on specific issues, alternatives, and approaches for solving various problems which now face government in Kansas.

The League would urge this Committee to favorably report to HB 2337 as a step in the direction of good public policy and good government in Kansas. We believe it can do no harm and can only provide one more tool in the tool box of better government and services to the public. Thank you for allowing the League to testify today. I would be happy to answer any questions you may have.

*Senate Elec & Loc Gov
03-19-02
Attachment 1*



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning HB 2337

Presented by Randy Allen, Executive Director, Kansas Association of Counties
March 19, 2002

Chairperson Allen and members of the committee, my name is Randy Allen, Executive Director of the Kansas Association of Counties. I am here today to strongly support HB 2337, (re)instituting the Kansas Advisory Council on Intergovernmental Relations (KACIR).

I have served in the position of KAC Executive Director since April, 1996. During this time, I have increasingly perceived a need to personally work harder to bring counties, other units of local governments, and the State of Kansas into a closer, more constructive working relationship. In the press of legislative business here in the Capitol, and in the press of daily decisions made at county courthouses across the State, there is a significant need for an ongoing forum and process to thoughtfully and seriously study intergovernmental relations. Specifically, there needs to be a continuous process of studying services provided by all levels of government; the possibility of improving the organizational structure and operational efficiency; and the revenue requirements of the State and all units of local government.

The transition in leadership at the State and local levels seems to be accelerating. No one wants to serve as an elected official for very long, it seems, as there is an unavoidable punishment from the electorate and a huge personal toll. The result of more frequent transitions in leadership is that institutional memory is more difficult to sustain. The **context** of policy decisions -- even when perfectly clear at the time policy is made -- often blurs over time as successors interpret and reinterpret the intentions of their predecessors.

For these reasons, we suggest that one of the most practical and far-reaching decisions of the 2002 Kansas Legislature would be to establish the Kansas Advisory Council on Intergovernmental Relations. We were part of the process in drafting HB 2337, which envisions a KACIR comprised of 15 members. While we stand behind our bill, we are not so attached to every significant detail that we will not welcome suggestions to make the KACIR even stronger and more effective. Thank you for considering HB 2337. We urge the committee to report the bill favorably for passage.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

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Senate Elec + Loc Gov
03-19-02

Attachment 2

DOUG GATEWOOD

REPRESENTATIVE, 1ST DISTRICT
 HOME ADDRESS: P.O. BOX 306
 COLUMBUS, KS 66725
 (316) 429-3690

OFFICE ADDRESS: STATE CAPITOL, SUITE 273-W
 TOPEKA, KANSAS 66612-1504
 (785) 296-7697



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENT
 RANKING MINORITY MEMBER: 8-GOVERNMENT
 MEMBER: FINANCIAL INSTITUTIONS
 TAXATION
 PUBLIC SAFETY BUDGET

HOTLINE NUMBER: 1-800-432-3924
 SPEECH/HEARING IMPAIRED: (785) 296-8430

SENATE ELECTIONS & LOCAL GOVERNMENT

HB 2337

Thank you Madam Chair and Committee members for allowing me to testify regarding HB 2337 which would allow creation of the Kansas Advisory Council for Intergovernmental Relations.

As a former Mayor of Columbus I have experienced frustration with communications between different levels of government as well as being affected by unintended consequences created by actions of another governing body.

This advisory council, at no additional cost to the taxpayers, would facilitate communication and share ideas that will increase the efficiency of government as a whole.

You realize communication is truly the key to success, that is why I am allowed to testify before you today. Each opportunity we have that provides an open dialog between state and local governments is ultimately a victory for our citizens.

The Kansas Advisory Council for Intergovernmental Relations will develop a more united governmental network on many issues not the least of which is security measures for increased protection of the citizens of Kansas.

Thank you and I will be glad to stand for any questions.

Doug Gatewood
 State Representative
 District #1

Senate Elec + Loc Gov
 03-19-02
 Attachment 3



Johnson County, Kansas

BOARD OF COUNTY COMMISSIONERS

To: The Honorable Barbara Allen, Chairman
The Honorable Kay O'Connor, Vice-Chairman
Members, Senate Elections & Local Government Committee

From: Ashley Sherard, Government Relations Manager

Date: March 19, 2002

Subject: **Support for HB 2337 – Reinstitution of the Kansas Advisory Council on Intergovernmental Relations (KACIR)**

I would like to express the Johnson County Commission's support for reestablishing the Kansas Advisory Council on Intergovernmental Relations (KACIR), as a means to strengthen relationships between government at all levels and to promote more coordinated and efficient delivery of services to Kansas taxpayers.

Government continually strives to become more streamlined and efficient in serving the public, particularly during difficult economic times. Critical to this effort is an understanding of the needs and responsibilities of each level of government in order to avoid redundancies, minimize taxation, and ensure coordinated delivery of services.

KACIR was originally established in 1969 as a neutral body to study the services provided by various levels of government, the relationship between state and local governments, state and local tax structures, and the revenue requirements and fiscal policies of the state and its local units. KACIR was abolished by the legislature in 1975, however, as part of a movement to streamline the executive branch.

The nation is currently in a time of economic uncertainty, and virtually all units of government are experiencing significant revenue shortfalls that are unlikely to be resolved in the short-term. **Reinstitution of the KACIR would help to ensure that Kansas citizens are receiving and continue to receive the most value from government for their tax support.**

For these reasons, the Johnson County Commission supports HB 2337 and urges the committee to recommend the bill favorable for passage. Thank you for your time and consideration.

Senate Elec & Loc Gov
03-19-02
Attachment 4



City Manager's Office

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Overland Park, Kansas 66212
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www.opkansas.org

Testimony Before
The Senate Elections & Local Government Committee
Regarding House Bill 2337

March 19, 2002

The City of Overland Park appreciates the opportunity to offer testimony in support of House Bill 2337, creating the Kansas Advisory Council on Intergovernmental Relations.

In order to promote effective and efficient government at all levels, the City believes that a better understanding of the requirements and responsibilities placed on local governments is essential. The purpose of the KACIR is to bring together a broad group of state and local elected officials to study the services provided by the various types of government, and to suggest ways in which intergovernmental cooperation could improve such services.

We believe that in these trying financial times, solutions that could bring greater efficiency and value to government should be pursued vigorously. This forum can aid in developing a better understanding of the roles of government entities. Further, the KACIR could help foster a process in which solutions, rather than problems, are brought to the legislature.

As you may know, the KACIR has existed previously. Prior to being disbanded, the KACIR was a neutral body whose purpose was to study services provided by various local governments in Kansas, the state and local tax structure, and the revenue requirements and fiscal policies of the state and units of local government.

We would note that in this difficult fiscal year, this legislation carries no fiscal note. The City of Overland Park, urges your support for House Bill 2337 and the reestablishment of the KACIR.

Senate Elec & Loc Gov
03-19-02
Attachment 5

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
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Testimony on
HB 2337 (Intergovernmental Relations Advisory Council)
Before the
Senate Committee on Elections and Local Government

By

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

March 19, 2002

Madam Chair, Members of the Committee:

We appreciate the opportunity to appear before the Committee as proponents of HB 2337.

We believe that this proposal for the creation of an advisory council on intergovernmental relations would help identify and promote methods to more effectively coordinate governmental functions. We appreciate that the council would include a school board member.

Creating a formal structure would ensure an on-going effort to examine how different levels of government can work together to meet the needs of citizens. In particular, we believe that the long-term health, if not the very survival, of many communities in Kansas will depend on a closer working relationship between schools, municipal governments and state agencies.

Kansas has a strong tradition of local government as well as effective state government. This proposal will help support that tradition.

Thank you for your consideration.

*Senate Elec & Loc Gov
03-19-02
Attachment 6*

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE SENATE ELECTIONS COMMITTEE

Submitted by Connie Schmidt, Johnson County Election Commissioner

Tuesday, March 19, 2002

Thank you for the opportunity to speak regarding House Bill 2996. On behalf of the Johnson County Election Office, I express support of this Bill.

Elections in Johnson County and throughout the State of Kansas changed dramatically in 1996, with the implementation of provisional balloting. Prior to 1996, this was referred to as challenged balloting. As an example, in Johnson County the total number of challenged ballots in 1988 and 1992 were 106 and 141 respectively. In the 1996 and 2000 Presidential elections, the number of provisional/challenged ballots grew significantly, numbering over 5,000 in both elections.

Additional time is necessary in order to adequately research the voter's eligibility on each of the provisional ballots. For example, a large quantity of our provisional ballots is a result of voters moving within the county. State law allows the voter to go to their new voting location, complete a voter registration application, and vote a provisional ballot. These ballots are sealed in a security envelope and returned to the Election Office for research prior to presenting to the Board of County Canvassers on Friday morning.

On each provisional ballot, the Election Office staff must first verify that the voter is an eligible, registered voter; next they must check the registration list from the voter's old precinct to confirm that they did not vote at that location; then they must confirm that the voter voted the correct ballot at their new voting location.

In a close race, the provisional ballots can determine the outcome of an election. The significance of the provisional ballot was reaffirmed in Johnson County in the spring 2001-city/school elections. On Election night, the Mayor's race in one of our cities was within one vote, with eight provisional ballots collected in that race. The county Canvass Board authorized seven of those provisional ballots to be counted. The winner of the race on Election night became the loser by two votes after the provisional ballots were counted.

There is a critical need for more time to process provisional ballots, especially in the two large counties. House Bill 2996 gives the county election officer the ability to move the official canvass date to the Monday following the election. For this reason, I express support of House Bill 2996.

*Senate Elec & Loc Gov
03-19-02
Attachment 7*



SEDGWICK COUNTY, KANSAS

Commissioner of Elections

Marilyn K. Chapman

Historic Courthouse * 510 North Main * Wichita, Kansas * Telephone (316) 383-7101 * Fax (316) 383-7388 * sedgwickcounty.org/elections

DATE: March 18, 2002
TO: Senate Committee on Elections and Local Government
FROM: Marilyn Chapman, Sedgwick County Election Commissioner
RE: HB 2996

The election of 2000 has brought realization to many people that perhaps there are changes that should be made in the administration of elections. One of the changes recommended by the Ford/Carter Commission on Election Reform, as well as other task forces and election administrators, is to provide more time for election officials to review election returns before having to present them for final canvass.

In November of 2000 the Sedgwick County election office had more than 2,000 provisional ballots taken at the polls on Election Day. Provisional ballots are provided at each voting place for voters who have moved and/or changed their name and failed to reregister prior to the deadline, for voters about whom there is a question concerning their registration, and voters who may be challenged. Providing provisional ballots is an important focus of pending federal legislation.

The steps required to process each ballot are many and complicated. Each voter's registration information must be checked with office records to verify that all provisions of the law have been met. If the voter moved, because he is required to vote in his new precinct where his name is not on the registration book, the registration book of his former precinct must also be checked to ensure that he did not vote at that precinct as well. Then ballots must be organized into categories for easier presentation to the Board of Canvassers. And guess what! There are frequently dozens of different categories represented.

Because of the importance and complexity of checking the provisional ballots, most phases of the job cannot be given to seasonal personnel. It takes the experience of full time staff to guarantee the accuracy of the information gathered. And because the full time staff has been working long hours of overtime for several weeks prior to the election, efficiency is low.

Senate Elec + Loc Gov
03-19-02
Attachment 8

In addition to the provisional ballots, write-in votes must be tallied and verified manually in most Kansas counties. All supplies from the polls must be checked to make sure that all necessary items are in hand and signed if they need to be.

Not every election canvass will need to be changed to Monday. And not many counties will ever need to change the day from Friday. But for those few of us who need extra time – probably only in November – it gives us the flexibility to ensure that all figures released for certification are indeed “true and correct”.

KAREN K. HARTENBOWER
LYON COUNTY CLERK-ELECTION OFFICER
LYON COUNTY COURTHOUSE
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**TESTIMONY BEFORE SENATE COMMITTEE
ELECTIONS AND LOCAL GOVERNMENT**

Tuesday, March 19, 2002

I am Karen K. Hartenbower, Lyon County Clerk – Election Official, Chair of the Kansas County Clerk's and Election Official's Election Committee.

Thank you for allowing me the opportunity to speak to you about HB 2996. Each year our Elections Committee meets and decides which statutes could be changed to streamline the election process as well as insure the integrity of the election process. Integrity is always foremost in our minds.

Each year the Committee picks a priority item and then we give it our full support. In the past we have supported 16 & 17 year olds to be allowed to be poll workers, the last 4 numbers of the social security number required on the registration form, etc.

This year the Committee had quite a discussion about the Canvass of Votes on Friday after the Tuesday election. As the laws are loosened more and more to allow people to vote we have more and more provisional ballots. For instance the law that allows registered voters to move within the county and not having to reregister before coming to the polls. This is the biggest bulk of our provisional ballots. Having the Canvass of Votes on Friday does not give us enough time to thoroughly check out the voter information. Kansas Elections are considered above reproach and we want to keep it that way. For this reason, we ask for your support of HB 2996.

Thank you.

Senate Elec & Loc Gov
03-19-02
Attachment 9