

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on January 22, 2003 in Room 521-S of the Capitol.

All members were present except: Representative David Huff, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Reseach
Kathie Sparks, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: Secretary of State Ron Thornburgh
Jim Edwards, Kansas Association of School Boards

Others attending: See attach list.

Chairman Myers welcomed the committee members. He asked the committee members and the staff to introduce themselves. This included eleven other new committee members and one new staff member.

Representative R.J. Wilson requested a committee bill relating to expenditures for political campaigns. All receipts and expenditures from the day after the general election until the day after the primary election shall be allocated to the primary election. Receipts and expenditures after the primary election until the general election shall be allocated to the general election.

Representative Wilson moved to introduce this as a bill. The motion was seconded by Representative Yonally. Motion passed.

Jim Edwards, governmental relations specialist with the Kansas Association of School Boards, requested a bill regarding the state law listing the grounds for the recall of elected officials, including school board members. He said the current law does not define "misconduct" or "incompetence" as grounds for recall of elected officials. (Attachment 1)

Representative Sawyer moved and the motion was seconded by Representative Yonally that such a bill be introduced. The motion passed.

Chairman Myers reported on his trip to the National Secretary of States' meeting in Denver in 2002.

Secretary of State Ron Thornburgh was welcomed to the committee by Chairman Myers. Secretary Thornburgh gave the committee an overview of the Help America Vote Act of 2002 (HAVA). He said it is only a brief outline of the act. He covered voting standards and education of poll workers, which included new provisional ballot requirements and new voter identification requirements for voters registering by mail. Secretary Thornburgh also reviewed the accessibility requirements and the implementation of a new, central statewide voter database. Lastly, Secretary Thornburgh discussed the financing of the Help America Vote Act. Kansas should receive \$5 million solely for improving elections. Kansas will be eligible for over \$27 million to implement the federal HAVA requirements. (Attachment 2)

Secretary Thornburgh responded to committee member's questions on complying or not complying with the standards, when the state needs to be in compliance, the cost of maintaining voting equipment and the goals of HAVA. Chairman Myers thanked the Secretary for briefing the committee.

The Chairman asked for further bill introductions, there being none the meeting was adjourned at 4:45 p.m. The next scheduled meeting of the committee is January 27 at 3:30 p.m.

HOUSE ETHICS AND ELECTIONS COMMITTEE

GUEST LIST

DATE 1/22/03

Your Name	Representing
Jon Edwood	KASB
Twila Drybread	DOB
Brad Bryant	Sec. of State
Ron Thornburg	" " "
Mindy Miller	" " "
Jesse Borjon	" " "

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

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TO: Members, House Committee on Ethics and Elections

FROM: Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

DATE: January 22, 2003

RE: **Request for Bill Introductions**

The Kansas Association of School Boards would respectfully request introduction of the bill described below. This bill deals with the state law listing the grounds for the recall of elected officials, including school board members.

Recall of Elected Officials

This bill, which would amend K.S.A. 25-4302, was prompted in part by a decision of District Judge Tracy Klinginsmith in a case where several school board members were threatened with recall after voting to convert a high school building to another use. The Judge said the current law “needs clarity, either in the interpretation of current law, or by legislative amendment to existing statutes.” There is no legal definition of “misconduct” or “incompetence” in the recall statutes. As a result, these grounds can be alleged simply because a board member makes an unpopular decision. This bill would make clear that board members could only be recalled for an actual violation of the law or failure to perform a specific duty. The Legislature should not ask board members to make difficult, unpopular decisions, and then allow them to be threatened with removal from office for making those decisions.

Chapter 25.--ELECTIONS

Article 43.--RECALL OF ELECTED OFFICIALS

25-4302. Grounds for recall. Grounds for recall are conviction of a felony, ~~misconduct in office, incompetence~~ or failure to perform duties prescribed by law. No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured.

History: L. 1976, ch. 178, § 16; L. 1987, ch. 130, § 1; L. 1999, ch. 105, § 8; July 1.

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Attachment 1

Help America Vote Act of 2002

Voting Standards & Education

- Develop new programs for voter education, election official training and education, and poll worker training
 - Includes a college poll worker program
- Provide voters with an opportunity to verify his or her vote before cast
 - Notify the voter of an overvote and provide an opportunity to correct the ballot
- New provisional ballot requirements: notification, signed voter affirmation, information
 - Develop a “free-access” system for individuals who cast a provisional vote to determine if his or her ballot was counted, and if not, why it wasn’t counted
- Implement new polling place public posting requirements: sample ballot, date of election, hours the polling place is open, etc.
- Implement new voter identification requirements for voters registering by mail
- Requires changes to the mail-in voter registration form

Accessibility

- Provide disabled individuals with the opportunity to vote unassisted, at each polling place
 - Requires placement of a direct recording electronic voting system (DRE) in each polling place
- Polling places must be made accessible to individuals with disabilities
- Develop an administrative complaint/grievance procedure

Central Voter Registration

- Implement a new, central statewide voter database to be maintained and administered at the state level
 - Requires coordination with the Department of Motor Vehicles and the Social Security Administration

Finance

- Title I Funds
 - It is anticipated Kansas will receive \$5 million to be used solely for improving elections. There is currently a bill in the U.S. Senate that would appropriate half of the mandated Title I money this year.
- Requirements Payments
 - Kansas will be eligible for over \$27 million to implement the federal HAVA requirements. The Secretary of State’s office must develop a state plan for implementation of the HAVA mandates in order to receive the requirements payments.
 - In order to receive these payments, the state must appropriate a 5% match for the requirements payments received.
 - Maintenance of effort – The state must maintain the FY2000 level of funding for election administration.