

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 January 23, 2003 in Room 245-N of the Capitol.

All members were present except: Senator Schmidt - excused

Committee staff present: Ken Wilke, Revisor of Statutes
Mike Heim, Legislative Research

Conferees appearing before the committee: Ron Thornburgh, Secretary of State

Others attending: see attached list

Introduction of bills

Don Moler, League of Municipalities, requested introduction of a bill to help defray local taxpayers costs by placing local publication of official notices for cities and counties on an internet web site (Attachment 1). Senator O'Connor made a motion to introduce this legislation, seconded by Senator Gilstrap. The motion carried.

Don Moler, League of Municipalities, second request is to re-introduce HB 2086 relating to depositories for public funds. The bill passed in the year 2002 as amended by the House Committee on Local Government which did not pass the House Committee as a whole. This legislation passed would be another way to maximize taxpayers dollars. Senator Gilstrap moved to introduce the legislation. Senator O'Connor seconded the motion. The motion carried.

Ron Thornburgh, Secretary of State gave an overview federal election reform (Attachment 2). Secretary of State, Ron Thornburgh stated he would have a bill introduction next week before the Committee.

Adjournment

Chairperson Allen informed the Committee to watch the Senate calendar for the next meeting. She stated the Committee would tentatively be meeting on Tuesdays and Thursdays.

The meeting was adjourned at 2:25 p.m.

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date Thurs Jan 23

<u>Ron Thornburgh</u>	<u>Secretary of State</u>
<u>Brad Bryant</u>	<u>Sec. of State</u>
<u>Teresa Drybread</u>	<u>DOR</u>
<u>Alan Miller</u>	<u>LKM</u>
<u>Danielle Hoe</u>	<u>Johnson County</u>
<u>Randall Allen</u>	<u>Kansas Association of Counties</u>
<u>Mike Taylor</u>	<u>City of Wichita</u>
<u>Erik Santorius</u>	<u>City of Overland Park</u>
<u>Ron Applebitt</u>	<u>WaterOne</u>
<u>Don Seifert</u>	<u>City of Olathe</u>
<u>Chris Wilson</u>	<u>KS Governmental Consulting</u>

Section 1. K.S.A. 12-1651 is hereby amended to read as follows:

(a) The governing body of each city of the second and third class shall designate by resolution a newspaper or Internet site to be the official city newspaper publication site. Once designated the newspaper or Internet site shall be the official city publication site newspaper until such time as the governing body designates a different site newspaper.

(b) If a newspaper is selected for the official publications of cities of the second and third class, it shall be one which has the following qualifications:

(1) It must be published at least weekly 50 times each year and have been so published for at least one year prior to the publication of any official city publication.

(2) It must be entered at the post office of publication as second-class mail matter.

(3) More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly or yearly basis.

(4) It shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.

(c) If an Internet site is selected for the official publications of cities of the second and third class, it shall be one which has the following qualifications:

(1) The Internet site must not be password protected;

(2) It must be accessible to members of the general public;

(3) There must not be a fee associated with accessing the site.

(d) The publication of a city legal notice, advertisement, ordinance, or resolution pursuant to the provisions of this act shall comply with any statutory requirement for the official publication as may be required by law, including any requirement for the publication in the official city newspaper.

Section 2. K.S.A. 64-101 is hereby amended to read as follows:

(a) The governing body of each city of the first class shall designate by resolution a newspaper or Internet site to be the official city publication site newspaper. Once designated, the newspaper or Internet site shall be the official city publication site newspaper until such time as the governing body designates a different site newspaper.

No legal notice, advertisement or publication of any kind required or provided by any of the laws of the state of Kansas, to be published in a newspaper shall have any force or effect unless the same is published in the official city publication site. ~~a newspaper which.~~

(b) If a newspaper is selected for the official publication of cities of the first class, it shall be one which has the following qualifications:

(1) Is published at least weekly 50 times a year and has been so published for at least one year prior to the publication of any official city publication;

(2) is entered at the post office as periodical class mail matter;

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Attachment 1

(3) has general paid circulation on a daily, weekly, monthly or yearly basis in the county in which the city is located and is not a trade, religious or fraternal publication; and

(4) is published in the county in which the city publishing the official publication is located. If there is no newspaper published in the county, the newspaper shall be published in Kansas and shall have general paid circulation in the county.

(c) *If an Internet site is selected for the official publications of cities of the first class, it shall be one which has the following qualifications:*

- (1) *The Internet site must not be password protected;*
- (2) *It must be accessible to members of the general public;*
- (3) *There must not be a fee associated with accessing the site.*

(d) *The publication of a city legal notice, advertisement, ordinance, or resolution pursuant to the provisions of this act shall comply with any statutory requirement for the official publication as may be required by law, including any requirement for the publication in the official city newspaper.*

~~(b) (e) The board of county commissioners of each county shall designate by resolution a newspaper or Internet site to be the official county publication site newspaper. Once designated the newspaper or Internet site shall be the official county publication site newspaper until such time as the board designates a different site newspaper. The newspaper selected for the official publications of a county shall be a newspaper which.~~

(f) *If a newspaper is selected for the official publication of a county, it shall be one which has the following qualifications:*

- (1) *Is published at least weekly 50 times each year and has been so published for at least one year prior to the publication of any official county publication;*
- (2) *is entered at the post office in the county of publication as periodical class mail matter, which county shall be located in Kansas;*
- (3) *has general paid circulation on a daily, weekly, monthly or yearly basis in the county and is not a trade, religious or fraternal publication; and*
- (4) *is published in the county publishing the official publication. If there is no newspaper published in the county, the newspaper shall be printed in Kansas and have general paid circulation in the county.*

(g) *If an Internet site is selected for the official publications of a county, it shall be one which has the following qualifications:*

- (1) *The Internet site must not be password protected;*
- (2) *It must be accessible to members of the general public;*
- (3) *There must not be a fee associated with accessing the site.*

(h) *The publication of a county legal notice, advertisement, or resolution pursuant to the provisions of this act shall comply with any statutory requirement for the official publication as may be required by law, including any requirement for the publication in the official county newspaper.*

~~(c)~~ (i) Whenever the board of education of a school district is required to publish a legal notice, advertisement or other publication in a newspaper having general circulation in the school district, such newspaper shall be one which:

(1) Is published at least weekly 50 times each year and has been so published for at least one year prior to the publication of any school district publication;

(2) is entered at the post office in the school district of publication as periodical class mail matter;

(3) has general paid circulation on a daily, weekly, monthly or yearly basis in the school district and is not a trade, religious or fraternal publication; and

(4) is published in the school district publishing the official publication. If there is no newspaper published in the school district, the newspaper shall be published in Kansas and shall have general paid circulation in the school district.

~~(d)~~ (j) Nothing contained in this section shall invalidate the publication in a newspaper which has resumed publication after having suspended publication all or part of the time that the United States has been engaged in war with any foreign nation and six months next following the cessation of hostilities if such newspaper resumes publication in good faith under the same ownership as it had when it suspended publication. Nothing in this section shall invalidate the publication in a newspaper which has simply changed its name or moved its place of publication from one part of the county to another part, or suspended publication on account of fire, flood, strikes, shortages of materials or other unavoidable accidents for not to exceed 10 weeks within the year last preceding the first publication of the legal notice, advertisement or publication. All legal publications heretofore made which otherwise would be valid, that have been made in a newspaper which, on account of flood, fire, strikes, shortages of materials or other unavoidable accident, has suspended publication for a period of not exceeding 10 weeks, are hereby legalized.

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.

Created by the Office of Secretary of State Ron Thornburgh
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Attachment 2