

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on February 24, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Legislative Research
Martha Dorsey, Legislative Research
Ken Wilke, Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Representative Miller
Brad Bryant, Deputy Assistant, Secretary of State
Elizabeth Ensley, Election Commissioner, Shawnee County
Charlotte Scott Schmidt, Montgomery County Clerk

Others attending:

See Attached List.

Action on:

SB 523 - Taxing subdivisions, budgets amendment of

Chairperson Allen opened the meeting taking action on **SB 523**. At the request of Chairperson Allen, at the February 19th hearing of **SB 523**, Sandy Jacquot, General Counsel, League of Municipalities (Attachment 1); and Randall Allen, Kansas Association of Counties (Attachment 2) presented information regarding **SB 523**. Unable to attend the hearing of **SB 523**, Chairperson Allen recognized Randall Allen to speak to **SB 523**. Both the League of Municipalities and Kansas Association of Counties had concerns regarding the date the governing body may amend such budget. Randall Allen's second concern is how to interpret the word "error". Senator Barnett's balloon, (Attachment 3), reflected moving the date to October 1. Senator O'Connor suggested the word "clerical" be added before "error". Senator Buhler moved to adopt the amendment with the addition of "clerical" in front of "error" in line 27 of the bill. Senator O'Connor seconded the motion and the motion carried. Senator Buhler moved to pass SB 523 out of committee favorably, seconded by Senator Betts, and the motion carried.

Hearing on:

HCR 5005 - Elections; Concurrent Resolution urging Congress to simplify the National Voter Registration Act of 1993 regarding removal of voters from voter registration

Chairperson Allen opened the hearing on **HCR 5005** and recognized Representative Miller testifying in support of **HCR 5005**. Representative Miller had an amendment to the bill to clarify the meaning of "general election" (Attachment 4).

Brad Bryant, Deputy Assistant Secretary of State, welcomed to the committee by the Chair also spoke in support of **HCR 5005** (Attachment 5).

Testimony in support of **HCR 5005** was given by Elizabeth Ensley, Election Commissioner, Shawnee County (Attachment 6).

Written testimony in support of **HCR 5005** was handed out to committee from Charlotte Scott Schmidt, Montgomery County Clerk (Attachment 7).

There being no others to testify on **HCR 5005**, the Chair closed the hearing.

Senator Schmidt move to adopt the balloon and pass HCR 5005 favorably, seconded by Senator Jackson. The motion carried.

The meeting adjourned at 2:00 p.m.

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date 2-24-04

Danielle Hoc	Johnson County
Judy Molen	KAC
Carol Brock	A+R - Municipal Services
Elisabeth Rusley	SNCO Election Commission
Steve L. Seawall	A+R
Blaise Plummer	Emporia ICS
Jay Tanker	Independence, Kan
Ruth A. Hauke	Wilson County
Zach Skow	Johnson County
Rebecca Bassemeier	Gray County
Brad Bryant	Sec. of State



LKM

League of Kansas Municipalities

300 SW 8th Avenue
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Phone: (785) 354-9565
Fax: (785) 354-4186

TO: Senate Elections and Local Government Committee
FROM: Sandy Jacquot, General Counsel
DATE: February 23, 2004
RE: SB 523

Thank you for allowing the League to provide comments regarding SB 523. This bill would allow any municipality to amend their budget when there has been an error in the calculation of the assessed valuation of such municipality. This problem has occurred in several municipalities recently and this bill would allow the flexibility for municipalities to correct their budgets to reflect the actual taxing needs. My understanding is that there are two amendments that would move the date to October 15 and require the same budget adoption formalities of notice and a hearing. The League supports this bill and the proposed amendments to provide cities the ability to correct errors in the budget that were unforeseeable at the time of budget adoption. Please do not hesitate to contact me if the League can provide any further information.



KANSAS
ASSOCIATION OF
COUNTIES

To: Senator Barbara Allen and members of the Senate Elections
and Local Government Committee
Senator Jim Barnett
From: Randall Allen, Executive Director *Randall Allen*
Subject: SB 523
Date: February 24, 2004

I have reviewed SB 523 (original form and the balloon suggested yesterday by Senator Barnett) in consultation with representatives of the Kansas County Clerks and Election Officials Association.

We oppose the bill in its current form, because we believe that it is unworkable in the context of other statutory dates for the budget process. Governing bodies for all taxing jurisdictions are required (KSA 79-1801) to certify the amounts of ad valorem taxes to be levied to the County Clerks on or before August 25. After this date, the clerks review adopted budgets and tax levies from all taxing jurisdictions and compute final tax levy rates to be applied to each parcel within the county. This process begins immediately after the August 25 deadline. In some counties, the process of setting final tax levy rates is accomplished in the month of September; for others, it runs into October. Generally, by October 31, final tax levy rates are set.

The aforementioned schedule means that the printing of tax statements begins (in some counties) in September and continues into October. Our concern about SB 523 (original and balloon form) is that the tax statements could be already printed prior to discovery and rectification of the error in estimated assessed valuation. In that case, there would be an additional expense of reprinting the tax statements.

If the bill proceeds, we would strongly recommend that the date in lines 30 and 31 be changed to October 1.

An additional concern is that the term "error in the calculation of the assessed valuation" is imprecise. July 1 valuation estimates are seldom used to calculate final tax levy rates in the fall. For example, BOTA decisions and court decisions between July and November render some properties taxable and others not taxable. Late-filings (renditions) by personal property taxpayers are received up to the time that tax levies are set. Are these examples of *errors* or mere *changes*? In either case, they affect the final tax levy rate, yet are not generally considered a basis for which to amend the budget. If this bill moves forward, we would like to reserve the right to seek clarification of this concern before the House considers the bill. Ms. Rebecca Bossemeyer, Geary County Clerk, and I will be present at today's committee meeting to answer questions. Thank you again for the opportunity to comment on this bill.

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Senate Elec & Loc Gov
02-24-04
Attachment 2

SENATE BILL No. 523

By Committee on Federal and State Affairs

2-12

9 AN ACT concerning taxing subdivisions of the state; relating to budgets
10 thereof; amending K.S.A. 79-2929a and repealing the existing section.

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

12 Section 1. K.S.A. 79-2929a is hereby amended to read as follows: 79-

13 2929a. (a) The governing body of any taxing subdivision or municipality
14 which is subject to the budget law provisions of K.S.A. 79-2925 to 79-
15 2936, inclusive through 79-2936, and amendments thereto, which pro-
16 poses to amend its adopted current budget during the year in which such
17 budget is in effect, shall be subject to the same publication, notice and
18 public hearing requirements as [is] required by K.S.A. 79-2929, and
19 amendments thereto, for the adoption of the original budget and, in ad-
20 dition thereto, *In addition*, such published budget shall show any pro-
21 posed changes in the amount of expenditures, by fund. Any proposed
22 increase in expenditures shall be balanced by previously unbudgeted in-
23 creases in revenue other than ad valorem property taxes. A copy of the
24 adopted amended budget shall be filed with the county clerk and with
25 the director of accounts and reports.

26 (b) *Whenever an error in the calculation of the assessed valuation of*
27 *any taxing subdivision or municipality which is subject to the provisions*
28 *of K.S.A. 79-2925 through 79-2936, and amendments thereto, is discov-*
29 *ered after the governing body has adopted the budget and prior to No-*
30 *vember 1, the governing body may amend such budget. [If the amendment*
31 *consists of changes solely to accommodate the correction in the calculation*
32 *of the assessed valuation, there shall be no requirement to republish the*
33 *amended budget or to hold a public hearing thereon.] A copy of such*
34 *amended budget shall be filed with the county clerk and the director of*
35 *the division of accounts and reports.*

36 Sec. 2. K.S.A. 79-2929a is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.
39

October 1

Any budget amended pursuant to this subsection shall be subject to the same publication, notice and public hearing requirements as required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget.

Senate Elevator Gov
02-24-04

Attachment 3

C. FRANK MILLER
 REPRESENTATIVE, TWELFTH DISTRICT
 MONTGOMERY, CHAUTAUQUA, AND
 ELK COUNTIES
 HOME ADDRESS: P.O. BOX 665
 INDEPENDENCE, KANSAS 67301
 TOPEKA OFFICE: STATEHOUSE, RM 431-N
 TOPEKA, KANSAS 66612
 (785) 296-7646



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: EDUCATION
 HEALTH AND HUMAN
 SERVICES
 ETHICS AND ELECTIONS
 LEGISLATIVE POST AUDIT

February 24, 2004

Honorable Senator Barbara Allen - Chairman
 Senate Elections and Local Government Committee

Ref: HCR 5005 Urging Congress to modify the provisions of the National Voter Registration Act of 1993.

Testimony by: Representative Frank Miller - 12th District

Thank you Madam Chairman and members of the Elections and Local Government Committee for the opportunity to come before you today **testifying in support of HCR 5005**.

During my door-to-door campaigning in the summer of 1998 and 2000 I was amazed at the number of addresses and/or names that were incorrect, non-existent, or the voter had long since moved away or was deceased. I found some places where my "Walking List" indicated a residential address, but in reality it was a vacant lot! During the 2003 session I began looking into this problem with our Montgomery County Clerk and Election Officer Mrs. Charlotte Scott-Schmidt and found that the inaccuracies are not attributable to poor performance or management by the Elections offices. Mrs. Schmidt explained to me the complicated procedure that currently is mandated by Federal Elections Rules that makes keeping the list of registered voters up to date an impossible job. It is a nightmare! -- but will leave testimony of this nightmare to the expertise of County Election Officials, who are also present today and can testify with greater accuracy and passion.

I have with me today a graphic illustration of the wasted postage that this Representative experienced in two mailings made last year. I have not taken the time to count all of these returned letters, but the wasted postage must be close to \$300 or \$400. Now! -- my experience is not unique; as I am sure Madam Chairman, you and members of the committee have also had the same experience. **Multiply this waste nationally and we are talking MILLIONS of dollars, plus an open door to voter fraud!**

HCR 5005 urges the US Congress to amend the National Voter Registration Act of 1993 in the following manner:

1. It urges Congress to repeal current law regarding how a voter's name can be deleted from the registered voter list.
2. It urges Congress to allow election officers to automatically remove the name of a person from the Registered Voter list if that person fails to vote in at least one of the previous consecutive four gubernatorial or presidential elections. This represents a span of 8 years.
3. It urges Congress to mandate election officers to publish two notifications in the local newspaper/s advising voters who did not vote in any of the past three gubernatorial or presidential elections they must vote in coming election in order to keep their name on the registered voter list. The first notification is to be published two weeks before and the second published one week before the date of the general election. A voter can always re-register if his/her name is dropped.

Madam Chairman I have an amendment to make to the bill in order to clarify the meaning of "general election", which I submit for consideration by the committee. This is a simple bill and I urge the committee to support the bill and pass it out of committee favorably as amended for passage to the Senate for debate and final action.

Thank you and I stand for questions.

Respectfully yours,

Representative Frank Miller

Senate Elec & Loc Gov
 02-24-04
 Attachment 4

House Concurrent Resolution No. 5005

By Representative F. Miller

1-28

9 A CONCURRENT RESOLUTION urging Congress to modify the pro-
10 visions of the National Voter Registration Act of 1993 to simplify the
11 procedure for removal of voters from voter registration lists.
12

13 WHEREAS, The National Voter Registration Act of 1993 imposed
14 national standards upon the states regarding creation and maintenance of
15 lists of registered voters; and

16 WHEREAS, The required notification procedure could be simplified
17 to require the state or local election official only to provide to the public
18 a general notice stating that if a voter has not voted in the two preceding
19 elections for federal office, such voter must vote in the next general elec-
20 tion for federal office or else such voter's name will be deleted from the
21 voter registration list; and

22 WHEREAS, The national standards create an onerous, costly and time
23 consuming notification procedure which must be followed before a
24 voter's name may be deleted from a voter registration list; and

25 WHEREAS, The current standards and procedures for removal of a
26 voter's name from a voter registration list could be simplified for state
27 and local election officials by allowing a voter's name to be removed,
28 without notification, for failure to vote in, at most, three consecutive gen-
29 eral elections for federal office: Now, therefore,

30 *Be it resolved by the House of Representatives of the State of Kansas,*
31 *the Senate concurring therein:* That the Legislature strongly urges the
32 Congress of the United States to amend the appropriate sections of the
33 National Voter Registration Act of 1993 to allow state and local election
34 officials to replace the current onerous, costly and time consuming noti-
35 fication procedure with a simpler procedure only requiring that the state
36 or local election official only to provide to the public two general notices
37 stating that if a voter has not voted in the two preceding elections for
38 federal office, such voter must vote in the next general election for federal
39 office or else such voter's name will be deleted from the voter registration
40 list. The first notification must be issued two weeks before the date of
41 such election and the second notification must be issued one week before
42 the date of such election; and

43 *Be it further resolved:* That the Legislature strongly urges the Con-

four preceding general elections as defined
by K.S.A. 25-101, and amendments thereto

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on HCR 5005

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

February 24, 2004

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of House Concurrent Resolution 5005. This resolution urges Congress to amend the National Voter Registration Act of 1993 (NVRA) to allow states and localities to purge voter registration lists of names of voters who have not voted in up to three consecutive general elections. We support this resolution as a means of maintaining cleaner voter registration lists, just as we supported Kansas' law before enactment of the NVRA, which allowed purging of voters' names for missing two general elections.

We support the main purpose of the NVRA, which is to increase voter registration opportunities. The NVRA has succeeded in that. But the NVRA transferred much of the responsibility for tracking voters' address changes from the voters themselves to state and county government. This includes keeping track of address changes, eliminating duplicate registrations, and maintaining accurate voter histories. The procedures required by the NVRA are time consuming, expensive and inexact.

Various bills have been proposed in Congress to amend the NVRA, but as yet no significant legislation has passed. We support HCR 5005 in its intent to express to Congress the difficulties experienced by those who administer the NVRA's list maintenance provisions and to seek remedy through federal legislation.

Thank you for your consideration.

Senate Elec & Loc Gov
02-24-04
Attachment 5



Shawnee County Commissioner of Elections

Elizabeth Ensley
Election Commissioner
Norine Staab
Asst. Election Commissioner

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February 11, 2004

Senator Barbara Allen
State Capitol
300 SW 10th Ave Rm 120-S
Topeka, KS 66612-1504

Dear Senator Allen:

Please accept this as a letter of support for HCR 5005.

As I understand this concurrent resolution, it does not actually change Kansas law. It merely encourages Congress to change the National Voter Registration Act (NVRA).

I have been told that Congress has considered any amendment to NVRA to be an unfriendly amendment. Imagine if Kansas worked that way. We would never be able to make necessary corrections to the law.

The NVRA does not allow for the easy removal of names from the voter lists. Some day, we could have more names on the voter file then we have people in the county. Anything that we could do to keep our lists current will help protect against fraud.

Thank you for your attention to this matter.

Sincerely,

Elizabeth Ensley
Election Commissioner

February 24, 2004

Honorable Senator Barbara Allen - Chairman
Senate elections and Local Government Committee

Please accept this letter in support of HCR 5005

Allowing the purging of names from the Voter Registration list would greatly help the counties clean up the Voter Registration files. The file we receive from the Secretary of State that compares the County Voter Registration files to the Post Office change of address files is a great help. However, some of the same names appear year after year on the file and the address from the Post Office is no longer a valid address. We are unable to remove these names from our voter registration list without confirmation from the voter. There are some of these names that have been on the list since this project has started.

Montgomery County has numerous college students that register to vote here in order to establish residency. When they leave our two year colleges, they very seldom leave a forwarding address. Therefore, we are unable to contact them to confirm they have left our county and we are unable to remove them from our Voter Registration lists.

Montgomery County currently shows a total of 20,873 Registered Voters. Out of these 387 show inactive (we have received notice that they may have moved from our county), 375 inactive and suspended (we have received notice that they may have moved and they have not voted in at least the last two general elections), 3,767 suspended (they have not voted in at least the last two general elections).

Annually after receiving the list from the Secretary of State with the forwarding addresses, we send out approximately one thousand cards to attempt to contact voters who have moved (in 2003, the number was 1,200). We are able to remove approximately two hundred fifty voters from our Voter Registration roles. This is definitely an expense that could be lowered if we were able to purge voter names.

Thank you for your attention to this matter

Sincerely,

Charlotte A. Scott Schmidt
Montgomery County Clerk

Senate Elec & Loc Gov
02-24-04
Attachment 7