

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on February 7, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused  
Representative JoAnn Pottorff- excused  
Representative Don Dahl- excused

Committee staff present:

Martha Dorsey, Legislative Research Department  
Matt Spurgin, Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Rep. Steve Huebert  
Kim Winn  
Rep. Mike Burgess  
Rep. Tom Sawyer  
Elizabeth Ensley  
Brad Bryant

Others attending:

See attached list.

Rep. Don Dahl will be replacing Rep. Ted Powers as of today on the House Elections and Governmental Organization Committee.

**HB 2331** Political and taxing subdivisions; budgets, filing electronically

Chairman Burgess opened the hearing on **HB 2331**.

Chairman Burgess testified in support of the bill (Attachment 1). He explained that he requested the bill after attending a Kansas Advisory Council on Intergovernmental Relations (KACIR) meeting. He stated that the KACIR, while attempting to study townships, ran into difficulty compiling the kind of data they would need. Chairman Burgess informed that while the township budgets are all filed with the Kansas Department of Revenue, most are filed in a paper form.

Kim Winn, League of Kansas Municipalities, testified in support of the bill (Attachment 2). She requested a change to the budget filing date from August 25<sup>th</sup> to September 25<sup>th</sup>. She explained that the current deadline for filing budgets creates a situation where budgets and mill levies are established with inadequate information.

Chairman Burgess closed the hearing on **HB 2331**.

**HB 2280** Cities; benefit fees for certain services

Chairman Burgess opened the hearing on **HB 2280**.

Rep. Steve Huebert testified in support of the bill. He submitted written testimony from Michael McNown, Mayor of Valley Center, KS (Attachment 3). Rep. Huebert explained that he requested the bill. He informed that the bill would amend a portion of the Act, K.S.A. 12-6a19, to expand the types of infrastructure projects eligible for the imposition of benefit fees.

Kim Winn testified in support of the bill (Attachment 4). She explained that the bill adds the flexibility so that the city could add properties to the benefit district as they are developed.

Chairman Burgess closed the hearing on **HB 2280**.

**HB 2332** Elections; tabulating provisional and advance ballots by precinct

CONTINUATION SHEET

Minutes of the House Elections and Governmental Organization Committee at 3:30 P.M. on February 7, 2007 in Room 231-N of the Capitol.

Chairman Burgess opened the hearing on **HB 2332**.

Rep. Tom Sawyer testified in support of the bill. He explained that he requested the bill out of concern that there were still 70 counties not required to tabulate ballots by precinct.

Elizabeth Ensley, Shawnee County Election Commissioner, testified in opposition to the bill (Attachment 5). She identified the main concerns with tabulating ballots by precinct are of cost, efficiency, and privacy.

Brad Bryant, Deputy Assistant Secretary of State, testified as neutral to the bill (Attachment 6). He suggested that the committee clarify the intent of the bill in Line 14, after the word "tabulate" insert "and report election results with" and in line 15, after the word "ballots" insert the word "allocated". The sentence would read as follows:

The secretary of state shall adopt rules and regulations requiring county election officers to tabulate and report election results with all provisional ballots and advance voting ballots allocated by precinct.

Chairman Burgess closed the hearing on **HB 2332**.

**HB 2197** and **HB 2198** were discussed in committee. Proposed amendments to the bills were discussed.

The meeting was adjourned.

The next meeting is scheduled for Thursday, February 8, 2007.



STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

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MIKE BURGESS

**Testimony in Support of HB2331**

Esteemed members of the House Elections & Governmental Organization Committee:

I requested HB2331 after attending a Kansas Advisory Council on Intergovernmental Relations (KACIR) meeting. The KACIR while attempting to study townships ran into difficulty compiling the kind of data they would need. While the township budgets are all filed with the Kansas Department of Revenue, most are filed in a paper form.

Currently 25 counties submit their budgets in electronic form. We chose a 2008 implementation date for this provision to give the rest of the clerks time to adjust their processes. It is my hope that KDOR will work with the remaining counties to potentially revise their processes to make it easier for the rest of the clerks to submit their budgets electronically.

Once all of this data is filed electronically, the aggregate data will be much more useful for KDOR, the legislature, cities, townships and many others.

House Elections & Gov. Org.  
Date: 2-7-2007  
Attachment # 1



300 SW 8th Avenue  
Topeka, Kansas 66603-3912  
Phone: (785) 354-9565  
Fax: (785) 354-4186

League of Kansas Municipalities

To: House Elections and Governmental Organization  
From: Kimberly Winn, Director of Policy Development & Communications  
Date: February 7, 2007  
Re: Support for HB 2331

On behalf of the 576 member cities of the League of Kansas Municipalities (LKM), thank you for the opportunity to offer our comments regarding HB 2331. We support the effort to require the electronic filing of budget information.

For many years, LKM has collected and distributed data regarding taxes and budgets. We annually publish the *Kansas Tax Rate and Fiscal Data Book* which contains valuable information that is relied upon by local and state officials. Much of the information that is contained in the *Tax Rate and Fiscal Data Book* has to be obtained by hand, going through the individual mill levy rate sheets for each county. We believe that it is time to modernize this process and require that such information be filed electronically.

On a cautionary note, we are concerned about the impact on the smallest cities in Kansas. Most cities now have some access to computers and to the Internet. However, in the smallest of cities where there is a part time city clerk, we hope that some provision will be made for the county clerk to assist them in submitting their budgets.

Each year during the LKM policy process, city managers and finance directors discuss their frustration with the current timelines established in statute for the filing of budgets. If budgets are required to be filed electronically, then we believe that would grant the flexibility for budgets to be filed 30 days later. The current deadline for filing budgets is August 25<sup>th</sup> (K.S.A. 79-1801). This creates a situation where budgets and mill levies are established with inadequate information. The city managers and finance directors of the state believe that even moving this date 30 days will help to ensure more accurate valuation information upon which to base their budgets. We respectfully request that the Committee add a section to this bill which amends K.S.A. 79-1801 to move the budget filing date from August 25<sup>th</sup> to September 25<sup>th</sup>.

In conclusion, we support the provisions of HB 2331 and ask for your favorable consideration of this bill and our proposed amendment. I would be happy to stand for questions at the appropriate time.

House Elections & Gov. Org.  
Date: 2-7-2007  
Attachment # 2

WRITTEN TESTIMONY OF MICHAEL MCNOWN, MAYOR OF VALLEY CENTER, KANSAS

February 7, 2007

Representative Mike Burgess  
Chairperson  
House Committee on Elections and Governmental Organization

Submitted by  
Rep. Steve Huebert

Re: House Bill No. 2280

Representative Burgess:

Thank you for the opportunity to submit written testimony in support of HB 2280 on behalf of the City of Valley Center, Kansas (the "City"). HB 2280 was introduced by this Committee at the request of Representative Steve Huebert, whose district includes the City.

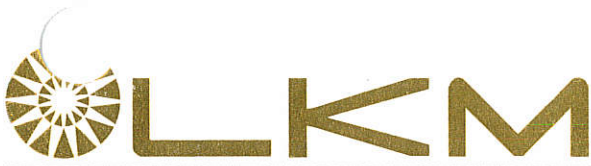
The City is a growing community located in Sedgwick County. In the past several years there have been a significant number of new residential developments commenced within the City. The infrastructure improvements needed for these developments have been initiated and financed by the City under the General Improvement and Assessment Law, K.S.A. 12-6a01 *et seq.* (the "Act"). The Act permits the creation of improvement districts to finance the costs of infrastructure improvements by the levy of special assessments against property benefited from such improvements; such special assessments to be collected in the same manner as other property taxes. The improvement districts can be created by the City upon receipt of a petition signed by owners of property requesting the improvements to be made and subjecting their property to such special assessments to pay the costs thereof. Such improvement districts can also be created by action of the City, subject to protest by affected property owners.

The Act (*i.e.* K.S.A. 12-6a19) permits the City to impose benefit fees for water and sewer improvements, initiated by petition, to property benefited by such improvements but not included within the original improvement district. The benefit fees can be used to reduce the costs of the original special assessments or to reimburse the City for funds advanced to pay a portion of the costs of the improvements. The benefit fees are imposed when property owners request connection to the constructed water or sewer improvements at an amount that would have been assessed if such property would have been in the original improvement district. This method of financing has allowed orderly growth to occur in the City by assessing the costs of improvements to property currently under development, but deferring the allocation of costs to property that may be benefited but not yet ready for development.

HB 2280 proposes to amend a portion of the Act, K.S.A. 12-6a19, to expand the types of infrastructure projects eligible for the imposition of benefit fees. **Section 1** of the Bill expands the scope of eligible improvements to include storm water improvements. **Section 2** of the Bill would permit the imposition of benefit fees related to arterial street improvements. The construction of arterial streets that could benefit several developments is a cost effective way to construct such a street to standards that may not yet be needed, but will be needed when all development has been concluded. For example it is less expensive to construct a four-lane street now than to construct a two-lane street and later expand it to four-lanes. In this example, the four-lane standard could support three developments, although only one development is ready to proceed at this time. If enacted, the Bill would permit costs of the arterial street to be assessed to the original development. When subsequent developments are completed, benefit fees could be imposed on those properties; such amounts being available to reduce the original assessments to the initial development or to reimburse the City if it paid the additional costs.

I respectfully request that the Committee recommend HB 2280 favorably for passage.

House Elections & Gov. Org.  
Date: 2-7-2007  
Attachment # 3



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League of Kansas Municipalities

To: House Elections and Governmental Organization  
From: Kimberly Winn, Director of Policy Development & Communications  
Date: February 7, 2007  
Re: Support for HB 2280

On behalf of the 576 member cities of the League of Kansas Municipalities (LKM), thank you for the opportunity to offer our comments regarding HB 2280.

The City of Valley Center has identified a short-coming in the current law with regard to special improvement districts. They are working to anticipate future development and to implement public improvements in a logical, workable manner. HB 2280 adds the flexibility so that the city could add properties to the benefit district as they are developed. According to bond counsel for the city, this change is necessary for Valley Center to be able to go forward with their proposed street project.

We respectfully request your favorable consideration of this legislation as we believe it grants necessary flexibility for Valley Center and other communities in Kansas. I would be happy to stand for questions at the appropriate time.

House Elections & Gov. Org.  
Date: 2-7-2007  
Attachment # 4



## Shawnee County Commissioner of Elections

Elizabeth Ensley  
Election Commissioner  
Norine Staab  
Asst. Election Commissioner

911 S.W. 37th, Suite A  
Topeka, Kansas 66611-2378  
(785) 266-0285  
FAX (785) 266-0299

### M E M O R A N D U M

DATE: February 6, 2007  
TO: Representative Mike Burgess, Chairman  
Committee on Ethics & Elections  
FROM: Elizabeth Ensley  
Shawnee County Election Commissioner  
RE: **HB 2332 TABULATING ADVANCE BALLOTS BY PRECINCT**

Thank you for allowing me to appear in opposition to HB 2332, which would require that advance ballots be tabulated by precinct. The main concerns with tabulating ballots by precinct are of cost, efficiency, privacy and delayed results. I have attached examples from last year's elections for your review.

**COSTLY** It costs printing companies every time that they have to stop the printing equipment. Therefore, the more styles are printed, the more it costs. In order to tabulate ballots by precinct, there would be a different style in each precinct. *The taxpayer would have to pay for the cost of each style change. This would be particularly evident in the Presidential Preference Primary.*

Currently, other than the August election, all other elections allow us to print one style of ballot for every precinct that has the same races in the same rotation.

**REDUCES EFFICIENCY** Since the ballot order is placed long before registration closes in even numbered year elections, the fact that ballots would no longer be interchangeable with another precinct would make it more difficult to handle situations where a higher voter turnout in one precinct has used more ballots. *It could increase the instances of running out of ballots.*

**DELAYED RESULTS** If advance ballots are tabulated back to the precinct, *the advance vote will have to wait until the end of the night or else the precinct counter would indicate that 100% of the precincts were reporting.*

Currently, advance voting is reported first. Since about 15% of the voters participating in the election vote in advance, and since the advance vote is usually a cross section of the voters, many people use these numbers to give an early impression of how the races are going.

**PRIVACY COULD BE COMPROMISED** It is not unusual for only one provisional ballot to come in from a precinct even in large elections. Since provisional voters are indicated on the Poll Book (later becoming an open record), and since abstracts of election night can be compared to the final abstract, *it would not be difficult to determine how one voter voted.*

Thank you for your time and consideration.

House Elections & Gov. Org.  
Date: 2-7-2007  
Attachment # 5



## COSTS OF BALLOTS FOR EACH ELECTION Shawnee County

<b>ELECTION</b>	<b>ACTUAL BALLOT COST</b>	<b>BALLOTS BY PRECINCT COST PER HB 3223</b>	<b>DIFFERENCE</b>	<b>% INCREASE</b>
General 2005 City / School	\$ 7,830.39 64 styles	\$13,611.39 187 styles	\$ 5,781.0	73%
Primary 2005 City / School	\$ 5,409.32 43 styles	\$10,203.32 145 styles	\$ 4,794.02	89%
August 2006	\$19,967.01 397 styles	\$19,967.01 397 styles	\$ 0.00	0%
November 2006	\$12,201.26 93 styles	\$15,810.06 197 styles	\$ 3,608.80	30%

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Room 15 PETS

# 2006 Precincts Checklist

\*November 7, 2006

1245 #7

Rossville Twp.		Williamsport Twp.									
(01) East Ross	12 <sup>2</sup>	(63) Montara	9	3/01	12	6/01	10	10/01	7	13/01	no voter
(02) West Ross	5 <sup>1</sup>	(64) Cullen	5	3/02	4 <sup>7/02</sup>	6/02	23	10/02	3 <sup>10/13</sup>	13/02	5 <sup>12/15</sup>
Silver Lake Twp.		(65) Wakarusa	6	3/03	7 <sup>3/04</sup>	6/03	11	10/03	4	13/03	no voter
(09) E SilverLk	6			3/04	17 <sup>3/03</sup>	6/04	8	10/04	8	13/05	no voter
(10) W SilverL	2 <sup>12</sup>	(72) City of Aub	5	3/05	7	6/05	6	10/05	4	13/06	1 <sup>14/04</sup>
Grove Twp.		(73) Meadowlar	4 <sup>74</sup>	3/06	2	6/06	7	10/06	4 <sup>10/10</sup>	13/07	no voter
(12) Grove	4 <sup>10</sup>	(74) Buffalo	3 <sup>73</sup>	3/07	6	6/07	8	10/07	9	13/08	NR 10/11
Menoken Twp.		Dover Twp.		3/08	5	6/08	8	10/08	9	13/09	NR 10/11
(14) Kiro	11	(81) Dover	12	3/09	15 <sup>7/06</sup>	6/09	13	10/09	6	13/10	no voter
(15) Messhoss	- <sup>33</sup>	(82) Willard	2			6/10	no voter	10/10	5 <sup>10/06</sup>	13/11	no voter
		Mission Twp.						10/11	5 <sup>13/08</sup>	13/13	no voter
(24) Sac	4	(84) Yucca	- <sup>86</sup>	4/01	7	7/01	4	10/12	no voter	13/12	
(25) Sherman	26	(85) Aldersgate	2	4/02	12	7/02	5 <sup>3/02</sup>	10/13	NR 10/02	13/21	- <sup>13/22</sup>
(26) Iroquois	5	(86) Sunflower	9 <sup>84</sup>	4/03	11 <sup>4/08</sup>	7/03	7			13/22	13/22/08
(27) Halfday	NR 1/6&17	(87) Washburn	1 <sup>90</sup>	4/04	18	7/04	15	11/01	2	13/30	4
(28) West Wicf	2 <sup>31</sup>	(88) Lykins	NR 94&91	4/05	no voter	7/05	7	11/02	7		
(29) Indianola	10 <sup>37</sup>	(89) North Ms	7 <sup>12/19</sup>	4/06	4 <sup>3/09</sup>	7/06	4	11/03	4		
(30) Apache	6	(90) South Ms	- <sup>87</sup>	4/07	10	7/07	6	11/04	2 <sup>14/08</sup>	14/01	2
(31) East Wich	6 <sup>28</sup>	(91) Central Ms	9 <sup>88&amp;94</sup>	4/08	4 <sup>4/03</sup>	7/09	5	11/05	6	14/02	4
(32) Fox	5	(92) Sherwood	10	4/09	2	7/10	5	11/06	11	14/03	1 <sup>54</sup>
(33) Elmont	3 <sup>15</sup>	(93) South Shwd	3	4/10	21	7/11	19	11/07	6	14/04	5 <sup>13/06</sup>
(34) Kilmer	4	(94) Indian Hills	7	4/11	4	8/01	17	11/08	5 <sup>11/04</sup>	14/05	2 <sup>12/16</sup>
(35) Rochester	3	(95) York	3 <sup>12/11</sup>	4/12	no voter	8/02	8	11/09	5		
(36) East Soldier	6	(96) Vaquero	-	4/13	no voter	8/03	20	11/10	1		
(37) Whitfield	1 <sup>29</sup>	City of Hopeka				8/04	8	12/01	1		
(38) Sioux	3	1/01	6	5/01	6	8/05	4 <sup>8/06</sup>	12/02	10	15/01	5 <sup>15/02</sup>
(39) Pottawatom	3	1/02	10	5/02	4	8/06	- <sup>8/05</sup>	12/03	-	15/02	5 <sup>15/01</sup>
Tecumseh Twp.		1/03	5	5/03	9	8/07	10	12/04	9	15/03	NR 5/91
(41) North Tec	4 <sup>44</sup>	1/04	6	5/04	6 <sup>5/05</sup>	8/08	4	12/05	3		
(42) South Tec	2 <sup>47</sup>	1/05	12	5/05	7 <sup>5/04</sup>	8/09	15	12/06	11		
(43) Pawnee	4 <sup>57</sup>	1/06	7 <sup>1&amp;1 07</sup>	5/06	10	8/10	2	12/07	12		
(44) Kaw	2 <sup>41</sup>	1/07	NR	5/07	10	8/11	11	12/08	12		
(45) Peck	1 <sup>49</sup>	1/08	no voter	5/08	6 <sup>5/09</sup>	9/01	16 <sup>9/02</sup>	12/09	18		
(46) East Peck	2			5/09	5 <sup>5/08</sup>	9/02	12 <sup>9/01</sup>	12/10	no voter		
(47) Kiowa	9 <sup>42</sup>	2/01	6 <sup>2/02</sup>	5/10	8	9/03	7 <sup>9/05</sup>	12/11	8 <sup>95</sup>		
(48) Cheyenne	6 <sup>5/14</sup>	2/02	5 <sup>2/01</sup>	5/12	no voter	9/04	4	12/12	7		
(49) Ponca	5 <sup>45</sup>	2/03	12 <sup>2/05</sup>	5/13	no voter	9/05	8 <sup>9/03</sup>	12/13	7		
(50) North Pott	no voter	2/04	5	5/14	1 <sup>48</sup>	9/06	4	12/14	1		
(52) Deer Cree	5 <sup>5/16/15</sup>	2/05	4 <sup>2/03</sup>	5/15	no voter	9/07	4	12/15	4 <sup>13/02</sup>		
(53) Pauline	1	2/06	3	5/91	1	9/08	12	12/16	8 <sup>14/05</sup>		
(54) W Potter	14/03	2/07	11			9/09	3	12/17	- <sup>89</sup>		
Montouch Twp.		2/08	13			9/10	12	12/18	9		
(56) NW Monm	5 <sup>58</sup>	2/09	7			9/11		12/19	no voter		
(57) NE Monm	5 <sup>43</sup>	2/10	12					12/20	no voter		
(58) South Mo	7 <sup>56</sup>	2/11	6					12/21	no voter		

NR - Nonreporting Precincts  
PCT # - Multiple Pcts at 1 Polling Place

180

221

234

348

228

34  
5-3

# February 27, 20 Primary Election

Jan 27, 2007  
3:35:05PM

## Cards With Reporting Precincts

Page

Card Id	Id	Export Id	Reporting Precinct	VGroup1	VGroup2			
	804		(001180) 8/04	NP	522	NP	11	sg 1 1550
	1820		Canvass	NP		NP		
	1810		Mailed Ballots	NP		NP		
	1800		Voted In Office	NP		NP		
44 TOP6 SD1-3L	806		(001200) 8/06	NP	365	NP	7	sg 1 200
	805		(001190) 8/05	NP	186	NP		
	1820		Canvass	NP		NP	7	sg 2 400
	1810		Mailed Ballots	NP		NP		
	1800		Voted In Office	NP		NP		
45 TOP6 SD1L	809		(001230) 8/09	NP	163	NP		
	808		(001220) 8/08	NP	477	NP	9	sg 1 650
	1820		Canvass	NP		NP		
	1810		Mailed Ballots	NP		NP		
	1800		Voted In Office	NP		NP		
46 TOP6 SD1-3L	811		(001250) 8/11	NP	541	NP		
	810		(001240) 8/10	NP	392	NP	11	sg 1 1300
	809		(001230) 8/09	NP	342	NP		
	1820		Canvass	NP		NP		
	1810		Mailed Ballots	NP		NP		
	1800		Voted In Office	NP		NP		
47 TOP6 SD1L	903		(001280) 9/03	NP	454	NP		
	902		(001270) 9/02	NP	454	NP	9	sg 1 906
	901		(001260) 9/01	NP	425	NP		
	1820		Canvass	NP		NP	7	sg 2 475
	1810		Mailed Ballots	NP		NP		
	1800		Voted In Office	NP		NP		
48 TOP6 SD1/3L	903		(001280) 9/03	NP	194	NP		
	902		(001270) 9/02	NP	21	NP	7	sg 1 225
	1820		Canvass	NP		NP		
	1810		Mailed Ballots	NP		NP	7	sg 2 100
	1800		Voted In Office	NP		NP		
49 SD1-3L	1003		(001380) 10/03	NP	701	NP		
	1002		(001370) 10/02	NP	484	NP	17	sg 1 2800
	1001		(001360) 10/01	NP	538	NP		
	910		(001340) 9/10	NP	532	NP		
	908		(001320) 9/08	NP	768	NP		
	906		(001310) 9/06	NP	567	NP		
	1820		Canvass	NP		NP		
	1810		Mailed Ballots	NP		NP		
	1800		Voted In Office	NP		NP		
50 SD1-3L	1014		(600580) 10/14	NP	227	NP		
	1106		(001520) 11/06	NP	554	NP	29	sg 1 4500
	1105		(001510) 11/05	NP	544	NP		
	1104		(001500) 11/04	NP	610	NP	9	sg 2 600
	1103		(001490) 11/03	NP	401	NP		

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5-4

RON THORNBURGH  
Secretary of State



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120 S.W. 10th Avenue  
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STATE OF KANSAS  
House Committee on Elections and Governmental Organization

Testimony on House Bill 2332

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

February 7, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2332. This bill would authorize the Secretary of State to develop rules and regulations requiring county election officers to report advance votes and provisional vote totals allocated among the precincts in the various districts rather than reporting them in lump sums by candidate and race.

We do not oppose this legislation; it is a project we have begun to pursue with the county election officers in the past year. Our goal is to eventually receive election results, transmitted electronically through a secure network, with the advance and provisional vote totals reported among the precincts and offices in which they were cast.

It should be made clear that this bill will not result in advance and provisional vote totals being reported precinct by precinct. If that were the case, it would threaten the secrecy of individuals' votes in certain instances.

In order to clarify the intent of the bill, we propose the following amendment.  
In line 14, after the word "tabulate" insert "and report election results with" and in line 15, after the word "ballots" insert the word "allocated". The sentence would read as follows:

**The secretary of state shall adopt rules and regulations requiring county election officers to tabulate and report election results with all provisional ballots and advance voting ballots allocated by precinct.**

We also wish to make clear that this bill will have some fiscal impact on many counties as they will be required to program their vote tabulation equipment differently to produce the desired results.

The Secretary of State intends to accomplish the objective of this bill administratively, even if the bill does not pass, in order to improve the accuracy and meaningfulness of the historical record of each election. If the committee decides to pass House Bill 2332, we recommend amending it as proposed and reporting it as amended for passage.

Thank you for your consideration.

House Elections & Gov. Org.  
Date: 2-7-2007  
Attachment # 6