

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 March 19, 2007 in Room 231-N of the Capitol.

All members were present.

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:

Marilyn Nichols  
Dennis Phillips  
Brian Little  
Judy Moler  
Kimberly Winn  
Senator Tim Huelskamp  
Brad Bryant  
Jim Foster  
Paul Degener  
Myron Holter  
Don Whitten  
Dorothy Shoup  
Senator David Haley  
Janis McMillen  
Arthur Solis

Others attending:

See attached list.

**SB 73**      Mortgage registration fees, exemptions

Chairman Burgess opened the hearing on **SB 73**.

Marilyn Nichols, Shawnee County Register of Deeds, testified in support of the bill (Attachment 1). She informed that she also presents the testimony on behalf of the Kansas Register of Deeds Association as their Legislative Committee Chair. She explained that the proposed change to KSA 79-3102 would clarify the intent of the statute to collect mortgage registration tax on "new money" and would no longer be left to the interpretation of the Register of Deeds as to the appropriateness of collecting the tax.

Written testimony in support of the bill was submitted by Marilyn Calhoun, Montgomery County Register of Deeds (Attachment 2).

Chairman Burgess closed the hearing on **SB 73**.

**HB 2573**      Election of public employer-employee relations law by resolution of city or county voters

Chairman Burgess opened the hearing on **HB 2573**.

Dennis Phillips, Kansas State Council of Fire Fighters, testified in support of the bill (Attachment 3). He explained that the bill will give the citizens the opportunity to decide whether their community should come under Kansas public employer-employee relations act.

Brian Little, President of Olathe Fraternal Order of Police, testified in support of the bill (Attachment 4). He explained that their organization supports the included language and desires that it continue through the legislative process to point of enactment into law.

Written testimony in support of the bill was submitted by Ken Gorman, Fraternal Order of Police, Kansas State Lodge (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE House Elections and Governmental Organization Committee at 3:30 P.M. on March 19, 2007 in Room 231-N of the Capitol.

Judy Moler, Kansas Association of Counties testified in opposition to the bill (Attachment 6). She explained that current law works as approximately 15 or so local governments have opted to come under the public employer-employee relations act.

Kimberly Winn, League of Kansas Municipalities testified in opposition to the bill (Attachment 7). She explained that they support the current opt-in nature of PEERA (public employer-employee relations act) and oppose the forced unionization that would be authorized under **HB 2573**.

Written testimony in opposition to the bill was submitted by Eric Sartorius, City of Overland Park (Attachment 8).

Chairman Burgess closed the hearing on **HB 2573**.

**SB 169**      Voters; photo identification required

Chairman Burgess opened the hearing on **SB 169**.

Senator Tim Huelskamp testified in support of the bill (Attachment 9). He explained that integrity measures provided for by the bill will enhance the confidence of the citizens of Kansas in our election process by providing additional security protections to eliminate further the possibilities of voter fraud in our state.

Brad Bryant testified in support of the bill (Attachment 10). He informed that voter identification is an important part of the total security of the electoral process. He explained that the base provisions of the bill will address the need for full voter identification for each voter each election.

Jim Foster testified in support of the bill (Attachment 11). He spoke on topics relating to the rule, founding fathers and original intent, and mob rule.

Paul Degener testified in support of the bill (Attachment 12). He urged passage of the legislation to protect the current electoral process from voter fraud.

Myron Holter testified in support of the bill (Attachment 13). He included with his testimony a copy of the internet webpage for Citizens For Immigration Reform (CFIR).

Don Whitten testified in support of the bill (Attachment 14). He explained that passage of the bill is one step in designating how America will be governed, by leadership with allegiance to America.

Dorothy Shoup testified in support of the bill (Attachment 15). She said that legislative action is needed towards honesty in Kansas voter registration.

Senator David Haley testified in opposition to the bill. No written testimony was submitted.

Janis McMillen, League of Kansas Women Voters, testified in opposition to the bill (Attachment 16). She explained that recent figures from the U.S. Department of Transportation estimate that 6 to 12 percent of voters do not have government-issued photo ID's.

Arthur Solis testified in opposition to the bill (Attachment 17). He explained that it is not sound public policy to enact this legislation because eligible Kansans who are elderly and poor will be most affected by the law.

**HB 2464**      Library boards; membership

Rep. Sawyer made a motion to adopt the balloon amendment (Attachment 18). Rep. Horst seconded the motion. The motion carried. Rep. Vickrey made a motion for the favorable passage of HB 2464 as amended. Rep. Lane seconded the motion. The motion carried.

**SB101**      Campaign finance; allowing candidate to sign reports in lieu of treasurer

CONTINUATION SHEET

MINUTES OF THE House Elections and Governmental Organization Committee at 3:30 P.M. on March 19, 2007 in Room 231-N of the Capitol.

Rep. Sawyer made a motion to create H Substitute for SB 101 by removing the language of SB 101 and replacing with the language from HB 2507 (Concerning funding of the Kansas sports hall of fame). Rep. Menghini seconded the motion. The motion carried. Rep. Sawyer made a motion for the favorable passage of the substitute bill, H Substitute for SB 101. Rep. Lane seconded the motion. The motion carried. Representatives' Power and Beamer asked to be recorded as "No" votes.

Rep. Sawyer made a motion for the favorable approval of the minutes for March 8, 2007 and March 12, 2007. Rep. Menghini seconded the motion. Motion carried.

The meeting was adjourned.

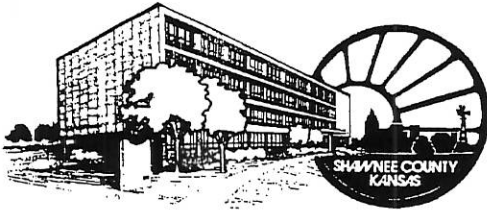
The next meeting is scheduled for Tuesday, March 20, 2007.

**House Elections and  
Governmental Organization Committee**

Date 3-19-2007

Name	Representing
Arthur Solis	citizen
Duck Mawel	"
O'Ellen Mawel	"
Janis Mc Miller	League of Women Voters
Judge Mohr	Ks. Assn of Counties
Tessa Barton	Sec. of State
Darrin Root	Ks Dept of Labor
Kathy Olsen	Ks Bankers Assn
Ron Sylvester	Wichita Eagle
Paul DeGener	CFIR
Frank May	CFIR
Janis May	CFIR
MYRON HOLTER	CFIR.org
Betty NALL	CFIR.org
Carl Hall	CFIR.org
Marilyn Nichols	Shawnee Co. Register of Deeds
Mary Reed	CFIR-ORG.
Joan Schuing	CFIR.ORG.
Edna Bennett	CFIR, ORG.
Lela E. Bennett	CFIR, ORG.
Betty Pisterius	CFIR.ORG
Joanne Dow	CFIR
John Davis	CFIR
Ken Whetten	Indiv.
Dorothy Shoup	Citizen
Jill Taylor	CFIR
Brad Bryant	Sec. of State
Amanda Norris	Page for Rep. Otto
Chris Jones	page for Rep. Otto





Shawnee County  
**Register of Deeds**

200 East 7th Street  
Topeka, Kansas 66603-3932  
COURTHOUSE ROOM 108 785-233-8200 Ext. 4020  
**MARILYN L. NICHOLS**  
REGISTER

March 19, 2007

House Committee on Elections and Governmental Organization  
Representative Burgess, Chairman  
Distinguished Members

I am offering this testimony as a proponent of SB 73, for myself as the Shawnee County Register of Deeds as well as for the Kansas Register of Deeds Association as their Legislative Committee Chair.

It is my understanding that the intent of SB 73 is to clarify the procedures in determining when mortgage registration tax is due upon recording of a mortgage as an additional amount of debt or a refinance of the same debt. If our records reflect the previous mortgage as "released" then mortgage registration tax would then be due on the new mortgage as a new loan.

This amendment to KSA 79-3102 as proposed in SB 73, would clarify the intent of the statute to collect mortgage registration tax on "new money" and would no longer be left to the interpretation of the Register of Deeds as to the appropriateness of collecting the tax. Frequently we receive the release document several days to weeks ahead of the refinance or new mortgage sent for recording. We have no way of knowing that indeed a refinance has occurred and have the release of mortgage on record when a refinance or new mortgage comes in and states that mortgage registration tax has been paid and the affidavit is claiming an exemption from the tax due. It seems reasonable to assume that if mortgage is released of record then a new mortgage is indeed a new debt wherein tax would be due. This amendment would clarify the procedure to be followed upon application of receiving an exemption from the tax. It should be the responsibility of the lender to make sure they do not release a mortgage before sending the refinance document to insure the proper recording sequence remains intact to refinance the same debt and therefore be entitled to the tax exemption. We encourage your support of SB 73 as proposed.

Thank you for your attention and I will be happy to stand for any questions.

Marilyn L. Nichols

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 1

Marilyn Calhoun  
Register of Deeds  
Montgomery County Courthouse  
P.O. Box 647  
Independence, KS 67301  
ph (620)330-1140 fax (620)330-1144 cell (620)330-0137

Dear Representative Burgess and Committee Members,

My name is Marilyn Calhoun and I am the Register of Deeds for Montgomery County, Kansas. I want to thank you for your time and consideration of the Register of Deeds Association today. Also thank you for your service to the people of the great state of Kansas.

I am a proponent of SB 73. By the insertion of this line; unless the previously recorded mortgage or other instrument was released prior to the register of deeds receipt of the subsequent mortgage or other instrument; in Section 1, paragraph (d), this bill will be a tremendous aid of clarification within the office of every register of deeds in the state.

We have had mortgage releases sent to our offices for filing and then later have a mortgage follow. It would seem some expect us to ignore that prior release. We file what is in hand before us. If a mortgage is sent after the release because of a mail delay or some other complication, we have no way of knowing. Our job is to make documents of record. A mortgage may come in weeks after a release of that same mortgage. If this happens it is a new mortgage and a mortgage registration fee is due.

This occurrence has been frustrating to us, the abstractors, and other members of the public at large who are trying to file. Again, this clarification would be a great help to us. Thank you for giving me your time.

Respectfully,

*Marilyn Calhoun, March 15, 2007*

Marilyn Calhoun  
March 15, 2007



House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 2

"PROGRESS THROUGH UNITY"

# KANSAS STATE COUNCIL OF FIRE FIGHTERS



Affiliated With

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS • KANSAS AFL-CIO • CENTRAL LABOR BODIES

March 19, 2007

## Testimony of Dennis Phillips

I, appear here today on behalf of the Kansas State Council of Fire Fighters in support of H.B. 2573. This legislation would provide for improved communications and relations between public employees and their employers.

Public employees in the State that are under the Kansas public employer-employee relations act seem to have better working relations with their employer. The public employer-employee relations act helps provide for lines of communications to help resolve the differences between the employer and the employees.

When employees meet and confer this opens up lines of communications so problems can be resolved for the benefit of their community. Under the Public employer-employee relations act the governing body always has final say in the process.

The Kansas State Council of Fire Fighters knows that there will always be certain groups that will oppose allowing the public employees the right to meet and confer. Under H.B. 2573 this will give the citizens the opportunity to decide whether their community should come under Kansas public employer-employee relations act.

The Kansas State Council of Fire Fighters would ask you to support this change in the Kansas public employer-employee relations act and support H.B. 2573. Again thank you for your time and consideration on this issue.

Dennis Phillips, Lobbyist  
Kansas State Council of Fire Fighters

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 3





## Olathe Fraternal Order of Police FOP Lodge #44



P.O. Box 2307 Olathe, Ks 66061  
Phone: 393-5915  
www.olathefop.com

Chairman Burgess and Members of the Committee I am Brian Little President of Olathe, KS FOP Lodge #44. I am here this afternoon as a representative of our 126 members. The Olathe FOP is comprised of active, associate and retired members all of which are or retired as employees of the Olathe Police Department. I am here today in support of bill 2573 which is currently before this committee.

First and foremost I want to thank you for your service for the State of Kansas. As a resident and representative of the FOP your dedication is appreciated. I would also like to thank you for your consideration of bill 2573 and applaud you for making an informed decision.

The Olathe FOP's interest in bill 2573 is specifically that of placing in the hands of the voters of Olathe this opportunity. Our lodge supports the included language and desires that it continue through the legislative process to point of enactment into law.

The Olathe FOP is an excellent example of the need for this language to be adopted thus allowing for the citizens of Olathe to vote in favor of or against opting into PEERA. In order for you to understand the current position of the Olathe FOP I'll provide some history.

The Olathe FOP was chartered in 1989 and has been an active lodge since that time. Since being chartered one of our primary goals is that of achieving the ability to collectively bargain over the terms and conditions of our employment with the City of Olathe. Obviously under the current law of 75-4321 the City Council for Olathe has to opt into the statute thus allowing for the laws applicable to public employers/employees to be enacted. As of yet the City Council has not opted into the statute thus denying the ability for employees to meet and confer. The Olathe FOP has addressed the Council and City Management on numerous occasions by personal testimony as well as letter. Thus Olathe Government is well aware of the FOP's initiative to have Olathe come under PEERA. Contrary to the attempts of the Olathe FOP to achieve this, the Olathe City Council and Olathe City Manager have continued to deny our requests. I will detail our last request which is representative of our attempts.

Starting in July 2003 a letter was sent to the Olathe City Council detailing problems of unrest and requesting the adoption of a resolution which would bring the City within the provisions of PEERA. No official vote was taken and thus no action was taken by the

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Attachment # 4

council. In the fall of 2003 the FOP attended a City Council Meeting in large numbers to try and drive home the importance of the issues at hand and the necessity of coming under PEERA. This had to be done during the public forum since the Council refused to even place it on the agenda. Again no vote was taken, no request for more formal action was made and thus nothing was done.

The Council continued to state their support for a newly hired Chief and confidence in her ability to resolve the issues at hand. The FOP then began the process of researching other ways to have the City of Olathe come under the provisions of PEERA. In November 2004 a letter was sent to the City Manager of Olathe detailing the collection of signatures on a petition requesting the City of Olathe adopt PEERA or put the question to a vote of the electorate via the initiative and referendum process. In December 2004 a formal request for the consideration of a resolution be placed on the Council Agenda was completed. The item was again not placed on the agenda and no reasoning was provided.

In January 2005 the City Manager replied detailing his disagreement with our position on the initiative and referendum process and concluding that the Council had recently addressed the issue of PEERA and there was no support. He added that to his knowledge there had not been a change in that sentiment. In February 2005 the Olathe FOP began the decision making process of whether to file a case in Johnson County District Court requesting a declaratory judgment on the applicableness of the initiative and referendum process to the local option. Such a case was filed with the District Court O5CV07364 on 09/15/2005. During the interim the city filed a motion to dismiss and a hearing was held on 01/18/2006. During the hearing it was our feeling the judge felt favorably to our cause and toward a possible change in the local option language but determined our request was administrative and thus not applicable to the initiative referendum process. The defenses motion to dismiss was granted and a journal entry was filed on the case 03/09/2006. The Olathe FOP elected to not appeal and thus our options were reduced to that of having the City Council come under PEERA.

This option might be viable in some municipalities, but in Olathe and other jurisdictions it is not. The City Council, City Manager and Police Chief have continually refused to meet with the Olathe FOP for discussions regarding working conditions or PEERA. It is unknown the reasoning behind the refusals other than the rumor that by meeting with the FOP they are essentially recognizing the FOP and thus falling under PEERA. It is further rumored the Council believes that by meeting and conferring the FOP will strong arm them and "bankrupt" Olathe. Lack of education about the benefits of PEERA and refusal to meet with the Olathe FOP are forefront in our struggle today.

The Kansas Legislature hit the nail on the head in 75-4321 with language such as: "fundamental interest in the development of harmonious and cooperative relationships between government and its employees," "the denial by some public employers of the right of public employees to organize and the refusal by some to accept the principle and procedure of full communication between public employers and public employee organizations can lead to various forms of strife and unrest," "the state has a basic obligation to protect the public by assuring, at all times, the orderly and uninterrupted

operations and functions of government,” “purpose to obligate public agencies, public employees and their representatives to enter into discussions with affirmative willingness to resolve grievances and disputes relating to conditions of employment, acting within the framework of law.”

It is such language that encourages the Olathe FOP to realize it is not faulty in its belief that harmony and cooperation are qualities which are attainable and viable in a public agency. Municipalities across Kansas have opted into PEERA and not fallen to the rumored demise of collective bargaining. The Olathe FOP has tried to meet with the City of Olathe through the provisions provided in current law to no avail. Thus our need and support of bill 2573 is ever apparent. I urge you to move bill 2573 as it pertains to the initiative and referendum process and an electorate vote through as it currently reads.

Thank you for your time and consideration.

Respectfully

Brian Little  
President  
Olathe, KS FOP Lodge #44

4-3  




# *Fraternal Order of Police*

## Kansas State Lodge



Testimony in Support of House Bill 2573  
Offered On behalf of the  
Fraternal Order of Police, Kansas State Lodge  
By Ken Gorman  
March 15, 2007

Good afternoon Chairman Burgess and members of the Committee. My name is Ken Gorman and I am here today representing the Fraternal Order of Police, Kansas State Lodge. The State Lodge of the Fraternal Order of Police represents more than 3,500 rank and file law enforcement officers across the state of Kansas. The Kansas State Lodge is a member of the world's largest organization of sworn law enforcement officers, with more than 321,000 members in more than 2,100 lodges.

House Bill 2573 would amend the Public Employer/Employee Relations Act, known as PEERA, to incorporate a mechanism through which local voters in a given County or Municipality may place on the ballot the application of PEERA to its' employees.

PEERA was enacted in the 1970's as a model law that was emulated in other jurisdictions around the country. It has applied since its' adoption to all employees of the state of Kansas and has benefited greatly the relationship between the State and its' employees for more than three decades. The law when enacted did not apply to local units of government unless the governing body of that entity elected to do so by adoption of a resolution to the effect.

Since that time many Cities and Counties have "opted in" under the provisions of PEERA. Those jurisdictions have enjoyed improved Employer/Employee relations through the Meet and Confer process embodied in PEERA through better communication and understanding with their public employees. That has in turn resulted in more satisfied career employees in those jurisdictions.

For example, as a retired Topeka Police Captain, having viewed impact of PEERA from both sides of the table, I can tell you that the statute works as intended. The retention rate and job satisfaction level of our employees was quite high because we "agreed" on conditions of emplacement and both sides were able to explain the "whys and why nots" of their positions.

Another example of the success of PEERA that lends itself well to why these amendments are needed is the Dodge City experience. Prior to that city adopting the

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statute the turnover rate in the Dodge City Police Department exceeded 50% in a two year period. That is quite an impact on a 55 person department. It took a tremendous citizen support and great effort by the Dodge City FOP to get there council to agree to the come under statute. I might add that the turnover has stopped and retention of employees and job satisfaction has greatly improved all because the employer agreed to sit down with and listen to there employees.

I submit not only is this an issue of fairness to employees but it can be construed as in the public interest as the retention of experienced employees in public safety as well as other sectors is vital.

Opponents will likely tell you that these amendments are an intrusion on local control, when in fact they only place the alternative of the purest form of local control, the ballot box, in the hands of citizens for the benefit of local government employees. Thank you for your time and attention. I am happy to answer questions you may have regarding PEERA or my experiences with it's' application.



TESTIMONY

Before the House Elections and Governmental Organization  
Committee  
March 15, 2007  
HB 2573

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you, Chairman Burgess and Members of the Committee for allowing the Kansas Association of Counties to provide testimony on HB 2573.

The Kansas Association of Counties strongly opposes HB 2573. There are several problems with this legislation.

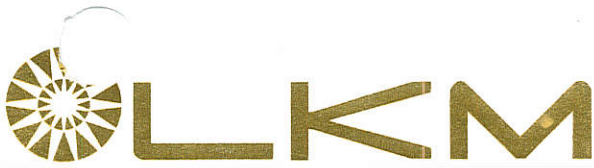
- 1) While it is true that citizens of Kansas may have a fundamental interest in cooperative relationships between government and its employees as alluded to in Section 1 (1), it is for this reason that the citizens elect local government officials to make personnel decisions for them. The current law works as approximately 15 or so local governments have opted to come under the *public employer-public employee relations act*. We in America and Kansas believe in a representative form of government. These officials are elected to make the decisions that affect county employees.
- 2) Section 1 (d) (1) anticipates an election being called. Provisions for this election are not spelled out in the law. If it is a special election, those are very expensive for local governments and would add an additional tax burden for citizens.
- 3) Section 1 (d) (2) would also allow for a second election if the vote is to be rescinded.
- 4) This bill contemplates a wresting from the management of local officials the ability to control the budget of the county/city as well as superseding the administrative powers of the locally elected officials.

The Kansas Association of Counties urges you to defeat this bill.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, education 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.

300 SW 8th Avenue  
3rd Floor  
Topeka, KS 66603-3912  
785•272•2585  
Fax 785•272•3585

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 6



League of Kansas Municipalities

To: House Elections and Governmental Organization  
From: Kimberly Winn, Director of Policy Development & Communications  
Date: March 15, 2007  
Re: Opposition to HB 2573

On behalf of the 576 member cities of the League of Kansas Municipalities, thank you for the opportunity to appear today to offer our comments and concerns with regard to HB 2573. Because this bill represents a major shift away from many years of public policy in Kansas, we oppose this legislation.

Under the current public employer-employee relations law, cities may choose to opt in to PEERA thereby authorize the formation of unions for public employees. This law has been in effect since at least 1971 and we believe that it appropriately balances the various interests in this area.

- **Kansas is Traditionally a Right to Work State.** The State of Kansas does not have a strong tradition of having unions for public employees. Most employees in Kansas are considered "at-will" employees and are not employed under a contract that has been negotiated by a union or other bargaining unit. In addition, because it would mandate that cities negotiate with unions, HB 2573 would in all likelihood result in increased cost for cities and their taxpayers.
- **Current Policy Supports Local Control.** Current law allows the governing body of any city to opt into the PEERA. Over the years, a number of cities (including three of the four largest cities in the state) have chosen to come under PEERA and to negotiate with unions of public employees. However, because decisions regarding the salaries and benefits for public employees have a direct correlation on the property taxes paid by the citizens of the city, we believe strongly that such personnel decisions should be made by locally elected officials, unless the city has voluntarily chosen to participate in PEERA.

Under the provisions of HB 2573, the decision about whether to opt into PEERA would be taken away from locally elected officials and could potentially be subject to a type of initiative and referendum. We believe that it is inappropriate to put complex decisions regarding the personnel policies of cities in front of the general electorate for a vote.

In conclusion, we support the current opt-in nature of PEERA and oppose the forced unionization that would be authorized under HB 2573.. Thank you for your consideration and I would be happy to stand for questions at the appropriate time.

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 7



8500 Santa Fe Drive  
Overland Park, Kansas 66212  
• Fax: 913-895-5003  
www.opkansas.org

Testimony Before The  
House Elections & Governmental Organization Committee  
Regarding  
House Bill 2573  
Submitted by Erik Sartorius

March 15, 2007

The City of Overland Park appreciates the opportunity to appear before the committee and present testimony in opposition to House Bill 2573. As a standing policy, the City of Overland Park opposes legislation that would remove the current local option of coming under the Public Employer-Employee Relations law.

Proposals similar to this previously have been introduced in the legislature. They would remove the current local option and force local units of government to come under the PEER Act. If passed, this legislation would mandate collective bargaining and the recognition of employee organizations.

The City views such legislation as an erosion of the home rule powers set forth in Article 12, Section 5, of the Kansas Constitution. It is the City's position that discussions and actions relating to conditions of employment are best resolved at the local level without state intervention. We therefore ask that this committee not recommend House Bill 2573 for passage.

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 8



Capitol Office  
State Capitol, Room 262-E  
Topeka, KS 66612  
785-296-7359

Home Address  
P.O. Box 379  
Fowler, Kansas 67844  
(620) 646-5413 FAX (810) 821-2712

thuelska@ink.org



Senator Tim Huelskamp, Ph.D.

Committee Assignments

Elections & Local Government,  
Chairman  
Information Technology, Co-Chairman  
Kansas Legislative Education &  
Research, Past President  
Agriculture  
Medicaid Reform Task Force  
Natural Resources

Testimony by Senator Tim Huelskamp  
Elections and Governmental Organization Committee – SB 169  
Monday, March 19, 2007

Dear Chairman Burgess and committee members:

Thank you for the opportunity to testify on SB 169, the Voter ID proposal.

During and since the last election cycle, I have heard a growing drumbeat of questions about election integrity from Kansas citizens: Are those who vote in Kansas elections who they say they are? Are these voters legally qualified to vote? What protections are in place to guarantee the integrity of our election process?

Friends, in our personal and business lives, we require photo identification for a multitude of purposes. From the purchase of alcohol and cigarettes, to workplace security, to writing or cashing a check, or even boarding aircraft, society requires photo identification. SB 169 proposes to implement similar, reasonable photo identification safeguards to protect the integrity of something much more important -- our election system.

There are two key provisions in this bill:

- First, all voters would be required to provide photo identification at the polls. (This is modeled on a recently-implemented Florida law and exempts certain military, disabled, and elderly persons.)
- Second, all persons registering to vote would be required to provide documentary proof of U.S. citizenship.

These proposals are not new or untried – seven other states already have photo identification requirements. Additionally, another seventeen states have broader voter ID requirements than mandated under federal law or what we currently have here in Kansas.

I am certain that these integrity measures will enhance the confidence of the citizens of Kansas in our election process by providing additional security protections to eliminate further the possibilities of voter fraud in our state.

I encourage your support of SB 169. Thank you for your time and attention, and I am happy to stand for questions.

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 9



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

### State Requirements for Voter Identification

Updated January 16, 2007

#### ***First-Time Voters***

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

#### ***Blanket Voter ID***

Twenty-four states have broader voter identification requirements than what HAVA mandates. In these states; all voters are asked to show identification prior to voting. Seven of these states specify that voters must show a *photo* ID; the other seventeen states accept additional forms of identification that do not necessarily include a photo (Table 1). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.

<b><i>Table 1: State Requirements for Voter Identification</i></b>	
<b>States that Request or Require <i>Photo</i> ID</b>	<b>States that Require ID (Photo not Required)</b>
Arizona	Alabama
Florida	Alaska
Hawaii	Arkansas
Indiana	Colorado
Louisiana	Connecticut
Ohio	Delaware
South Dakota	Georgia
	Kentucky
	Missouri
	Montana
	New Mexico
	North Dakota
	South Carolina
	Tennessee
	Texas
	Virginia
	Washington

#### ***Recent Litigation***

*Arizona:* On October 20, 2006, the U.S. Supreme Court upheld Arizona's photo ID requirement and requirements that people registering to vote prove their U.S. citizenship. This ruling vacated an October 6 9<sup>th</sup> Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation.

*Georgia:* On October 27, 2006, the 11<sup>th</sup> U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge.

*Indiana:* Photo ID law was upheld by 7<sup>th</sup> Circuit U.S. Court of Appeals on January 4, 2007.

**Source:** National Conference of State Legislatures  
January 16, 2007

For more information, contact Jennie Drage Bowser or Tim Storey at 303-364-7700.  
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*Missouri:* On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement.

*Ohio:* On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order does not apply to future elections.

***Recent Legislative Action***

New voter ID laws passed in 2003: Alabama, Colorado, Montana, North Dakota, South Dakota

New voter ID laws passed in 2005: Indiana, New Mexico, Washington

Also in 2005: Georgia tightened its existing voter ID law to require *photo* ID

New voter ID laws passed in 2006: Ohio

Also in 2006: Georgia passed SB 84, providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card. Georgia's voter photo ID law was enjoined from enforcement in July 2006. This affects the primary, general and any runoff elections in 2006.

Also in 2006: Missouri tightened its existing voter ID law to require *photo* ID although a state court stayed the provision in September.

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January 16, 2007

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NATIONAL CONFERENCE of STATE LEGISLATURES

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**Table 2: Details of Voter Identification Requirements**

State	Requirement	Acceptable Forms of ID	Voters Without ID
<b>Alabama</b> §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none"><li>▪ Government-issued photo ID</li><li>▪ Employee ID card with photo</li><li>▪ Alabama college/university ID with photo</li><li>▪ Utility bill</li><li>▪ Bank statement</li><li>▪ Government check</li><li>▪ Paycheck</li><li>▪ ID card issued by any state or the U.S. government</li><li>▪ U.S. passport</li><li>▪ Alabama hunting license</li><li>▪ Alabama fishing license</li><li>▪ Alabama gun permit</li><li>▪ FAA-issued pilot's license</li><li>▪ U.S. military ID</li><li>▪ Birth certificate (certified copy)</li><li>▪ Social security card</li><li>▪ Naturalization document</li><li>▪ Court record of adoption</li><li>▪ Court record of name change</li><li>▪ Medicaid or Medicare card</li><li>▪ Electronic benefits transfer card</li><li>▪ Government documents showing name and address of voter</li></ul>	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible a voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.
<b>Alaska</b> §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none"><li>▪ Official voter registration card</li><li>▪ Driver's license</li><li>▪ Birth certificate</li><li>▪ Passport</li></ul>	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit

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		<ul style="list-style-type: none"> <li>▪ Hunting or fishing license</li> <li>▪ Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address</li> </ul>	a required form of identification shall be allowed to vote a questioned ballot.
<p><b>Arizona</b><sup>c</sup> §16-579A (Enacted by Prop. 200 in Nov. 2004; SOS rules pre-cleared by USDOJ 10/7/05)</p>	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	<ul style="list-style-type: none"> <li>▪ Valid Arizona driver's license</li> <li>▪ Valid Arizona non-driver identification</li> <li>▪ Tribal enrollment card or other form of tribal identification</li> <li>▪ Valid U.S. federal, state or local government issued identification</li> <li>▪ Utility bill dated within 90 days of the election</li> <li>▪ Bank or credit union statement dated within 90 days of the election</li> <li>▪ Valid Arizona vehicle registration</li> <li>▪ Indian census card</li> <li>▪ Property tax statement</li> <li>▪ Vehicle insurance card</li> <li>▪ Recorder's Certificate</li> </ul>	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.
<p><b>Arkansas</b> §7-5-305(a)(8)</p>	Election officials shall request the voter to provide identification	<ul style="list-style-type: none"> <li>▪ Driver's license</li> <li>▪ Government-issued photo ID</li> <li>▪ Voter card</li> <li>▪ Social security card</li> <li>▪ Birth certificate</li> <li>▪ U.S. passport</li> <li>▪ Employee ID card</li> <li>▪ Student ID card</li> <li>▪ Arkansas hunting license</li> <li>▪ U.S. military ID card</li> <li>▪ Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and</li> </ul>	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

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		address of the voter	
<p><b>Colorado</b> §1-1-104(19.5) and 1-7-110</p>	<p>Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).</p>	<ul style="list-style-type: none"> <li>▪ Colorado driver's license</li> <li>▪ CO Dept. of Revenue ID card</li> <li>▪ U.S. passport</li> <li>▪ Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO</li> <li>▪ Pilot's license</li> <li>▪ U.S. military ID with photo</li> <li>▪ A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector</li> <li>▪ Medicare or Medicaid card</li> <li>▪ Certified copy of birth certificate</li> <li>▪ Certified documentation of naturalization</li> </ul>	<p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. (this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules)</p>
<p><b>Connecticut</b> §9-261</p>	<p>Each elector shall present identification</p>	<ul style="list-style-type: none"> <li>▪ Social Security card</li> <li>▪ Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph</li> </ul>	<p>Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.</p>
<p><b>Delaware</b> Tit. 15, §4937</p>	<p>A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity</p>	<ul style="list-style-type: none"> <li>▪ Photo ID</li> <li>▪ Utility bill</li> <li>▪ Paycheck</li> <li>▪ Any government document with voter's name and address</li> </ul>	<p>In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>
<p><b>Florida</b> §97.0535(3)(a) and §101.043</p>	<p>The clerk or inspector shall require each elector, upon entering the polling place, to present a current and</p>	<ul style="list-style-type: none"> <li>▪ Florida driver's license</li> <li>▪ Florida ID card issued by the Dept. of Highway Safety and Motor</li> </ul>	<p>The person shall fill out, in his or her own handwriting or with assistance from a member of the election board,</p>

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	<p>valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.</p>	<p>Vehicles</p> <ul style="list-style-type: none"> <li>▪ U.S. passport</li> <li>▪ Employee badge or identification</li> <li>▪ Buyer's club identification</li> <li>▪ Debit or credit card</li> <li>▪ Military identification</li> <li>▪ Student identification</li> <li>▪ Retirement center identification</li> <li>▪ Neighborhood association ID</li> <li>▪ Entertainment identification</li> <li>▪ Public assistance identification</li> </ul>	<p>the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.</p>
<p><b>Georgia<sup>a</sup></b> §21-2-417</p>	<p>Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.</p>	<ul style="list-style-type: none"> <li>▪ Georgia driver's license</li> <li>▪ ID card issued by the state of Georgia, any entity of the state, any other state or the federal government</li> <li>▪ U.S. passport</li> <li>▪ Employee ID card containing a photograph</li> <li>▪ Valid student ID card from a Georgia school, containing a photograph</li> <li>▪ U.S. military identification card</li> <li>▪ Valid social security card</li> <li>▪ Certified naturalization documentation</li> <li>▪ Certified copy of court records showing adoption, name or sex change</li> <li>▪ Current utility bill showing name and address</li> <li>▪ Bank statement showing name and address</li> <li>▪ Government check or paycheck</li> </ul>	<p>If you come to the polls without one of these 17 forms of ID, you can still vote by signing a statement under oath swearing to your identity, unless you are a first time voter who registered to vote by mail and did not provide one of the 17 forms of ID when registered. In that case, you may show one of the 17 forms of ID and be permitted to vote' if you do not have any of those, you may sign an affidavit and vote a provisional ballot.</p>

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		<p>showing name and address</p> <ul style="list-style-type: none"> <li>▪ Government document showing name and address</li> </ul>	
<p><b>Hawaii</b> §11-136</p>	<p>Every person shall provide identification if so requested by a precinct official.</p>	<p>Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.</p>	<p>If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.</p>
<p><b>Indiana</b> §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25</p>	<p>A voter who desires to vote an official ballot at an election shall provide proof of identification</p>	<p>Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.</p>	<p>Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.</p>
<p><b>Kentucky</b> §117.227</p>	<p>Election officers shall confirm the identity of each voter by personal acquaintance or by a document.</p>	<ul style="list-style-type: none"> <li>▪ Driver's license</li> <li>▪ Social Security card</li> <li>▪ Credit card</li> </ul>	<p>When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.</p>
<p><b>Louisiana</b> §18:562</p>	<p>Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.</p>	<ul style="list-style-type: none"> <li>▪ Louisiana driver's license</li> <li>▪ Louisiana special ID card</li> <li>▪ Other generally recognized picture identification</li> </ul>	<p>If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration</p>

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			certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
<b>Missouri</b> <sup>b</sup> §115-427	Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.	<ul style="list-style-type: none"> <li>▪ Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;</li> <li>▪ Identification issued by the United States government or agency thereof;</li> <li>▪ Identification issued by an institution of higher education, including a univeristy, college, vocational and technical school, located within the state of Missouri;</li> <li>▪ A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;</li> <li>▪ Driver's license or state identification card issued by another state.</li> </ul>	If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.
<b>Montana</b> §13-13-114	Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does	<ul style="list-style-type: none"> <li>▪ Driver's license</li> <li>▪ School district or postsecondary education photo identification</li> <li>▪ Tribal photo identification</li> <li>▪ Current utility bill, bank statement,</li> </ul>	If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign

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	not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.	paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address	the precinct register and cast a provisional ballot.
<b>New Mexico</b> §1-12-7.1(D)	All voters must provide identification.	<ul style="list-style-type: none"> <li>▪ An original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter's certificate of registration or a voter identification card</li> <li>▪ Utility bill</li> <li>▪ Bank statement</li> <li>▪ Government check</li> <li>▪ Paycheck</li> <li>▪ Student identification card</li> <li>▪ Other government document, including identification issued by an Indian nation, tribe or pueblo (All of the above must show the name and address of the person, the address of which is not required to match the voter's certificate of registration)</li> <li>▪ Verbal or written statement of the voter's name, year of birth and unique identifier</li> </ul>	If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional ballot and shall provide the required voter identification to the county clerk's office before the county canvass begins, or to the precinct board before the polls close, or the voter's provisional ballot shall not be qualified. If the required voter identification is provided, the voter's provisional ballot shall be qualified and the voter shall not vote on any other type of ballot.
<b>North Dakota</b> §16.1-05-07	Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.	<ul style="list-style-type: none"> <li>▪ An official form of identification issued by the state;</li> <li>▪ An official form of identification issued by a tribal government</li> <li>▪ A form of identification prescribed by the secretary of state</li> </ul>	If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and

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			can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.
<b>Ohio</b> §3503.16(B)(1)(a) and 3505.18(A)(1)	All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.	<ul style="list-style-type: none"> <li>▪ Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio</li> <li>▪ Current utility bill</li> <li>▪ Current bank statement</li> <li>▪ Current government check, paycheck or other government document</li> </ul>	A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.
<b>South Carolina</b> §7-13-710	When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.	<ul style="list-style-type: none"> <li>▪ Voter registration certificate</li> <li>▪ South Carolina driver's license</li> <li>▪ South Carolina Dept. of Motor Vehicles photo ID card</li> </ul>	Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.
<b>South Dakota</b> §12-18-6.1 and 6.2	When a voter is requesting a ballot, the voter shall present a valid form of personal identification.	<ul style="list-style-type: none"> <li>▪ South Dakota driver's license or nondriver identification card</li> <li>▪ U.S. passport</li> <li>▪ Photo ID issued by an agency of the U.S. government</li> <li>▪ Tribal ID card, including a photo</li> <li>▪ Student ID card, including a photo,</li> </ul>	If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit

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		issued by a South Dakota school	under penalty of perjury.
<b>Tennessee</b> §2-7-112	A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.	<ul style="list-style-type: none"> <li>▪ Voter registration certificate</li> <li>▪ Tennessee driver's license</li> <li>▪ Social Security card</li> <li>▪ Credit card bearing voter's signature</li> <li>▪ Other document bearing voter's signature</li> </ul>	If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.
<b>Texas</b> Election Code §63.001 et seq.	On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.	<ul style="list-style-type: none"> <li>▪ Voter registration certificate</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>▪ Driver's license</li> <li>▪ Department of Public Safety ID card</li> <li>▪ A form of ID containing the person's photo that establishes the person's identity</li> <li>▪ A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity</li> <li>▪ U.S. citizenship papers</li> <li>▪ A U.S. passport</li> <li>▪ Official mail addressed to the person, by name, from a governmental entity</li> <li>▪ A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address</li> <li>▪ Any other form of ID prescribed by the secretary of state</li> </ul>	A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.
<b>Virginia</b> §24.2-643(B)	The officer shall ask the voter to present any one of the specified forms of identification.	<ul style="list-style-type: none"> <li>▪ Virginia voter registration card</li> <li>▪ Social Security card</li> <li>▪ Virginia driver's license</li> </ul>	If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above,

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January 16, 2007

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		<ul style="list-style-type: none"> <li>▪ any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States</li> <li>▪ employee identification card containing a photograph</li> </ul>	he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.
<b>Washington</b> §29A.44.205	Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.	<ul style="list-style-type: none"> <li>▪ Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card</li> <li>▪ A voter's voter identification issued by a county elections officer, or</li> <li>▪ A copy of a current utility bill, bank statement, paycheck, or government check or other government document</li> </ul>	Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

- a) The 11<sup>th</sup> U.S. Circuit Court of Appeals held Georgia's photo ID requirement unconstitutional on October 27, 2006.
- b) Missouri's photo ID law was struck down the Missouri State Supreme Court on October 16, 2006.
- c) Provisions of Proposition 200, Arizona's voter ID law and proof of citizenship for voter registration law, were enjoined from use in the 2006 election by a panel of the U. S. Court of Appeals for the 9<sup>th</sup> Circuit on October 6, 2006. A full trial on the case challenging the law is scheduled for late 2006.

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January 16, 2007

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**RON THORNBURGH**  
Secretary of State



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## STATE OF KANSAS

### House Committee on Elections and Governmental Organization

#### Testimony on Senate Bill 169

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

March 19, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 169. The Secretary of State has consistently supported the idea of requiring all voters to provide identification each time they vote. We proposed voter identification in 2003 as part of the state legislation to implement the Help America Vote Act of 2002 (HAVA). That legislation did not become law, and we were left in 2004 with a compromise policy, still in effect, that requires only those voters who are voting for the first time in their respective counties to provide identification.

Voter identification is an important part of the total security of the electoral process, and we believe it will help prevent election fraud and attempts to vote by ineligible persons, even if unintentional. The base provisions of Senate Bill 169 will address the need for full voter identification of each voter each election.

We urge the committee to pass a full voter identification bill to improve the security of the Kansas voting process. Thank you for your consideration.

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 10

Jim Foster  
4244 E. 101<sup>st</sup>  
Carbondale, KS  
Ph.785-224-6438

Testimony **SB 169**

- Rule of Law
- Our Founding Father and Original Intent
- Mob Rule

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 11

W. Paul Degener  
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SUBJECT: SB 169, Voter ID

March 16, 2007

Mr. Chairman and members of the committee, I wish to thank you for allowing me to appear before this body.

My name is Paul Degener, I am the President of Citizens for Immigration Reform (CFIR) and am also a lobbyist for the same organization. We are a fledgling grass roots organization with eighty five (85) members. As a group we are not opposed to controlled legal immigration, but we are opposed to illegal immigration.

Over the past year our group has been gathering signatures of Kansans who support our position and this legislation. Currently we have 1300 signatures of Kansans just from around the Topeka area.

As such, we are here in support of SB 169 as amended.

As you may recall, rallies were held last year by the illegal alien population across our nation. The purpose of these rallies was to bring to our attention the importance of their presence in our country. Myself, Myron Holter and Thomas Lessman attended those rallies held right here on these capital grounds.

They carried signs demanding their rights and displayed slogans such as: "Today we march, tomorrow we vote". They displayed international flags on flag staffs to include the Chinese Communist Flag and the Hammer & Cycle flag of the former Soviet Union. The only flag to be displayed incorrectly was the United States Flag. It was carried upside down by two corners. On the May Day Rally, the master of ceremonies encouraged those in attendance to register to vote and to vote. I hope that those in this room today see the same threat to our electoral process as I did. Illegal aliens were being encouraged to register to vote and to vote in our elections.

Based on these observations, our group was formed and I began to do some research. The findings of my research:

It is against Kansas Law for non-citizens to vote in the state of Kansas.

Proof of citizenship is not required to register to vote.

A driver's license number is not required to register to vote (See Encl 1)

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 12



A Kansas Identification Card is not required to register to vote

A Social Security Number is not required to register to vote

Any person in this room can go to the election office, pick up an armload of registration forms, have complete strangers complete the forms and return those completed forms to the election office.

Some of the arguments I have heard in opposition to this legislation are:

A person will have to carry their birth certificate with them at all times. I don't understand that rational. You only have to register to vote the first time or when you change residence. This does not require having your birth certificate on your person at all times.

They say we must comply with the Help America Vote Act (HAVA). HAVA lists the minimum requirements. Nothing in HAVA restricts states from taking stricter administrative requirements than provided in HAVA. (See Encl 2)

Opponents allege that we have no proof that illegals are registering to vote: True, and they have no evidence that they are not registering to vote. The fact remains, our voter registration system is susceptible to anyone who would like to take advantage of the system.

A few decades ago, voter registration fraud and voter fraud were not as much of a problem. The difference is that today our country and our state are being invaded by uninvited illegal aliens. There are groups who would take over our electoral process by sheer numbers if allowed to do so. The question is, do we want to allow our electoral process to remain vulnerable or do we want to protect the electoral process?

Our group also supports the requirement of providing valid identification when going to the polling place. We believe that voter ID should consist of a current photo, address and signature of the voter to be matched against registration information.

I urge you to vote for this legislation to protect our current electoral process from voter fraud.

Thank you for your time and I will stand for questions.

# Voter Registration Instructions

**You can use this application to:**

- register to vote in Kansas, change your name or your address on your registration, affiliate with a political party, or change your party affiliation.

**To register to vote you must:**

- be a U. S. citizen and a resident of the State of Kansas.
- have reached the age of 18 years before the next election.
- have received final discharge from imprisonment, parole, or conditional release if convicted of a felony.
- have abandoned your former residence and/or name.

**How to register to vote**

- Return your completed application to your county. Addresses are on the back of this application. Your county election officer will mail you a notice when your application has been processed.
- Postmark this application by the 15th day before an election in order to be eligible to vote in that election.
- If you decline to register to vote, that fact will remain confidential and will be used for voter registration purposes only. If you do register to vote, the office where you apply will be kept confidential and will be used for voter registration purposes only.
- If this form is incomplete, it may be rejected.

**\* Identification number requirements**

Enter your current Kansas driver's license number or the last four digits of your Social Security number. If you do not have either number, write "none" in the box. The number will be used for administrative purposes only and will not be disclosed to the public (KSA 25-2309).

**Notice to first-time voters**

If you will be voting for the first time in this county, and do not provide an identification number as requested above, you must complete one of the following options.

- a) Send a copy of a current, valid photo ID along with your application, or
- b) Send a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows your name and address.

If these requirements are not met or, if the information you provide is not verified, you must provide identification the first time you vote in the county.

For further information contact the Office of the Secretary of State, 1-800-262-VOTE (8683) V/TTY. This form is available at [www.kssos.org](http://www.kssos.org).

Print in blue or black ink, fold on center line, seal and return.

## Kansas Voter Registration Application

**Qualifications: If you mark "NO" in response to either of these questions, do not complete this form.**

Are you a citizen of the United States of America?  YES  NO Will you be 18 years of age on or before Election Day?  YES  NO

**Personal Information** Please print.

Last Name	First Name	Middle	Jr. Sr. II III IV
Residence address (include apt. or space number)		City	County
Mailing address (if different than residence address)		City	Zip
Date of Birth	Daytime phone number (if available)	Naturalization number (if applicable)	Date Residence established / / <small>Month Day Year</small>
			<input type="radio"/> Male <input type="radio"/> Female
* Driver's license number or last four digits of Social Security number			

**Party Affiliation** Choose one of the following  Democratic  Republican  Libertarian  Reform  Not affiliated with a party

**Complete if previously registered** Please print.

Previous name	Previous address	City	State	Zip	County
---------------	------------------	------	-------	-----	--------

**Signature** I swear or affirm that I am a citizen of the United States and a Kansas resident; that I will be 18 years old before the next election; that if convicted of a felony, I have had my civil rights restored; that I have abandoned my former residence and/or other name; and that I have told the truth on this application.

**Sign here** \_\_\_\_\_ **Date today** \_\_\_\_\_

**Warning: If you submit a false voter registration application, you may be convicted and sentenced to up to 17 months in prison.**

**FOR OFFICE USE ONLY:** Ward \_\_\_\_\_ Pct \_\_\_\_\_ School Dist \_\_\_\_\_ Member Dist \_\_\_\_\_  
 Sen \_\_\_\_\_ Rep \_\_\_\_\_ CoComm \_\_\_\_\_

42 USC 15484

**SEC. 304. MINIMUM REQUIREMENTS.**

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

Dear Representatives:

Thanks you for the opportunity to speak to you all. I'll be short. Brevity is the soul of wit you know.

I'm Myron Holter, the Webmaster for My own faith 2.com

I'd like to invite every one of you to our monthly meeting we hold at the Topeka Public Library.

You should have in your possession the Citizens for Immigration Reform flyer for more details. I'm the secretary and event coordinator for this troubling problem we're ALL facing in this great state and throughout our great country.

Again, feel free to visit us online.

Like I said, "Brevity is the soul of wit" .. William Shakespeare

I'll answer any questions you might like to ask.

Regards,

Myron Holter  
5112 SW 33<sup>rd</sup> ST  
Topeka KS 66614

785-272-4986

personal web site:

[www.myownfaith2.com](http://www.myownfaith2.com)

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 13

Citizens For Immigration Reform  
Neighborhood Watch Watch



**MISSION STATEMENT:**  
"C.F.I.R.'s purpose is to raise public awareness of the dangers presented by illegal immigration, help secure U.S. national borders, and promote effective immigration reform."



13-2

- [Home Page](#)
- [About CFIR](#)
- [Contact Us](#)
- [Links](#)

**DISCLAIMER:** Our goals are not based on any kind of racism or hatred. We openly welcome people of every race, religion, sex, and economic background, who embrace the constitutional freedom of our Representative Republic. C.F.I.R. represents efforts to create a grassroots network of patriotic and active citizens. We believe America's future depends on protecting national sovereignty, maintaining border security, and respecting the integrity of the citizenship process. To learn more about C.F.I.R. and our efforts, visit the "About CFIR" page.

[CFIR Petition](#)

[Kansas Voter Registration](#)

[Great Quotes](#)

**Article 4, Section 4 of the U.S. Constitution:**

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence."

**Why Worry about Illegal Aliens?**

The United States are suffering a massive invasion. The invaders aren't attacking with tanks or bombs. Instead they're infiltrating America silently by illegally crossing our national borders. They're stealing jobs from American workers and are overwhelming our educational, health care, and social service systems. Certain factions of the illegal alien movement advocate the subversion and conquest of the southwestern United States. Illegal alien gangs (especially the deadly M-13 gang) terrorize the streets several cities and murder U.S. citizens and officials. Even worse, federal & state governments lack the will to combat this threat effectively. The only people who can stop the illegal aliens are citizens just like you. Get involved before it's too late!

**Contact C.F.I.R.**

**President:** W. Paul Degener  
**Phone:** 785-246-0215  
**Email:** w.degener@shglobal.net  
**Mail Address:**  
518 NW 56th St.  
Topeka, KS 66617

**Join the C.F.I.R. Email List**

Name:

Email:

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**Download the C.F.I.R.**

**Petition**  
C.F.I.R. Petition to Require Verification of Citizenship Status to Register to Vote.

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## Election and Governmental Organization

Good afternoon, Chair, Mike Burgess, Committee Members and guest.

I am Don Whitten, representing myself. A registered voter in the State of Kansas; whose vote failed to count in the Governor's race, this preceding election.

Immigration has reached an all time high, and an all time danger in the United States of America. Existing laws appear to be ineffective in the containment of the immigration flow; therefore these laws are in great need of reform and enforcement. An Immigration reform Act that addresses the effects, consequences, and benefits is long past due. This reform needs to be void of any clause that provides amnesty for any, and or all immigrants. Like a math problem, there is only one correct answer. Deciphering a complexity of the Immigration issues will require great fortitude on both sides of the aisle. The end results must lead to an Immigration Act for the good of the people, American citizens, scrutinizing registration and voting privileges of the post 9/11 immigrants.

America's leadership, from the state's Governors on up through the Nation's President, has made the law abiding citizens of this country "second class", by contributing to the welfare of the illegal immigrants. This includes the extension of voting privilege, regardless of registration dictates. This "Act of kindness", encourages an out of control legal and illegal immigration intrusion on America's doorstep.

The previous Presidential Election is the first in history to have campaigned in a foreign language. President Bush's inability to effectively address the Spanish-speaking segment of America, was augmented by Sonia Colin. Sonia, was born in Mexico City, and attended Universidad Iberoamericana. President Bush's family ties crossing the border, combined with Sonia Colin's soliciting the Spanish vote became a "slam dunk" for the Bush campaign. This previous election saw the foreign language issue unfold right here on your Capital Steps of Kansas. Foreign aliens including illegal were encouraged to vote for a candidate they themselves did not know or policies they stood for, all in a foreign language, under the auspice of the Kansas political machine.

The bottom line is, America's political system is greatly influenced by foreigners with no or little allegiance for America. People with no intention of accepting the English language or desire to assimilate are involved in the election of America's leadership. This policy is in error and stands to be corrected. The Immigration Issues touches all aspects of the American social structure, official language, health, education, security, etc. The approval of SB-165 is one step in designating how America will be governed, by leadership with allegiance to America.

Thank you for your time and concerns in solving these various issues.



Don Whitten  
16525 Military Trail Road  
Wamego, Ks 66547  
Phone. (785) 456-9591

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 14

(Questions?)

Re: 3B169

March 19, 2007

Chairman Mike Burgess & Members,  
House Committee on Elections & Governmental Organization:

I speak today on behalf of needed legislative action towards honesty in Kansas voter registration.

Partly because an enumerated power of Congress—"to repel Invasions" (Section 8 of Article 1)—has been taken too narrowly, we in Kansas must work harder. We must work harder to carry out Article 5, Section 4 of our Kansas Constitution—which says our legislature "shall pass such laws as may be necessary for ascertaining by proper proofs," the persons entitled to vote.

Lawyers, lawmakers, and even clergy here in Kansas, have said better voter control is not necessary. Our country is not being invaded by people in military uniforms. More insidious has been our governmental bodies' willingness to turn a blind eye towards the results of the present "camel-into-the-tent" incursion by millions dressed, not in military uniforms, but in civilian clothes.

Today in the midwest and yes, here in Kansas, there are citizens who, partly through good will, greed, or just felt need to offset some bad effects of NAFTA, and the over-heated trade "globalization" ~~has~~ brought, are at least assenting to breaking the law in regard to the hiring of lower-paid illegally resident workers.

Not engaged in the lengthy naturalization process, these illegally resident workers are easily exploited. Shame, shame. How far are we willing to go to accommodate fuzzy-thinking do-gooders and people looking for cheaper labor? We must tackle these problems in better ways.

I was not surprised at the 100% reaction to my own recent small survey on the question of requiring the best possible proof of U.S. citizenship at voter registration time: every person said, "YES," that is the only fair thing to do in today's world. As more effort expended makes any worthy goal more appreciated, so learning to be and becoming a well-informed citizen (of any country;—natural-born or naturalized) is, and should be, a life-long process and activity.

473 W. 189th

(RFD) Soranton, Kansas 66537-9363

(1) -785-793-2347

Dorothy Skoup

(Dorothy Skoup House Elections & Gov. Org.)

Date: 3-19-2007

Attachment # 15



LEAGUE OF WOMEN VOTERS® OF KANSAS

March 19, 2007

Honorable Mike Burgess, Chair  
Elections and Governmental Organization Committee  
The Kansas House of Representatives

*President*  
Janis McMillen  
Overland Park

Chairman Burgess and members of the Committee:

*1st Vice President*  
Sharon Ailsieger  
Wichita

I appreciate the opportunity to speak on behalf of the League in opposition to SB 169.

*2nd Vice President*  
Cathy Hoy  
Emporia

The right to vote is the most treasured hallmark of modern democracy, and ensuring free and fair access to the polls is of vital importance. The League of Women Voters supports full voting participation by all eligible American citizens, and we oppose efforts to create new barriers that block citizen voter participation.

*Secretary*  
Carol Snyder  
Overland Park

The proposed legislation creates what we believe is a new barrier – a requirement for a photo identification each time a citizen votes in person or by advance ballot. While many of us may assume that the vast majority of citizens have photo identification, recent figures from the U.S. Department of Transportation estimate that 6 – 12% of voters do not have government-issued photo IDs.

*Treasurer*  
Leonore Rowe  
Overland Park

The Election Assistance Commission contracted with the Eagleton Institute of Politics at Rutgers University to study the impact of ID requirements on voting. Information from the November 2004 elections was used to compare turnout data from states where voters had to present a document with their name and current address to states where voters only had to give their names. A statistical model was used to isolate the effect of ID requirements from other factors. In a February 2007 preliminary presentation to the Election Assistance Commission, it was reported that among all voters in states requiring voters to present documentation at the polls establishing their identity, 2.7% were less likely to vote than in states where no documentation was required. Further, it was found that Latino citizens were 10% less likely to vote, Asian-Americans were 8.5% less likely to vote and African Americans were 5.7% less likely to vote.

*Directors*  
Gwen Elliott  
Topeka

Ellen Estes  
Wichita

Linda Johnson  
Manhattan

In a separate study conducted by the Asian American Legal Defense and Education Fund, also during the November 2004 elections, a multilingual exit poll of almost 11,000 Asian American voters in 8 states found that 66% of Asian American voters who did not have to show identification were still required to provide identification.

Bob Kruh  
Manhattan

Janice Norlin  
Salina

Following the 2000 election in Missouri, it was determined that only 0.01% of voting irregularities would have been prevented by a voter ID requirement, and even those could have been addressed by rigorous implementation of HAVA voter database procedures.

Nona Ponder  
Wichita

Other studies have shown that certain segments of the population - young people, people of color, rural voters, persons with disabilities and frequent movers - are far less likely to have photo ID than other Americans. The costs in time and money associated with obtaining the supporting documents required to obtain a government issued photo ID is particularly burdensome for low income citizens.

*Webmaster*  
Carol Yoho  
Topeka

Some have suggested that illegal voting by non-citizens is a problem in Kansas. While we acknowledge that election misconduct occurs, the lack of evidence of instances where voters misrepresent their identity at the polls suggests that the kind of voter fraud ameliorated by a photo ID requirement is rare.

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 10



League members from around the state have served for years as poll workers and supervising judges, and we have not seen credible evidence of non-citizens attempting to vote. Since it is illegal in every state for a non-citizen to vote in any election, we would expect to see reports of prosecutions and convictions if meaningful numbers of non-citizens were, in fact, voting.

From our perspective, any proposal that restricts voter registration, or raises barriers to voting in order to deal with the supposed problem of non-citizen voting, only provokes fear rather than providing a fact-based solution. We simply have not seen evidence of facts that would justify restricting the franchise.

The voter turn-out in the U.S. is shamefully low compared to other democracies. We believe it is vitally important that officials who are responsible for establishing and administering election systems act only after careful consideration of the facts, rather than acting on assumptions or people's fears.

Testimony Presented to the  
House Elections and Government Organization Committee  
In Opposition of Senate Bill No. 169, AN ACT concerning elections  
Monday, March 19, 2007

My name is Arthur W. Solís. Thank you for granting me this opportunity to present testimony in opposition of Senate Bill No. 169, AN ACT concerning elections. The enactment of SB 169 is not sound public policy because eligible Kansans who are elderly (Query: How does the election board determines whether a person is 65 years of age or older?) and poor will be most affected by the law. Public policy decisions based on political or personal views invariably invite litigation.

<b>Table 1: State Requirements for Voter Identification</b>		
<b>States that Request or Require Photo ID</b>	<b>States that Require ID (Photo not Required)</b>	
<b>Arizona</b> Florida Hawaii <b>Indiana</b> Louisiana <b>Ohio</b> South Dakota	Alabama Alaska Arkansas Colorado Connecticut Delaware <b>Georgia</b> Kentucky <b>Missouri</b>	Montana New Mexico North Dakota South Carolina Tennessee Texas Virginia Washington

(Source: NCSL, Updated January 16, 2007)

**Arizona** [Proposition 200 (Ariz. Rev. Stat. §§ 16-152; 16-166 [“satisfactory evidence of United States citizenship”]): *Gonzalez v. Arizona*, 435 F.Supp. 2d 997 (D. Ariz. 2006), *appeal pending* Nos. 06-16521, 06-16702, 06-16706 (Ninth Circuit Court of Appeals)]

**Georgia** [Ga. Code Ann. § 21-2-417 (2005 & 2006)]: *Common Cause/Georgia v. Billups*, 439 F.Supp. 2d 1294 (N.D. Ga. 2006) (proceedings stayed pending resolution of appeal in *Lake v. Perdue*, No. S07A0525 (Georgia Supreme Court))

**Indiana** [Ind. Code § 3-11-8-25.1]: *Crawford v. Marion County Election Board.*, 473 F.3d 949 (2007)

\***Michigan** [Mich. Comp. Laws § 168.523]: *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71 [photo identification requirements]*, No. 130589 (Michigan Supreme Court April 16, 2006)

**Missouri** [Mo. Rev. Stat. § 115.427 (2006)]: *Weinschenk v. Missouri*, 203 S.W.3d 201 (Mo. 2006)

**Ohio** [Ohio Rev. Code § 3505.20 (2006)]: *Northeast Coalition for the Homeless and Service Employees Intern. Union, Local 1199 v. Blackwell*, 467 F.3d 999 (6th Cir. 2006)

\***Albuquerque, New Mexico** [Article XIII, Section 14 of the Albuquerque City Charter (requires voters to display a current and valid photographic identification card)]: *ACLU of New Mexico v. Chavez*, No. CV-05-1136 MCA/WDS (D. N.M. 2007), notice of appeal filed by defendant on March 7, 2007 (Tenth Circuit Court of Appeals)

Thank You,  
Arthur W. Solís  
215 North Normandy  
Olathe, Kansas 66061

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 17

**HOUSE BILL No. 2464**

By Committee on Appropriations

2-7

Submitted by:  
Rep. Tom Sawyer

9 AN ACT concerning ~~libraries~~ amending K.S.A. 12-1232 and repealing  
10 the existing section.

certain political and taxing subdivisions

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

13 Section 1. K.S.A. 12-1232 is hereby amended to read as follows: 12-  
14 1232. The library board of a regional library shall consist of six (6) ap-  
15 pointed members and, in addition thereto, the official head of each par-  
16 ticipating county or township shall *appoint a member of the governing*  
17 *body to* be an ex officio member with the same powers as appointed  
18 members. Each county or township participating in a regional library shall  
19 be equally represented on the library board, but in case such uniform  
20 representation cannot be obtained because of the number of counties or  
21 townships participating, the governing body shall agree on a method of  
22 rotating representation among the participating counties or townships.  
23 The official head of each participating county or township, with the ap-  
24 proval of the governing body thereof, shall appoint the members from  
25 such county or township.

26 Terms of all members of the library board of any township library  
27 previously established under the authority of K.S.A. 80-804 shall expire  
28 on the effective date of this act and successors to such members shall be  
29 appointed in the manner and for the terms prescribed in this section.

30 The members first appointed shall be appointed, one (1) for a term  
31 expiring the first April 30th following date of appointment, two (2) for  
32 terms expiring the second April 30th following date of appointment, one  
33 (1) for a term expiring the third April 30th following date of appointment,  
34 and two (2) for terms expiring the fourth April 30th following date of  
35 appointment. Upon the expiration of the terms of members first ap-  
36 pointed, succeeding members shall be appointed in like manner for terms  
37 of four (4) years. Vacancies occasioned by removal from the county or  
38 township, resignation or otherwise, shall be filled by appointment for the  
39 unexpired term. Except for the ex officio members of the board, no per-  
40 son holding any office in a participating county or township shall be a  
41 member of the library board while holding such office, and no person  
42 who has been appointed for two (2) four-year terms to the library board  
43 shall be eligible for further appointment to such board.

House Elections & Gov. Org.  
Date: 3-19-2007  
Attachment # 18

- 
- 1 Sec. 2. K.S.A. 12-1232 is hereby repealed.
  - 2 Sec. 3. This act shall take effect and be in force from and after its
  - 3 publication in the statute book.

New Sec. 2. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms.

18-2

And by renumbering the remaining sections accordingly