

Approved: 3-22-07
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on February 13, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Senator Dennis Pyle

Others provisional:

See attached list.

Senator Pyle began with his testimony on SB 152 Vacancy in office of US Senator; procedure (Attachment 1 and 2).

Discussion.

Hearing closed.

Open discussion on SB 159 Elections; security of advanced voting ballots.

Senator Betts asking that voters who do not sign back of their ballot be contacted by courtesy call or have a designated person drive to voters address to obtain the signature.

Motion made by Senator Reitz to accept Senator Betts amendment.

Discussion.

Senator Petersen stated you cannot cover all the basis. He cannot support this amendment.

Senator Wilson knowing the process of ballots well, stated it is hard enough to get the basics done. It is too much to put on local counties. He can't support Senator Betts amendment.

Senator Reitz said non-signature ballots are already covered by law.

Brad Bryant, if there is any questions in regards to a ballot is it is considered provisional. The law says if it is not it is not counted.

Senator Betts; if they look at the ballot and it is not signed they can call them.

Senator Francisco; wording requires only an attempt to contact voter.

Senator Donovan, is the number on the ballot?

Brad Bryant; No, is the reply, it would have to be located providing they have one. The voter needs to take some responsibility in the process. Voter designation is to create who handled the ballot, a paper trail. We loose custody if we veer from this.

Senator Betts offers to clarify his amendment.

Senator Reitz suggests telephone number on ballot.

Senator Huelskamp stated too much money.

Senator Lynn not comfortable with supporting this.

Senator Pyle If we allow a phone call, what is the time frame, this could go on for days.

Senator Betts; I have to be loyal to my constituents.

Senator Pyle; what about ice storms?

Senator Betts; goes provisional.

Senator Huelskamp consider integrity of the voter.

Senator Francisco; phone number should be a part of the voters registration not on the ballot.

Senator Betts restated his amendment on SB 159.

Vote.

Motion failed.

Senator Francisco moved to have a revision and was second by Senator Betts.

Discussion.

Motion failed 3 to 6.

Senator Huelskamp motioned to keep SB 159 as amended.

Senator Pyle motioned and second by Senator Donovan to move SB 159 out favorably.

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government Committee at 1:30 P.M. on February 13, 2007 in Room 423-S of the Capitol.

Senator Betts and Senator Francisco voted no.

Motion carried.

Senator Pyle moved that **SB 152 Concerning vacancy in United State Senator position;** be amended as follows; page 2, line 31 have the word "district" stricken.

Motion carried.

Meeting adjourned.

Respectfully submitted

Zoie Kern, Committee Secretary

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STATE OF KANSAS
SENATE CHAMBER



COMMITTEE ASSIGNMENTS
MEMBER: ELECTIONS & LOCAL GOVERNMENT
NATURAL RESOURCES
UTILITIES
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE

Senator Dennis Pyle

February 13, 2007

Mr. Chairman, and fellow members of the Elections and Local Government Committee, thank you for giving me the opportunity to testify concerning SB 152.

It has come to my attention through the events surrounding the illness of United States Senator Johnson of South Dakota that our state's process for filling vacancies in the U.S. Congress is lacking in uniformity. Although a vacancy in the U.S. House must be filled by a special election, our current statutes require that a vacancy in the U.S. Senate be filled by appointment by the Governor. In order to ensure uniformity in procedure, the people of Kansas should determine who should fill a vacancy in the Senate in similar fashion to filling a congressional vacancy.

Such a change would greatly benefit the people of Kansas. Aside from providing uniformity, it would promote democracy by allowing the people to choose who would represent our state in the U.S. Senate. Any extra costs associated with holding such an election would be offset by the benefits created by educating the public regarding their representation in the U.S. Senate. This bill would ensure that any vacancy would be filled promptly and in such a manner as to appropriately and accurately represent the interests of our state.

It is for these reasons that I would ask the committee to give a favorable recommendation regarding this bill. Again, Mr. Chairman and members of the committee, thank you for the opportunity to testify on behalf of SB 152. I will be happy to stand for any questions. Thank you.

Senate Elections and Local
Government Committee

2/13/07
Attachment

1-1

1 provided by law, no person other than the voter shall sign an application
2 for an advance voting ballot.

3 (d) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
4 1124, and amendments thereto, shall intercept, interfere with, or delay
5 the transmission of advance voting ballots from the county election officer
6 to the voter.

7 (e) No person shall willfully and falsely affirm, declare or subscribe
8 to any material fact in an affirmation form for an advance voting ballot,
9 or set of advance voting ballots if the voter is entitled to vote more than
10 one kind of advance voting ballot at a particular election, or in a decla-
11 ration form on an advance voting ballot envelope.

12 (f) ~~Nothing in this section shall be construed to prohibit any person
13 from mailing, carrying or otherwise conveying advance voting ballots or
14 sets of advance voting ballots to the county election officer upon request
15 of advance voting voters. A voter may return such voter's advance voting
16 ballot to the county election officer by personal delivery or by mail. Upon
17 [request of the voter, a [member of the voter's family] may return the ad-
18 vance voting ballot by personal delivery or mail. Any such person desig-
19 nated by the voter shall sign a statement that such person has not exercised
20 undue influence on the voting decisions of the voter and agrees to deliver
21 the ballot as directed by the voter. Any person designated by a voter to
22 deliver such voter's advance voting ballot shall mail or deliver the ballot
23 and the designation and statement required by this section to the county
24 election office. Such delivery shall occur within two business days after
25 receiving the ballot from the voter but not later than the close of polls on
26 election day.~~

27 (g) Violation of any provision of this section is a ~~class C misdemeanor~~
28 ~~level 9 nonperson felony~~.

29 Sec. 4. K.S.A. 25-1121 and K.S.A. 2006 Supp. 25-1124 and 25-1128
30 are hereby repealed.

31 Sec. 5. This act shall take effect and be in force from and after its
32 publication in the statute book.

written designation by

person other than the voter