

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 March 1, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Senator Ralph Ostmeyer  
Randall Allen - Kansas Association of Counties  
Brad Bryant - Secretary of States Office

Others attending:

See attached list.

Ken Wilke gave summary of **HB 2307**. This bill applying to **Sherman County board of Commissioners; election at large.**

Senator Ralph Ostmeyer gave testimony in favor of **HB 2307 (Attachment 1)**.

Discussion.

Randall Allen, Executive Director of Kansas Association of Counties testified in favor of **HB 2307 (Attachment 2)**.

Discussion.

Brad Bryant, Secretary of States Office gave neutral testimony on **HB 2307 (Attachment 3)**.

Discussion.

Written testimony submitted from Sherman County Commissioners on **HB 2307 (Attachment 4)**.

Hearing closed.

Ken Wilke gave summary on **HB 2332 Election; tabulating provisional ballots by precinct.**

Brad Bryant gave testimony as an opponent to **HB 2332 (Attachment 5 & 6)**.

Attachment 6 shows the lump sum figures that does not allow for breakdown for clarification.

Discussion.

Hearing closed.

No one present as proponent nor opponent for **SB 136 Voiding certain restrictive covenants political yard signs.**

**Senator Betts moved to send S 136 out favorably. Second by Senator Donovan.**

Discussion.

Senator Wilson discussed private housing area covenants. Senator Lynn agreeing this would be a potential problem. Time frame for allowing signs in yards reviewed.

Senator Pyle mentioned free speech rights.

Vote taken.

**Motion carried.**

Respectfully submitted,

Zoie Kern, Committee secretary

# Senate Elections and Local Government Committee

Daily, 1:30 - 2:30 p.m. Room 423S

Senator Tim Huelskamp, Chair

Guest List for 3/1/07, 2007

Please print in BLACK ink.

Name

Representing

Brad Bryant

Sec. of State

Randall Allen

Ks. Association of Counties

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

RALPH OSTMEYER  
SENATOR, 40TH DISTRICT  
P.O. BOX 97  
GRINNELL, KS 67738-0097

STATE CAPITOL  
300 S.W. 10TH, ROOM 262-E  
TOPEKA, KS 66612-1504  
(785) 296-7399  
ostmeyer@senate.state.ks.us

COMMITTEE ASSIGNMENTS

VICE-CHAIR: NATURAL RESOURCES  
MEMBER: AGRICULTURE  
EDUCATION  
FEDERAL AND STATE AFFAIRS  
JOINT COMMITTEE ADMINISTRATIVE  
RULES AND REGULATIONS

March 1, 2007

Chairman Huelskamp and members of your committee, thank you for this opportunity to testify in support of HB - 2307 which addresses at large commissioner districts in Sherman County.

The city of Goodland now has the option of electing commissioners at large and such is the case at Sherman County USD 352.

Chairman Chuck Thomas testified in favor of electing commissioners at large and had unanimous support of the board. Since passage from the House Committee there was a question, if this protected individual districts. HB - 2307 as passed out of committee does not. Therefore, there will be an amendment offered that protects individual districts. If your committee is in agreement, then Sherman County will have either option to have a vote on.

I believe you would agree decisions made locally are most generally what's best for all constituents. Again this is a local issue and the legislature is granting them the right to vote on it.

Again I would ask for your support of this change and thank you.

A handwritten signature in cursive script that reads "Ralph Ostmeyer". The signature is written in dark ink and is positioned below the typed text.

Senate Elections and Local  
Government Committee  
3-01-07  
Attachment /



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

## TESTIMONY

Senate Elections and Local Government Committee  
Presented by Randall Allen, Executive Director  
Kansas Association of Counties  
Thursday, March 1, 2007

Chairman Huelskamp and members of the Committee, thank you for the opportunity to testify in support of HB 2307, a bill which we requested on behalf of Sherman County. On behalf of the membership of the Kansas Association of Counties (99 counties), we support this bill and urge its passage. HB 2307 allows the Board of Sherman County Commissioners to be elected at-large, in lieu of the current system of district representation as provided in K.S.A. 19-201 *et. seq.* This bill applies to Sherman County only and not to other counties in Kansas.

Sherman County is on I-70 and its western boundary is the Colorado state line. There are two cities (Goodland, county seat, and Kanorado) in the county, and the county has a population of 6,218 and an assessed valuation of about \$62 million.

Local government provides the most direct services to residents of Kansas. We believe that the spirit of HB 2307 is to allow the electorate in Sherman County options for its county governance. This is consistent with our bedrock position of supporting local control. Thank you for hearing our testimony, and with amendment, we urge that the committee recommend HB 2307 favorably for passage.

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Senate Elections and Local  
Government Committee

3-01-07

Attachment

2

**RON THORNBURGH**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564

**STATE OF KANSAS**  
**Senate Committee on Elections and Local Government**

**Testimony on House Bill 2307**

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

March 1, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2307. This bill provides for the at-large election of county commissioners in Sherman County.

The Secretary of State is neutral on the policy issue in House Bill 2307, but we wish to raise questions about the intent of the bill. In our view the bill lacks clarity in the following areas:

1. Would county commission candidates be required to reside in, and file by, districts?
2. If House Bill 2307 passes, would K.S.A. 19-204(b) be in effect in Sherman County, which would require the voters to approve the change to at-large elections before it goes into effect?
3. What voters would be eligible to vote in the primary for the respective nominations—all voters in the county, or only the voters in the respective districts?
4. Are the elections still partisan elections? That is, is voting in the primary restricted to voters affiliated with the respective parties?

After discussing this legislation with the county election officer in Sherman County, it is our understanding that county officials who requested House Bill 2307 intended the following:

- The county would maintain three county commission districts.
- One commissioner would reside in each district; thus, candidates would file by district.
- In the primary, all voters countywide in the respective parties would be eligible to vote to nominate candidates for the general election. Thus, primary voting would be at-large even though candidates would be required to file by district.
- In the general election, all voters countywide would be eligible to vote on any commission races on the ballot in that particular year.

If the committee decides to work House Bill 2307, we recommend consideration of amendments to clarify the questions cited above.

Thank you for your consideration.

# SHERMAN COUNTY

Sherman County  
Commissioners  
813 Broadway Room 101  
Goodland, KS 67735  
Phone: 785-890-4807  
Fax: 785-890-4809

February 27, 2007

To: Chairman and Committee Members

The Sherman County Commissioners had a special meeting last week and met for the purpose of clarifying HB 2307 to make sure that the voters of Sherman County have both the option to vote at-large for their Commissioners or to still keep the Commissioner Districts but have the Commissioners voted at-large. The Commissioners were all in agreement that this is what they want for Sherman County and they believe this is also what the constituents in Sherman County want.

Cities used to only have City Commissioners by ward, now they have the option to have their Commissioners at-large, such is the case with the City of Goodland.

School districts used to only have school board members by district and now they have the option to be at-large, such is the case in Sherman County's U.S.D. #352.

Both of these have been approved by the voters and people like to have the ability to be able to vote for all of the people that are making the decisions that affect them and their tax dollars. They would like to have that ability to have that option available to them for the Commissioners as well because all three are deciding where their tax dollars are going and how much the taxpayers are going to pay.

During our last election, we had many people at the polls upset because they could not vote for the only Commissioner race on the ballot. A voter was even so upset that he threw his ballot on the floor and refused to vote it when he discovered he could not vote for a Commissioner because he did not live in the Commissioner district that was up for election.

We would ask the committee to look favorably on HB 2307 and support the amended version of this bill.

Thank you for your time and attention to this issue.

Sincerely,

  
Sherman County Commissioners

Senate Elections and Local  
Government Committee

3-01-07

Attachment 4

**RON THORNBURGH**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
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## STATE OF KANSAS

### Senate Committee on Elections and Local Government

#### Testimony on House Bill 2332

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

March 1, 2007

Mr. Chairman and Members of the Committee:

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

We believe this legislation is unnecessary because our office has already begun working to accomplish its goal. It is a project we have begun to pursue with the county election officers in the past year. Our goal is to eventually receive election results, transmitted electronically through a secure network, with the advance and provisional vote totals reported among the precincts and offices in which they were cast. There will be some voting equipment programming expenses for most counties to comply, and passage of House Bill 2332 will require them to bear those costs this year when they have not budgeted for them.

The House Committee on Elections and Governmental Organization proposed this bill in response to House Bill 2094, which was proposed by the Secretary of State to change the formula for calculating the number of write-in votes needed in a primary election for a candidate to be nominated to run in the general election. Current law requires a write-in candidate to receive votes in the primary equal to 10% of the total votes cast for the office of Secretary of State at the last general election. House Bill 2094 would have changed the formula to 10% of the current total of the registered voters in the district who are affiliated with the candidate's party, which is consistent with other ballot access rules in Kansas law for partisan candidates who file by petition rather than fee and for independent candidates who file by petition.

The controversy in the 2006 Kansas House District 101 Republican primary resulted from our office's inability to accurately calculate the write-in requirement due to the way election results are reported by most counties. Advance ballots and provisional ballots were not allocated among the precincts; rather, they were reported as countywide totals. Reno County has parts of five legislative districts, and we were unable to accurately allocate the advance and provisional vote totals by legislative district to determine 10% of the votes cast for the office of Secretary of State.

The House Committee passed House Bill 2332 to eliminate the difficulty in calculating the number of write-in votes needed by requiring county election officers to change the way they report advance and provisional vote totals in their official election abstracts filed with the Secretary of State.

We want to make the following points clear regarding House Bill 2332:

- This bill will not result in advance and provisional vote totals being reported precinct by precinct. If that were the case, it would threaten the secrecy of individuals' votes in certain instances.
- This bill will have some fiscal impact on many counties as they will be required to program their vote tabulation equipment differently to produce the desired results.

The House Committee amended House Bill 2332 on the recommendation of the Secretary of State to clarify the change in the reporting of election results that the bill will cause.

The Secretary of State intends to accomplish the objective of this bill administratively, even if the bill does not pass, in order to improve the accuracy and meaningfulness of the historical record of each election.

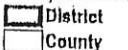
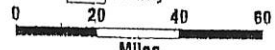
Thank you for your consideration.



# Kansas House Districts

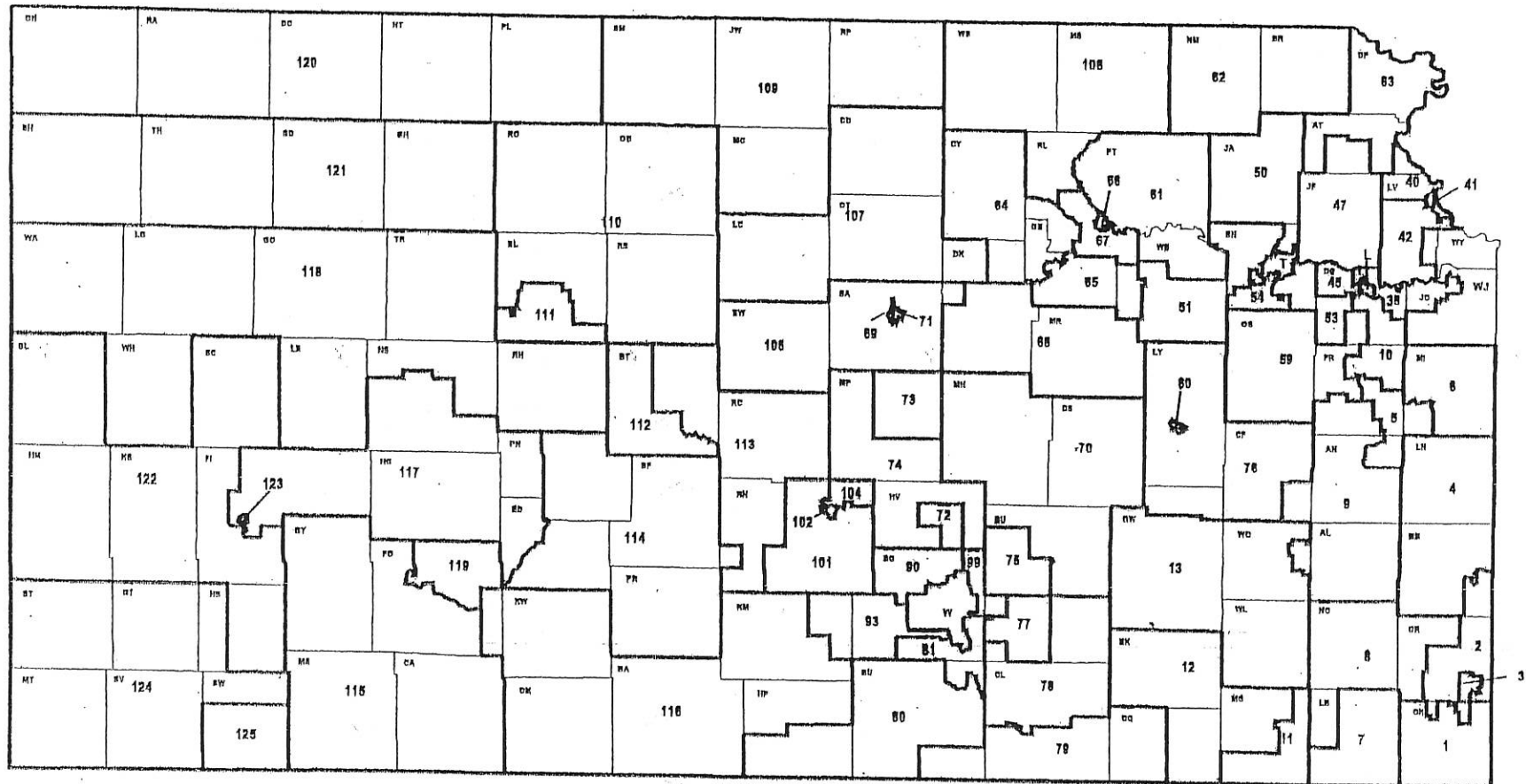
Sub. HB 2625  
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Senate Elections and Local  
Government Committee  
3-01-07  
Attachment  
6-1

Plan: Reconciliation Amendment for KLRD TR  
Map Features  
  
  
 Miles  
 Kansas Legislative Research Dept. 02/13/02

Districts approved by Kansas Supreme Court April 26, 2002 and effective for the 2002 general election.

NOTE: In some urban areas, district boundaries cannot be shown at this scale. For these urban districts, see the key below the map.



W=Wichita districts 82-89, 91, 92, 94-98, 100, 103, 105

T=Topeka districts 52, 55-58

L=Lawrence districts 44, 46

WJ=Wyandotte and Johnson county districts 14-37, 39, 48, 49

# State of Kansas

Abstract of Votes Cast in the General  
Election held on the fifth day of November, 2002

## RENO County

		For Secretary of State									
PRECINCT NAME	VTD#	David Haley		Charles St-George		Ron Thornburgh					
		Democrat		Reform		Republican					
Albion Township	000010		85		5		203				
Arlington Township	000020		63		6		100				
Bell Township	000030		7		1		25				
Castleton Township	000040		25		4		65				
Center Township	000050		36		4		120				
Enterprise Township	000060		12		4		36				
Grant Township	000070		96		11		370				
Grove Township	000080		2		0		15				
Haven Township	000090		139		15		368				
Hayes Township	000100		13		0		24				
Huntsville Township	000110		12		3		31				
Hutchinson Precinct 01	000120		81		4		56				
Hutchinson Precinct 02	000130		22		3		48				
Hutchinson Precinct 03	000140		47		2		41				
Hutchinson Precinct 04	000150		79		7		448				
Hutchinson Precinct 05	000160		72		5		104				
Hutchinson Precinct 06	000170		63		5		100				
Hutchinson Precinct 07	000180		101		6		178				
Hutchinson Precinct 09	000200		89		5		304				
Hutchinson Precinct 10	000210		102		5		381				
Hutchinson Precinct 11	000220		107		7		366				
Hutchinson Precinct 12	000230		60		4		245				
Hutchinson Precinct 13	000240		76		8		241				
Hutchinson Precinct 14	000250		68		3		152				
Hutchinson Precinct 15	000260		61		12		89				
Hutchinson Precinct 16	000270		100		10		154				
Hutchinson Precinct 17	000280		69		5		255				
Hutchinson Precinct 18	000290		36		5		48				
Hutchinson Precinct 19	000300		48		11		99				
Hutchinson Precinct 20	000310		77		6		171				
Hutchinson Precinct 21	000320		84		8		135				
Hutchinson Precinct 22	000330		103		3		286				
Hutchinson Precinct 24	000350		84		9		224				
Hutchinson Precinct 25	000360		67		6		75				
Hutchinson Precinct 26	00037A		66		6		126				
Hutchinson Precinct 26 Exclave	00037B		8		0		14				
Hutchinson Precinct 27	000380		45		2		212				
Hutchinson Precinct 28	00039A		134		7		502				
Hutchinson Precinct 28 Exclave A	00039B		16		1		102				
Hutchinson Precinct 28 Exclave B	00039C		0		0		0				
<b>SUBTOTAL</b>			<b>2455</b>		<b>208</b>		<b>6513</b>				

**State of Kansas**  
 Abstract of Votes Cast in the General  
 Election held on the fifth day of November, 2002

**RENO County**

		For Secretary of State													
PRECINCT NAME	VTD#	David Haley Democrat				Charles St-George Reform				Ron Thornburgh Republican					
Hutchinson Precinct 29	000400			6	4				4			1	5	7	
Hutchinson Precinct 30	000410			5	0				9			5	4		
Hutchinson Precinct 31	000420			4	2				2			1	3	0	
Hutchinson Precinct 32	000430			1					0			1	8		
Langdon Township	000440			6					0			1	7		
Lincoln Township	000450			2	6				2			1	1	4	
Little River Township	000460			8	9				1	7		5	7	3	
Loda Township	000470			1	1				1			2	1		
Medford Township	000480			2					1			5	5		
Medora Township	000490			1	1	7			9			3	6	6	
Miami Township	000500			3	9				7			7	4		
Nickerson Ward 1	000510			4	2				5			9	4		
Nickerson Ward 2	000520			2	6				1			5	3		
Nickerson Ward 3	000530			3	6				2			5	0		
Ninnescah Township	000540			1	5				0			4	4		
North Clay Township	00055A			5	7				4			2	5	7	
North Clay Township Enclave	00055B			0					0				1		
North Reno Township	000560			1	1	6			1	1		3	0	2	
Plevna Township	000570			1	5				4			6	9		
Roscoe Township	000580			8					0			3	5		
Salt Creek Township	000590			1	9				6			9	3		
South Clay Township	00060A			1	0	0			1	6		2	3	3	
South Clay Township Enclave	00060B			0					0				0		
South Hutchinson Precinct 1	000610			4	5				4			8	2		
South Hutchinson Precinct 2	000620			1	0	9			1	0		2	0	7	
South Hutchinson Precinct 3	000630			5	5				1			1	3	7	
South Reno Township	000640			2	9				3			7	2		
Sumner Township	000650			4	0				1	0		1	1	9	
Sylvia Township	000660			2	7				6			9	7		
Troy Township	000670			1	3				3			1	9		
Valley Township	000680			4	5				9			1	9	1	
Walnut Township	000690			5					0			4	1		
Westminister Township	000700			2	4				7			6	4		
Yoder Township	000710			3	8				4			1	0	8	
Hutchinson Precinct 08 H101	200010			3	0				2			8	4		
Hutchinson Precinct 08 H104	200020			4	2				4			1	1	1	
Hutchinson Precinct 23 H101	200030			5					0			7	7		
Hutchinson Precinct 23 H104	200040			1	0	6			7			3	6	4	
Hutchinson Precinct 33	200050			2	2				1			1	1	7	
Hutchinson Precinct 34	200060			1	1				0			1	9		
SUBTOTAL				1	5	2	7		1	7	2	4	7	1	9

