

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 14, 2007 in Room 423-S of the Capitol.

All members were present except Senator Wilson.

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:

None

Others attending:

See attached list.

Ken Wilke handed out amendment on HB 2267 Unilateral annexation; county owned lands excluded, for consideration (Attachment 1).

Discussion.

Senator Pyle moved and Senator Huelskamp second to adopt amendment to HB 2267 (Attachment 1)

Further discussion.

Motion carried.

Senator Francisco moved to adopt her amendment to HB2267 (Attachment 2).

Motion carried.

Senator Donovan motioned and second by Senator Petersen to move out HB 2267 as amended.

Ken Wilke handed out amendment to HB 2217 Counties; adoption of codes by reference (Attachment 3).

Motion carried to amend HB 2217.

Senator Reitz motioned and second by Senator Francisco to favorable move out HB 2217 as amended.

Senator Francisco motioned to strike section 6 page 1 line 19 of HB 2080 taking out "Governor's spouse".

Senator Betts second motion.

Motion carried.

Senator Francisco motioned second by Senator Betts to move HB 2080 out favorably with amendment.

Motion carried.

Ken Wilke handed out amendment to HB 2129 Elections; corrupt political advertising crimes; changes (Attachment 4)

Senator Pyle motioned and second by Senator Lynn to adopt amendment to HB 2129.

Motion carried

Ken Wilke handed out another amendment to HB 2129 (Attachment 5).

Senator Donovan moved and second by Senator Pyle to adopt amendment on HB 2129.

Motion carried.

Senator Lynn moved to adopt wording on Line 16 of HB 2129 (Attachment 6).

Senator Pyle second motion.

Motion carried.

Senator Pyle moved to report out HB 2129 as amended.

Motion carried.

Back to HB 2267.

Senator Lynn motion and Senator Donovan second to adopt amendments to HB 2267.

Motion carried.

Senator Donovan motioned and second by Senator Betts to favorably report HB 2267 as amended.

Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government Committee at 1:30 P.M. on March 15, 2007 in Room 423-S of the Capitol.

Ken Wilke handed out amendment to HB 2081 Recreation commissions, removal of members (Attachment 7).

Senator Huelskamp motioned to add the word "knowingly" to section one-b.

Senator Donovan moved and was second by Senator Reitz to add the word "knowingly" to section one-b adopt to HB 2081.

Discussion.

Motion carried.

Senator Donovan motioned and second by Senator Reitz to move HB 2081 favorably as amended..

Motion carried.

Ken Wilke handed out amendment to HB 2332 for review, Elections; tabulating provisional and advance ballots by precinct (Attachment 8).

Meeting adjourned.

Respectfully submitted

Zoie Kern, Committee Secretary

HOUSE BILL No. 2267

By Committee on Elections and Governmental Organization

1-29

12 AN ACT concerning annexation of land by cities; amending K.S.A. 2006
13 Supp. 12-520 and repealing the existing section.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2006 Supp. 12-520 is hereby amended to read as
17 follows: 12-520. (a) Except as hereinafter provided, the governing body
18 of any city, by ordinance, may annex land to such city if any one or more
19 of the following conditions exist:

20 (1) The land is platted, and some part of the land adjoins the city.

21 (2) The land is owned by or held in trust for the city or any agency
22 thereof.

23 (3) The land adjoins the city and is owned by or held in trust for any
24 governmental unit other than another city, ~~except that no city may annex~~
25 ~~land owned by a county which has primary use as a county owned and~~
26 ~~operated airport, or other aviation related activity or which has primary~~
27 ~~use as a county owned and operated zoological facility, recreation park or~~
28 ~~exhibition and sports facility without the express permission of the board~~
29 ~~of county commissioners of the county~~ **except that no city may annex**
30 **land owned by a county without the express permission of the**
31 **board of county commissioners of the county.**

32 (4) The land lies within or mainly within the city and has a common
33 perimeter with the city boundary line of more than 50%.

34 (5) The land if annexed will make the city boundary line straight or
35 harmonious and some part thereof adjoins the city, except no land in
36 excess of 21 acres shall be annexed for this purpose.

37 (6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the
38 city, except no tract in excess of 21 acres shall be annexed under this
39 condition.

40 (7) The land adjoins the city and a written petition for or consent to
41 annexation is filed with the city by the owner.

42 (b) No portion of any unplatted tract of land devoted to agricultural
43 use of 21 acres or more shall be annexed by any city under the authority

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1 of this section without the written consent of the owner thereof.

2 (c) No city may annex, pursuant to this section, any improvement
 3 district incorporated and organized pursuant to K.S.A 19-2753 et seq.,
 4 and amendments thereto, or any land within such improvement district.
 5 The provisions of this subsection shall apply to such improvement districts
 6 for which the petition for incorporation and organization was presented
 7 on or before January 1, 1987.

8 ~~(d) No city may annex land owned by or held in trust for a county or~~
 9 ~~any agency thereof. The provisions of this section shall be applicable to~~
 10 ~~any annexation proceedings commencing after September 1, 2006.~~

11 ~~(d) (e) (d)~~ Subject to the provisions of this section and subsection (e)
 12 of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant
 13 to this section, any fire district or any land within such fire district.

14 ~~(e) (f) (e)~~ Whenever any city annexes any land under the authority of
 15 paragraph 2 of subsection (a) which does not adjoin the city, tracts of land
 16 adjoining the land so annexed shall not be deemed to be adjoining the
 17 city for the purpose of annexation under the authority of this section until
 18 the adjoining land or the land so annexed adjoins the remainder of the
 19 city by reason of the annexation of the intervening territory.

20 ~~(f) (g) (f)~~ No city may annex the right-of-way of any highway under
 21 the authority of this section unless at the time of the annexation the
 22 abutting property upon one or both sides thereof is already within the
 23 city or is annexed to the city in the same proceeding. The board of county
 24 commissioners may notify the city of the existence of any highway which
 25 has not become part of the city by annexation and which has a common
 26 boundary with the city. The notification shall include a legal description
 27 and a map identifying the location of the highway. The governing body
 28 of the city shall certify by ordinance that the certification is correct and
 29 declare the highway, or portion of the highway extending to the center
 30 line where another city boundary line abuts the opposing side of the
 31 highway, annexed to the city as of the date of the publication of the
 32 ordinance.

33 ~~(g) (h) (g)~~ The governing body of any city by one ordinance may
 34 annex one or more separate tracts or lands each of which conforms to
 35 any one or more of the foregoing conditions. The invalidity of the annex-
 36 ation of any tract or land in one ordinance shall not affect the validity of
 37 the remaining tracts or lands which are annexed by the ordinance and
 38 which conform to any one or more of the foregoing conditions. ¹

39 Sec. 2. K.S.A. 2006 Supp. 12-520 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
 41 publication in the statute book [Kansas register].

(h) (1) Subject to the provisions of paragraph (4), no land
 may be annexed by the governing body of any city pursuant
 to subsection (a) unless the annexation of such land is
 approved by the board established under this subsection.

(2) Whenever any land is proposed to be annexed by
 the governing body of a city under subsection (a), a
 board chosen from elected members of the township
 boards of the township or townships which contain
 any portion of, or are adjacent to, the land proposed
 for annexation.

(A) Such board shall consist of the same number of
 members as the governing body of the city proposing
 the annexation. Members of such board shall be
 appointed by the county commissioners in whose
 districts the land proposed for annexation and the
 townships specified in this paragraph are located.

(B) The number of members of such board to be
 appointed by each county commissioner shall be
 proportional to the total amount of land in the county
 commission district which is located either within the
 tract of land proposed for annexation or within any
 township adjacent to such tract.

(3) Such board shall review the proposed annexation
 in the same manner as the governing body of the city.

(4) The provisions of this section shall not apply if
 the owners of the land proposed for annexation have
 initiated the annexation.

HOUSE BILL No. 2267

By Committee on Elections and Governmental Organization

1-29

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14

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

16 Section 1. K.S.A. 2006 Supp. 12-520 is hereby amended to read as
17 follows: 12-520. (a) Except as hereinafter provided, the governing body
18 of any city, by ordinance, may annex land to such city if any one or more
19 of the following conditions exist:

20 (1) The land is platted, and some part of the land adjoins the city.

21 (2) The land is owned by or held in trust for the city or any agency
22 thereof.

23 (3) The land adjoins the city and is owned by or held in trust for any
24 governmental unit other than another city, ~~except that no city may annex~~
25 ~~land owned by a county which has primary use as a county-owned and~~
26 ~~operated airport, or other aviation related activity or which has primary~~
27 ~~use as a county owned and operated zoological facility, recreation park or~~
28 ~~exhibition and sports facility without the express permission of the board~~
29 ~~of county commissioners of the county.~~ **except that no city may annex**
30 **land owned by a county without the express permission of the**
31 **board of county commissioners of the county.**

32 (4) The land lies within or mainly within the city and has a common
33 perimeter with the city boundary line of more than 50%.

34 (5) The land if annexed will make the city boundary line straight or
35 harmonious and some part thereof adjoins the city, except no land in
36 excess of 21 acres shall be annexed for this purpose.

37 (6) The tract is so situated that 2/3 of any boundary line adjoins the
38 city, except no tract in excess of 21 acres shall be annexed under this
39 condition.

40 (7) The land adjoins the city and a written petition for or consent to
annexation is filed with the city by the owner.

41 (b) No portion of any unplatted tract of land devoted to agricultural
42 use of 21 acres or more shall be annexed by any city under the authority
43

, except that no city may annex
land owned by a county which has
primary use as a county-owned airport,
or other aviation related activity or which
has primary use as a county owned
zoological facility, recreation park or
exhibition and sports facility without the
express permission of the board of county
commissioners of the county

HOUSE BILL No. 2217

By Committee on Elections and Governmental Organization

1-25

9 AN ACT concerning counties; relating to the adoption of certain codes,
10 amending K.S.A. 12-3304 and repealing the existing section.

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

12 Section 1. K.S.A. 12-3304 is hereby amended to read as follows: 12-
13 3304. ~~Not less than three copies~~ *At least one copy* of such code incor-
14 porated by reference by a county resolution shall be marked or stamped
15 "official copy as incorporated by resolution no. _____," with all sections or
16 portions thereof intended to be omitted clearly marked to show any such
17 omission or showing the sections, articles, chapters, parts or portions that
18 are incorporated, as the case may be, and to which shall be attached a
19 copy of the incorporating resolution, such ~~copies~~ *copy* filed with the
20 county clerk shall be open to inspection and available to the public at all
21 reasonable business hours. Copies of such code, or part thereof which are
22 incorporated by reference shall be furnished without charge to the courts
23 and all administrative agencies charged with the enforcement of such
24 code.

3 26 ~~Sec. 2.~~ K.S.A. ~~12-3304 is~~ hereby repealed.

4 27 ~~Sec. 3.~~ This act shall take effect and be in force from and after its
28 publication in the statute book.

12-3010 and 12-3304 are

certain municipalities

by cities and counties

12-3010 and

sections

Sec. 2. K.S.A. 12-3010 is hereby amended to read as follows:

12-3010. Effect of incorporation by reference; requirements for incorporation and omission; marked copies to city clerk and officials. The provisions of any standard or model code or ordinance, state regulation or statute or portions thereof incorporated in an ordinance by reference shall be as much a part of the ordinance as if the same had been set out in full therein when the ordinance shall have been passed by the governing body of the city and published in the manner provided by law, and any section, article, chapter, part or portion not incorporated shall be clearly and specifically described and declared to be omitted and any provisions changing or adding to the incorporated provisions shall be stated in full and published as a part of the ordinance. *Provided*, That instead of incorporating with omissions, the incorporating ordinance may designate specifically the sections, articles, chapters, parts or portions of the standard or model code or ordinance, state regulation or statute that are incorporated. *Provided further*, That no such ordinance shall be deemed to have incorporated therein any standard or model code or ordinance or state regulation unless the same shall be clearly described in the ordinance by name or title, the name or title of the agency, organization, or group or state officer, board or agency which prepared, compiled, published or promulgated the same, the year or edition of the work or other sufficiently identifying description, and statutes or portions

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thereof shall be identified by appropriate reference to Session Laws, General Statutes or Supplements thereto. *Provided further,* That not less than three (3) copies of any such standard or model code or ordinance or state regulation shall be marked or stamped "official copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours. *Provided further,* That the police department, police judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of any such standard or model code or ordinance or state regulation similarly marked as may be deemed expedient.

History: L. 1959, ch. 64, § 10; June 30.

CASE ANNOTATIONS

Kansas Statutes Annotated and acts amendatory thereof or supplemental

. Not

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Substitute for HOUSE BILL No. 2129

By Committee on Elections and Governmental Organization

2-14

[corrupt political advertising

[and K.S.A. 25-4156

[sections

9 AN ACT concerning elections; relating to ~~certain crimes~~; amending
10 K.S.A. 25-2407 and repealing the existing ~~section~~.

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

13 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-

14 2407. Corrupt political advertising is:

- (a) 15 ~~[(a)]~~, Publishing or causing to be published in a newspaper or other
- 16 periodical any paid matter which is ~~designed or tends to aid, injure or~~
- 17 ~~defeat any candidate for nomination or election to public office expressly~~
- 18 ~~advocates the nomination, election or defeat of any candidate~~, unless such
- 19 matter is followed by the word "advertisement" or the abbreviation "adv."
- 20 in a separate line together with the name of the chairman of the political
- 21 or other organization inserting the same or the name of the person who
- 22 is responsible therefor; or
- (2) 23 ~~[(b)]~~, broadcasting or causing to be broadcast by any radio or television
- 24 station any paid matter which is ~~designed or tends to aid, injure or defeat~~
- 25 ~~any candidate for nomination or election to public office expressly ad-~~
- 26 ~~vocates the nomination, election or defeat of any candidate~~, unless such
- 27 matter is followed by a statement ~~that the preceding was an advertisement~~
- 28 ~~together with the name of the chairman of the which states: "Paid for"~~
- 29 ~~or "Sponsored by" followed by the name of the sponsoring organization~~
- 30 ~~and the name of the chairperson or treasurer of the political or other~~
- 31 ~~organization sponsoring the same or the name of the person who is re-~~
- 32 ~~sponsible therefor; or~~
- (3) 33 ~~[(c)]~~, publishing or causing to be published in a newspaper or other
- 34 periodical any paid matter which is intended to influence the vote of any
- 35 person or persons for or against any question submitted for a proposition
- 36 to amend the constitution or to authorize the issuance of bonds or any
- 37 other question submitted at an election, unless such matter is followed
- 38 by the word "advertisement" or the abbreviation "adv." in a separate line
- 39 together with the name of the chairman of the political or other organi-
- 40 zation inserting the same or the name of the person who is responsible
- 41 therefor; or
- 42 ~~[(d)]~~, broadcasting or causing to be broadcast by any radio or television
- 43 station any paid matter which is intended to influence the vote of any

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42

1 person or persons for or against any question submitted for a proposition
 2 to amend the constitution or to authorize the issuance of bonds or any
 3 other question submitted at an election, unless such matter is followed
 4 by ~~the a statement that the preceding was an advertisement together with~~
 5 ~~the name of the chairman of the which states: "Paid for" or "Sponsored~~
 6 ~~by" followed by the name of the sponsoring organization and the name~~
 7 ~~of the chairperson or treasurer of the political or other organization spon-~~
 8 ~~soring the same or the name of the person who is responsible therefor.~~

(4) 9 Corrupt political advertising is a class C misdemeanor. _____
 3 10 Sec. 13 K.S.A. 25-2407 is hereby repealed.
 11 Sec. 14 This act shall take effect and be in force from and after its
 4 12 publication in the statute book. and K.S.A. 25-4156 are

(c) (1) Whenever any vendor or other person provides any of the services defined in subsection (a), such vendor or other person shall keep and maintain record showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.

(2) Failure to keep and maintain the records required by this subsection is a class C misdemeanor.

Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows:

25-4156. Charges for space in newspapers and other periodicals, excess charges; corrupt political advertising; misdemeanor.

(a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the spon-

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(d) (1) Whenever any vendor or other person provides any of the services defined in subsection (b), such vendor or other person shall keep and maintain record showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.

(2) Failure to keep and maintain the records required by this subsection is a class C misdemeanor.

soring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(C) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (C) requiring the disclosure of the name of an individual shall

not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

History: L. 1981, ch. 171, § 15; L. 1985, ch. 124, § 1; L. 1990, ch. 122, § 9; L. 1998, ch. 117, § 11; July 1.

Substitute for HOUSE BILL No. 2129

By Committee on Elections and Governmental Organization

2-14

relating to advance voting;

25-1121 and 25-2407 and K.S.A. 2006
Supp. 25-1124 and 25-1128

sections

9 AN ACT concerning elections; relating to certain crimes; amending
10 K.S.A. ~~25-2407~~ and repealing the existing ~~section~~.

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

13 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-
14 2407. Corrupt political advertising is:

15 (a) Publishing or causing to be published in a newspaper or other
16 periodical any paid matter which is ~~designed or tends to aid, injure or~~
17 ~~defeat any candidate for nomination or election to public office expressly~~
18 *advocates the nomination, election or defeat of any candidate*, unless such
19 matter is followed by the word "advertisement" or the abbreviation "adv."
20 in a separate line together with the name of the chairman of the political
21 or other organization inserting the same or the name of the person who
22 is responsible therefor; or

23 (b) broadcasting or causing to be broadcast by any radio or television
24 station any paid matter which is ~~designed or tends to aid, injure or defeat~~
25 ~~any candidate for nomination or election to public office expressly ad-~~
26 *vocates the nomination, election or defeat of any candidate*, unless such
27 matter is followed by a statement ~~that the preceding was an advertisement~~
28 *together with the name of the chairman of the which states: "Paid for"*
29 *or "Sponsored by" followed by the name of the sponsoring organization*
30 *and the name of the chairperson or treasurer of the* political or other
31 organization sponsoring the same or the name of the person who is re-
32 sponsible therefor; or

33 (c) publishing or causing to be published in a newspaper or other
34 periodical any paid matter which is intended to influence the vote of any
35 person or persons for or against any question submitted for a proposition
36 to amend the constitution or to authorize the issuance of bonds or any
37 other question submitted at an election, unless such matter is followed
38 by the word "advertisement" or the abbreviation "adv." in a separate line
39 together with the name of the chairman of the political or other organi-
40 zation inserting the same or the name of the person who is responsible
41 therefor; or

42 (d) broadcasting or causing to be broadcast by any radio or television
43 station any paid matter which is intended to influence the vote of any

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~~As Amended by Senate Committee~~

~~Section of 2007~~

~~SENATE BILL No. 133~~

~~By Committee on Elections and Local Government~~

~~1-22~~

5-3

1 person or persons for or against any question submitted for a proposition
 2 to amend the constitution or to authorize the issuance of bonds or any
 3 other question submitted at an election, unless such matter is followed
 4 by ~~the a statement that the preceding was an advertisement together with~~
 5 ~~the name of the chairman of the which states: "Paid for" or "Sponsored~~
 6 ~~by" followed by the name of the sponsoring organization and the name~~
 7 ~~of the chairperson or treasurer of the political or other organization spon-~~
 8 ~~soring the same or the name of the person who is responsible therefor.~~
 9 Corrupt political advertising is a class C misdemeanor.
 10 [Sec. 2. K.S.A. 25-2407 is hereby repealed.
 11 Sec. 3. This act shall take effect and be in force from and after its
 12 publication in the statute book.]

10 AN ACT concerning elections; relating to election crimes; relating to
 11 advance voting suppression.
 12

13 ~~Be it enacted by the Legislature of the State of Kansas:~~

14 Section ~~12~~ Advance voting suppression is knowingly, **with intent to**
 15 **impede, obstruct or influence the election process:** (a) Destroying or
 16 altering ~~any another person's~~ advance voting ballot applied for, or com-
 17 pleted, by a registered voter, regardless of whether or not such registered
 18 voter has knowledge of destruction or alteration **unless such registered**
 19 **voter consents in writing to such destruction or alteration;**
 20 (b) obstructing the delivery of an advance voting ballot to a voter or
 21 a completed advance voting ballot to the county election officer;
 22 (c) failing to deliver any such advance voting ballot to the appropriate
 23 county election officer within two business days ~~as directed by the voter~~
 24 **or before the close of polls on election day, whichever first occurs;**
 25 (d) delivering an advance voting ballot to or causing the delivery of
 26 an advance voting ballot to any place other than the county election office;
 27 (e) exercising undue influence upon an advance voter in applying for,
 28 ~~transmitting~~ **delivering** or marking an advance voting ballot; or
 29 (f) opening an advance voting ballot envelope sealed by the voter or
 30 examining or disclosing the contents of such voter's advance voting ballot
 31 except as required to fulfill official duties as otherwise prescribed by law.
 32 (g) **Delivering an advance voting ballot to the United States**
 33 **mail, with first-class postage attached, at least five calendar days**
 34 **prior to election day for delivery to the county election officer shall**
 35 **not be a violation of this section.**
 36 (h) **As used in this section:**
 37 (1) **"Undue influence" means coercion, compulsion or restraint**
 38 **as to diminish the voter's free agency, and by overcoming the power**
 39 **of resistance, obliges or causes such voter to adopt the will of an-**
 40 **other; and**
 41 (2) **"deliver" means hand-deliver, mail or otherwise transmit an**
 42 **advance voting ballot.**

43 Advance voting suppression is a severity level 9, nonperson felony.

SENATE BILL No. 150

By Committee on Elections and Local Government

1-23

10 AN ACT concerning elections; relating to advance voting ballots; amend-
11 ing K.S.A. 25-1121 and K.S.A. 2006 Supp. 25-1124 and 25-1128 and
12 repealing the existing sections.
13

14 ~~Be it enacted by the Legislature of the State of Kansas:~~

15 Section ~~13~~ K.S.A. 25-1121 is hereby amended to read as follows: 25-
16 1121. It shall be the duty of the secretary of state to prescribe the general
17 forms of advance voting ballots to be used in all primary and general
18 elections and the form of the printed instructions to voters containing a
19 statement of all the requirements of this act, *and any other written forms*
20 *or statements required by this act*, to enable voters to comply with ~~such~~
21 *the* requirements of this act. Such prescribed forms shall be transmitted
22 to the county election officers 35 days before each primary and general
23 election.

24 Sec. ~~2~~ K.S.A. 2006 Supp. 25-1124 is hereby amended to read as
25 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
26 shall cast such voter's vote as follows: The voter shall make a cross or
27 check mark in the square or parentheses opposite the name of each candi-
28 date or question for whom the voter desires to vote. The voter shall
29 make no other mark, and shall allow no other person to make any mark,
30 upon such ballot. If the advance voting ballot was transmitted by mail,
31 the voter personally shall place the ballot in the ballot envelope bearing
32 the same number as the ballot and seal the envelope. The voter shall
33 complete the form on the ballot envelope and shall sign the same. Except
34 as provided by K.S.A. 25-2908, and amendments thereto, the ballot en-
35 velope shall be mailed or otherwise transmitted to the county election
36 officer. If the advance voting ballot was transmitted to the voter in person
37 in the office of the county election officer or at a satellite advance voting
38 site, the voter may deposit such ballot into a locked ballot box without an
39 envelope.

40 (b) Any ~~sick, physically disabled or illiterate~~ voter who *has a tempo-*
41 *rarily illness or disability or who is not proficient in reading the English*
42 *language and is unable to apply for or mark or transmit an advance voting*
43 *ballot, may request assistance by a person who has signed a statement*

4-5

1 required by subsection (d) in applying for or marking an advance voting
2 ballot.

3 (c) ~~Any voted ballot may be transmitted to the county election officer~~
4 ~~by the voter or by another person upon request of the voter. Any such~~
5 ~~voted ballot shall be transmitted to the county election officer before the~~
6 ~~close of the polls on election day.~~

7 ~~(d) The county election officer shall allow a person to assist a sick,~~
8 ~~physically disabled or illiterate voter who has a temporary illness or dis-~~
9 ~~ability or who is not proficient in reading the English language in applying~~
10 ~~for or marking an application or advance voting ballot, provided a written~~
11 ~~statement is signed by the person who renders assistance to the sick,~~
12 ~~physically disabled or illiterate voter who has a temporary illness or dis-~~
13 ~~ability or who is not proficient in reading the English language and sub-~~
14 ~~mitted to the county election officer with the application or ballot. The~~
15 ~~statement shall be on a form prescribed by the secretary of state and shall~~
16 ~~contain a statement from the person providing assistance that the person~~
17 ~~has not exercised undue influence on the voting decision of the sick,~~
18 ~~physically disabled or illiterate voter who has a temporary illness or dis-~~
19 ~~ability or who is not proficient in reading the English language and that~~
20 ~~the person providing assistance has completed the application or marked~~
21 ~~the ballot as instructed by the sick, physically disabled or illiterate voter.~~

22 (e) (d) Any person assisting a ~~sick, physically disabled or illiterate~~
23 ~~voter who has a temporary illness or disability or who is not proficient in~~
24 ~~reading the English language in applying for or marking an advance voting~~
25 ~~ballot who knowingly and willfully fails to sign and submit the statement~~
26 ~~required by this section or who exercises undue influence on the voting~~
27 ~~decision of such voter shall be guilty of a severity level 9 nonperson felony.~~

28 Sec. ~~2~~ K.S.A. 2006 Supp. 25-1128 is hereby amended to read as
29 follows: 25-1128. (a) No voter shall mark or transmit to the county elec-
30 tion officer more than one advance voting ballot, or set of one of each
31 kind of ballot, if the voter is entitled to vote more than one such ballot
32 at a particular election.

33 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
34 no person shall interfere with or delay the transmission of any advance
35 voting ballot application from a voter to the county election officer, nor
36 shall any person mail, fax or otherwise cause the application to be sent to
37 a place other than the county election office. Any person or group en-
38 gaged in the distribution of advance voting ballot applications shall mail,
39 fax or otherwise deliver any application signed by a voter to the county
40 election office within two days after such application is signed by the
41 applicant.

42 (c) ~~Except as otherwise provided by law, no person other than the~~
43 ~~voter, shall mark, sign or transmit to the county election officer any ad-~~

5-5

1 ~~vance voting ballot or advance voting ballot envelope. Except as otherwise~~
2 ~~provided by law, no person other than the voter shall sign an application~~
3 ~~for an advance voting ballot.~~

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

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

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

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

31 Sec. ~~4.~~ K.S.A. 25-1121, and K.S.A. 2006 Supp. 25-1124 and 25-1128
32 are hereby repealed.

[and 25-2407 and

33 Sec. ~~3.~~ This act shall take effect and be in force from and after its
34 publication in the statute book.

Substitute for HOUSE BILL No. 2129

By Committee on Elections and Governmental Organization

2-14

9 AN ACT concerning elections; relating to certain crimes; amending
10 K.S.A. 25-2407 and repealing the existing section.
11

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

13 Section 1. K.S.A. 25-2407 is hereby amended to read as follows: 25-
14 2407. Corrupt political advertising is:

- 15 (a) Publishing or causing to be published in a newspaper or other
16 periodical any paid matter which ~~is designed or tends to aid, injure or~~
17 ~~defeat any candidate for nomination or election to public office expressly~~
18 *advocates the nomination, election or defeat of any candidate*, unless such
19 matter is followed by the word "advertisement" or the abbreviation "adv."
20 in a separate line together with the name of the chairman of the political
21 or other organization inserting the same or the name of the person who
22 is responsible therefor; or
- 23 (b) broadcasting or causing to be broadcast by any radio or television
24 station any paid matter which ~~is designed or tends to aid, injure or defeat~~
25 ~~any candidate for nomination or election to public office expressly ad-~~
26 *vocates the nomination, election or defeat of any candidate*, unless such
27 matter is followed by a statement ~~that the preceding was an advertisement~~
28 ~~together with the name of the chairman of the~~ *which states: "Paid for"*
29 *or "Sponsored by" followed by the name of the sponsoring organization*
30 *and the name of the chairperson or treasurer of the* political or other
31 organization sponsoring the same or the name of the person who is re-
32 sponsible therefor; or
- 33 (c) publishing or causing to be published in a newspaper or other
34 periodical any paid matter which is intended to influence the vote of any
35 person or persons for or against any question submitted for a proposition
36 to amend the constitution or to authorize the issuance of bonds or any
37 other question submitted at an election, unless such matter is followed
38 by the word "advertisement" or the abbreviation "adv." in a separate line
39 together with the name of the chairman of the political or other organi-
40 zation inserting the same or the name of the person who is responsible
41 therefor; or
- 42 (d) broadcasting or causing to be broadcast by any radio or television
43 station any paid matter which is intended to influence the vote of any

HOUSE BILL No. 2081

By Committee on Elections and Governmental Organization

1-17

elections; pertaining to certain contributions; pertaining to certain political telephone calls; amending K.S.A. 25-4153a and 25-4156 and repealing the existing sections

9 AN ACT concerning recreation systems; relating to members of recrea-
10 tion commissions; amending K.S.A. 2006 Supp. 12-1926 and repealing
11 the existing section

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

14 [Section 1. K.S.A. 2006 Supp. 12-1926 is hereby amended to read as
15 follows: 12-1926. (a) Except as provided by subsection (c), recreation
16 commissions shall consist of five members to be appointed as follows: (1)
17 Upon the adoption of the provisions of this act by the city or school district
18 acting independently, the governing body of such city or school district
19 shall appoint four persons who are residents of the taxing district to serve
20 as members of the recreation commission, the first appointee to serve for
21 four years, the second for three years, the third for two years, and the
22 fourth for one year, and the fifth member who also shall serve for four
23 years shall be appointed by the four appointee members of such com-
24 mission; or (2) upon the adoption of the provisions of this act by the city
25 and school district acting jointly, the governing bodies each shall appoint
26 two persons who are residents of the taxing district to serve as members
27 of the recreation commission, and the persons so selected shall select one
28 additional person, and all of such persons shall constitute the recreation
29 commission.

30 Of the members of the commission first selected by the school district,
31 one shall serve for a term of one year, and one for a term of four years;
32 one of those first selected by the governing body of the city shall serve
33 for a term of two years, and one for a term of three years. The additional
34 member shall serve for a term of four years. Thereafter, the members of
35 the commission shall be selected in the same manner as the member such
36 person is succeeding and the term of office of each shall be four years.
37 ~~Any member of the recreation commission may be removed from the~~
38 ~~commission, by the appointing authority, for any cause which would jus-~~
39 ~~tify removal of an appointive officer of the city or school district.~~ Except
40 for members first appointed to the commission, all commissioners not
41 filling a vacancy shall hold office for a term of four years and until their
42 successors are appointed and qualified. Whenever a vacancy occurs in the
43 membership of the commission, a successor shall be selected to fill such

1 [vacancy in the same manner as and for the unexpired term of the member
2 such person is succeeding. The commission shall elect a chairperson and
3 secretary from their membership. The commissioners are hereby em-
4 powered to administer in all respects the business and affairs of the rec-
5 reation system. The treasurer of the city or school district to which is
6 certified the budget of the recreation commission shall serve as ex officio
7 treasurer of the recreation commission. Such treasurer shall keep an ac-
8 curate record of all money and property received and disbursed and shall
9 make a report thereof monthly to the commission, or as often as the
10 commission requires. Members of the commission and the ex officio trea-
11 surer of the commission shall serve without compensation.

12 (b) *Any member of a recreation commission may be removed from*
13 *office as follows:*

14 (1) *Any member of the recreation commission may be removed from*
15 *the commission, by the appointing authority, for any cause which would*
16 *justify removal of an appointed officer of the city or school district; or*

17 (2) *The governing body shall adopt a resolution removing any mem-*
18 *ber of a recreation commission upon presentation of a petition signed by*
19 *not less than 5% of the qualified voters of the taxing district with the*
20 *county election officer of the county which contains the largest portion of*
21 *the taxing district. The resolution shall not be effective until the question*
22 *has been submitted to and approved by a majority of those voting at an*
23 *election called and held in the manner prescribed by the general bond*
24 *law.*

25 ~~(b)~~ (c) Any recreation commission established pursuant to K.S.A. 12-
26 1901 et seq., and amendments thereto, prior to the effective date of this
27 act may continue as constituted on the effective date of this act or may,
28 upon a majority vote of the commissioners, reorganize into a five-member
29 commission as provided by subsection (a). If the commission continues
30 as constituted on the effective date of this act, upon the expiration of the
31 term of a member, a person shall be appointed to the commission in the
32 same manner as the member such person is succeeding. The term of
33 office shall be four years. Whenever a vacancy occurs in the membership
34 of the commission, a successor shall be selected to fill such vacancy in
35 the same manner as and for the unexpired term of the member such
36 person is succeeding.

37 ~~(e)~~ (d) Any recreation commission having more than five members
38 and established prior to July 1, 2002, may continue as constituted on June
39 30, 2002, or upon a majority vote of such commissioners, may reorganize
40 into a five member district as provided in subsection (a). If a recreation
41 commission having more than five members and established prior to July
42 1, 2002, continues as constituted on June 30, 2002, upon the expiration
43 of the term of a member, a person shall be appointed to the recreation]

1 [commission in the same manner as the member such person is succeed-
2 ing. The term of office shall be four years. Whenever a vacancy occurs in
3 the membership of a recreation commission, a successor shall be selected
4 to fill such vacancy in the same manner as and for the unexpired term of
5 the member such person is succeeding.]

3 6 Sec. 2. K.S.A. 2006 Supp. 12-1926 is hereby repealed.
4 7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.

K.S.A. 25-4153a and 25-4156 are]

Section 1. K. S. A. 25-4153a is hereby amended to read as follows:

25-4153a. Contributions; limitations during legislative sessions. (a) No registered lobbyist, political committee or person, other than an individual, shall make a contribution after January 1 of each year and prior to adjournment sine die of the regular session of the legislature or at

any other time in which the legislature is in session to a:

- (1) Legislator;
- (2) candidate for membership in the legislature;
- (3) state officer elected on a statewide basis;
- (4) candidate for state officer elected on a statewide basis;
- (5) candidate committee of persons described in paragraphs (1) through (4); or
- (6) political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

(b) No legislator, officer, candidate or committee described in paragraphs (1) through (6) of subsection (a) shall accept or solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual, during such period of time described in subsection (a).

History: L. 1990, ch. 306, § 10; L. 1997, ch. 191, § 1; L. 2000, ch. 124, § 13; July 1.

[knowingly

Section 2 is on next page.

7-3

SENATE BILL No. 195

By Committee on Elections and Local Government

1-25

10 AN ACT concerning certain automated telephone calls; pertaining to the
11 use of automated telephone calls for political purposes; amending
12 K.S.A. 25-4156 and 50-670 and repealing the existing sections **section.**
13

14 ~~Be it enacted by the Legislature of the State of Kansas:~~

15 Section ~~1.2~~ K.S.A. 25-4156 is hereby amended to read as follows: 25-
16 4156. (a) (1) Whenever any person sells space in any newspaper, magazine
17 or other periodical to a candidate or to a candidate committee, party
18 committee or political committee, the charge made for the use of such
19 space shall not exceed the charges made for comparable use of such space
20 for other purposes.

21 (2) Intentionally charging an excessive amount for political advertis-
22 ing is a class A misdemeanor.

23 (b) (1) Corrupt political advertising of a state or local office is:

24 (A) Publishing or causing to be published in a newspaper or other
25 periodical any paid matter which expressly advocates the nomination,
26 election or defeat of a clearly identified candidate for a state or local
27 office, unless such matter is followed by the word "advertisement" or the
28 abbreviation "adv." in a separate line together with the name of the chair-
29 person or treasurer of the political or other organization sponsoring the
30 same or the name of the individual who is responsible therefor;

31 (B) broadcasting or causing to be broadcast by any radio or television
32 station any paid matter which expressly advocates the nomination, elec-
33 tion or defeat of a clearly identified candidate for a state or local office,
34 unless such matter is followed by a statement which states: "Paid for" or
35 "Sponsored by" followed by the name of the sponsoring organization and
36 the name of the chairperson or treasurer of the political or other organ-
37 ization sponsoring the same or the name of the individual who is respon-
38 sible therefor; or

39 (C) telephoning or causing to be contacted by any telephonic means
40 including, but not limited to, any device using a voice over internet pro-
41 tocol or wireless telephone, any paid matter which expressly advocates
42 the nomination, election or defeat of a clearly identified candidate for a
43 state or local office, unless such matter is preceded by a statement which

17-4

1 states: "Paid for" or "Sponsored by" followed by the name of the spon-
2 soring organization and the name of the chairperson or treasurer of the
3 political or other organization sponsoring the same or the name of the
4 individual who is responsible therefor; or

5 (D) publishing or causing to be published any brochure, flier or other
6 political fact sheet which expressly advocates the nomination, election or
7 defeat of a clearly identified candidate for a state or local office, unless
8 such matter is followed by the name of the chairperson or treasurer of
9 the political or other organization sponsoring the same or the name of
10 the individual who is responsible therefor.

11 The provisions of this subsection (C) (D) requiring the disclosure of
12 the name of an individual shall not apply to individuals making expendi-
13 tures in an aggregate amount of less than \$2,500 within a calendar year.

14 (2) Corrupt political advertising of a state or local office is a class C
15 misdemeanor.

16 (c) If any provision of this section or application thereof to any person
17 or circumstance is held invalid, such invalidity does not affect other pro-
18 visions or applications of this section which can be given effect without
19 the invalid application or provision, and to this end the provisions of this
20 section are declared to be severable.

21 ~~Sec. 2. K.S.A. 50-670 is hereby amended to read as follows: 50-670.~~

22 ~~(a) As used in this section and K.S.A. 50-670a, and amendments thereto:~~

HOUSE BILL No. 2332

By Committee on Elections and Governmental Organization

2-1

10 AN ACT concerning elections; relating to the method of tabulating cer-
11 tain vote.]

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

14 Section 1. The secretary of state shall adopt rules and regulations
15 requiring county election officers to tabulate **and report election re-**
16 **sults with** all provisional ballots and advance voting ballots **allocated** by
17 precinct.

18 Sec. 2. This act shall take effect and be in force from and after its
19 publication in the statute book.]

relating to primary elections; amending
K.S.A. 2006 Supp. 25-213 and repealing
the existing section

~~HOUSE BILL No. 2094~~

~~By Committee on Elections and Governmental Organization~~

~~1-18~~

9 AN ACT concerning elections; amending K.S.A. 2006 Supp. 25-213 an
10) repealing the existing section.

11

12 ~~*Be it enacted by the Legislature of the State of Kansas.*~~

13 Section 1. K.S.A. 2006 Supp. 25-213 is hereby amended to read as
14 follows: 25-213. At all national and state primary elections, the national
15 and state offices as specified for each in this section shall be printed upon
16 the official primary election ballot for national and state offices and the
17 county and township offices as specified for each in this section shall be
18 printed upon the official primary election ballot for county and township
19 offices. The official primary election ballots shall have the following
20 heading:

OFFICIAL PRIMARY ELECTION BALLOT

_____ Party

23 To vote for a person whose name is printed on the ballot make a cross
24 or check mark in the square at the left of the person's name. To vote for
25 a person whose name is not printed on the ballot, write the person's name
26 in the blank space, if any is provided, and make a cross or check mark in
27 the square to the left.

28 The words national and state or the words county and township shall
29 appear on the line preceding the part of the form shown above.

30 The form shown shall be followed by the names of the persons for
31 whom nomination petitions or declarations have been filed according to
32 law for political parties having primary elections, and for the national and
33 state offices in the following order: United States senator, United States
34 representative from _____ district, governor and lieutenant governor, sec-
35 retary of state, attorney general, state treasurer, commissioner of insur-
36 ance, senator _____ district, representative _____ district, district judge
37 _____ district, district magistrate judge _____ district, district attorney -
38 judicial district, and member state board of education _____ district. For
39 county and township offices the form shall be followed by the names of
40 persons for whom nomination petitions or declarations have been filed
41 according to law for political parties having primary elections in the fol-
42 lowing order: commissioner _____ district, county clerk, treasurer, reg-
43 ister of deeds, county attorney, sheriff, township trustee, township trea-

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8-1

8-2

1 surer, township clerk. When any office is not to be elected, it shall be
2 omitted from the ballot. Other offices to be elected but not listed, shall
3 be inserted in the proper places. For each office there shall be a statement
4 of the number to vote for.

5 To the left of each name there shall be printed a square. Official pri-
6 mary election ballots may be printed in one or more columns. The names
7 certified by the secretary of state or county election officer shall be
8 printed on official primary election ballots and no others. In case there
9 are no nomination petitions or declarations on file for any particular of-
10 fice, the title to the office shall be printed on the ballot followed by a
11 blank line with a square, and such title, followed by a blank line, may be
12 printed in the list of candidates published in the official paper. No blank
13 line shall be printed following any office where there are nomination
14 petitions or declarations on file for the office except following the offices
15 of precinct committeeman and precinct committeewoman. Except as oth-
16 erwise provided in this section, no person's name shall be printed more
17 than once on either the official primary election ballot for national and
18 state offices or the official primary election ballot for county and township
19 offices. No name that is printed on the official primary election ballot as
20 a candidate of a political party shall be printed or written in as a candidate
21 for any office on the official primary election ballot of any other political
22 party. If a person is a candidate for the unexpired term for an office, the
23 person's name may be printed on the same ballot as a candidate for the
24 next regular term for such office. The name of any candidate on the ballot
25 may be printed on the same ballot as such candidate and also as a can-
26 didate for precinct committeeman or committeewoman. No name that is
27 printed on the official primary election ballot for national and state offices
28 shall be printed or written in elsewhere on such ballot or on the official
29 primary election ballot for county and township offices except for precinct
30 committeeman or committeewoman. No name that is printed on the of-
31 ficial primary election ballot for county and township offices shall be
32 printed or written in on the official primary election ballot for national
33 and state offices or elsewhere on such county and township ballot except
34 for precinct committeeman or committeewoman.

35 No person shall be elected to the office of precinct committeeman or
36 precinct committeewoman where no nomination petitions or declarations
37 have been filed, unless the person receives at least five write-in votes. As
38 a result of a primary election, no person shall receive the nomination and
39 no person's name shall be printed on the official general election ballot
40 when no nomination petitions or declarations were filed, unless the per- 58
41 son receives votes equal in number to not less than 10% of the electors
42 who voted for the office of secretary of state at the last preceding general
43 election for such office total of the current voter registration of the party

1 designated in the state, county or district in which the office is sought
2 compiled by the office of the secretary of state, except that a candid
3 for township office may receive the nomination and have such persc
4 name printed on the ballot where no nomination petitions or declarati
5 have been filed if such candidate receives three or more write-in vo
6 No such person shall be required to obtain more than 5,000 votes.
7 Sec. 2. K.S.A. 2006 Supp. 25-213 is hereby repealed.
8 Sec. 3. This act shall take effect and be in force from and after
9 publication in the statute book.