

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on February 11, 2009, in Room 446-N of the Capitol.

All members were present except:
Representative Mike Peterson
Representative Bob Bethell

Committee staff present:
Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Florence Deeter, Committee Assistant

Conferees appearing before the committee:
Representative Ann Mah, District 53
Steve Kearney, Executive Vice-President/General Counsel, Kansas State Troopers Association

Others attending:
See attached list.

Hearing on **HB 2158 - Kansas highway patrol; elective and appointed offices allowed.**

Ken Wilke, Office of the Revisor of Statutes, explained the intent of the bill is to allow highway patrol persons to hold elective community positions or offices. A definition of the governing body or municipality is explicitly defined and includes a broad spectrum of boards of service.

Representative Ann Mah, District 53, spoke as a proponent of the bill stating that members of the Highway Patrol whose desire is to serve in a non-partisan position need the freedom to do so without experiencing conflict with their patrol duties (Attachment 1). She recommended the committee pass the bill favorably.

Steve Kearney, Executive Vice-President/General Counsel, Kansas State Troopers Association, addressed the committee as a proponent of **HB 2158**, explaining the outdated provision prohibits Highway Patrol members from holding any commission or office other than National Guard or military service (Attachment 2). Present statutes do not permit any employment without the superintendent's approval; some officers are appointed to hold dual commissions with the Kansas Bureau of Investigation or may be assigned task forces.

Sargeant Mark Bruce, Kansas State Highway Patrol, spoke as a representative of the department to requesting freedom for outside employment and community service for members when there is no conflict of interest with daytime responsibilities as Highway Patrol personnel.

There being no opponents to **HB 2158**, the hearing was closed.

Hearing on **HCR 5010 - Constitutional amendment providing method for filling vacancies in executive offices.**

Ken Wilke explained that the resolution would amend the constitution regarding how vacancies are to be filled in the event a disability occurs for any officer of the state. At the present, there is no definition of the word "disability"; discussion ensued to redefine "disability" for clarification.

Representative Mike Burgess addressed the committee, saying a process is needed to define how the office of Lieutenant Governor is filled. He recommended the bill be passed favorably.

The Chairman closed the hearing on **HCR 5010**.

The Chairman entertained a motion to consider **HB 2066 - Elections; HAVA compliance, voter identification requirements, party affiliation declaration.**

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on February ¹¹~~12~~, 2009, in Room 446-N of the Capitol.

Brad Bryant, Deputy Assistant, Secretary of State, distributed a document of the proposed amendment to the bill (Attachment 3). Representative Schwab made a motion to amend the bill. Representative Horst seconded the motion. The motion to amend passed. Representative Schwab made a motion to pass the bill favorably as amended. Representative Horst seconded the motion. The motion passed.

The Chairman entertained a motion to consider **HB 2193 - Campaign finance; filing of certain reports by certain candidates for state office.**

Representative Schwab recommended the bill as favorable for passage. Representative Connie O'Brien seconded the motion. The motion passed. Representative Connie O'Brien will carry the bill.

The Chairman entertained a motion to consider **HB 2244 - Campaign finance; report of unitemized contributions.**

Representative Schwab moved to amend the bill to raise the campaign finance reporting level from \$1,000 to \$5,000. Representative Menghini seconded the motion. The motion to amend the bill passed. Representative Huebert made a second motion to amend changing the wording of "person" to "candidate." Representative Schwab seconded the motion to amend. The motion passed.

Representative Schwab made a motion to recommend the bill as favorable for passage as amended. Representative Brunk seconded the motion. The motion passed.

The meeting was adjourned at 4:45 p.m. The next meeting is scheduled for February 16, 2009.

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
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Committee on Elections
HB 2158 Testimony

Mr. Chair and Committee:

Thank you for hearing our bill today. This bill allows members of the Kansas Highway Patrol to run for elected offices that are nonpartisan and serve on some boards and commissions. Members of the Patrol have much to offer their communities and they want to serve. This bill allows members to serve in limited circumstances, while avoiding conflict with their day jobs.

We have been working on this language for a couple of years and believe this bill brings a balance to the wishes of the members of patrol to serve and the desire of the patrol management to avoid conflicts of interest that might impact public safety.

I appreciate your willingness to hear our bill on short notice and would stand for questions.

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Attachment #1

KANSAS STATE TROOPERS ASSOCIATION TESTIMONY
HOUSE BILL 2158

TO: HOUSE ELECTIONS COMMITTEE
FROM: STEVE KEARNEY - PROPONENT
SUBJECT: HB 2158
DATE: 2/11/2009

Chairman Huebert and members of the Committee:

Thank you for taking time today to consider this important matter. I am appearing today in my capacity as Executive Vice President/General Counsel with the Kansas State Troopers Association. Our organization represents over 400 troopers, motor carrier inspectors and capital police officers.

HB 2158 addresses an obscure and unenforced provision that is a hold over from another era. Currently members of the Highway Patrol may not hold any commission or office other than in the National Guard or military reserve pursuant to this statute as it currently exists.

Our members serve in the communities of Kansas across the state and many are active participants in those communities. Their commitment to serving their communities does not stop at the door of their patrol car, but includes active participation with youth and church groups, kids sports etc.

As you might imagine these individuals when called to serve by their communities in non partisan roles on school boards and city councils for example are inclined to respond to those needs. However, the statute before you is an impediment to that service and has come to our attention as a needed change.

The changes before you maintain the right to serve in the National Guard and military reserve where many of our members have and are currently serving with distinction, and adds appointed or non partisan election to a "governing body" of a municipality. This allows our members to serve on local city councils and local school boards for example.

The definition of governing body set out in KSA 12-105a encompasses those local office most commonly considered and are as follows:

"Municipality" means and includes county, township, city, school district of whatever name or nature, community junior college, municipal university, city, county or district hospital, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.

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"Governing body" means and includes the board of county commissioners, the governing body of a city, the township board (trustee, clerk and treasurer), board of education or other governing body of a school district, board of trustees of a community junior college, board of regents of a municipal university, the body of a special district (such as a drainage, cemetery, fire or other) which has the power to create indebtedness and is charged with the duty of paying the same, and the board, bureau, commission, committee or other body of an independent agency of a parent unit.

Thank you for your attention to this matter and I would be happy to answer any questions you have.

Proposed Amendments to House Bill 2066

Section 1. K.S.A. 2008 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and **either the voter's photograph or the voter's current residential** address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and **either the voter's photograph or the voter's current residential** address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(d) *The identification document provided in accordance with this section shall contain, at a minimum, the voter's current name and **either the voter's photograph or the voter's current residential** address as indicated on the registration book. A voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered or if such voter's registration has been verified pursuant to K.S.A. 25-2354, and amendments thereto.*

Sec. 2. K.S.A. 2008 Supp. 25-1122d is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot
State of _____, County of _____, ss:

I, _____ (Please print name) do solemnly affirm under penalty of perjury that I am a qualified elector of the _____ precinct of the _____ ward, residing at _____ number on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas. My date of birth is _____ (month/day/year).

I understand that if I have not previously voted in any election in this county and I have not previously submitted valid identification, I must provide one of the following forms of identification with this application in order to receive a ballot:

(1) A current and valid Kansas driver's license number or nondriver's identification card number; or (2) the last four digits of my social security number; or (3) a copy of a current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement, paycheck, government check, or other government document that shows, *at a minimum*, my **current** name and **either my photograph or my current residential** address.

I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on _____ (date). My political party is _____ (to be filled in only when requesting primary election ballots). I desire my ballots to be sent to the following address _____.

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(b) The application for an advance voting ballot to be transmitted in person shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of and State of Kansas Desiring to Vote an Advance Voting Ballot
State of _____, County of _____, ss:

I, _____ (Please print name) do solemnly affirm under penalty of perjury that I am a qualified elector of the _____ precinct of the _____ ward, residing at _____ number on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas. My date of birth is _____ (month/day/year). I understand that if I have not previously voted in any election in this county and I have not previously submitted valid identification, I must provide one of the following forms of identification with this application in order to receive a ballot: a current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document that shows, *at a minimum*, my **current** name and **either my photograph or my current residential** address. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on (date). My political party is _____ (to be filled in only when requesting primary election ballots).

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

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Attachment #3