

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on March 12, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Ken Wilke, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

None

Others attending:

See attached list.

The Chair opened the meeting and called for final action on **SB 297—Eliminating the filing requirement for faculty of state educational institutions.** An amendment was offered which clarifies the information required by K.S.A. 46-229 is an open public record and also states that any conflict of interests information required by the state board of regents or state educational institution that is in addition to K.S.A.46-229 may be placed in the faculty member's personnel records file and discretionarily closed.

Senator Reitz moved, Senator Brungardt seconded, to amend SB 297 as reflected in the balloon that was distributed (Attachment 1). Motion carried.

Senator Reitz moved, Senator Brungardt seconded, to recommend SB 297 favorably for passage as amended. Motion carried.

The Chair then recognized Senator Pyle for the purpose of final action on **SB 186—Vacancy in office of lieutenant governor; notice of resignation from office of governor or lieutenant governor.** Senator Pyle offered an amendment which would add the state treasurer and insurance commissioner to the vacancies addressed and stating the provisions of subsection (a) would not apply if the office of governor became vacant as a result of the death, permanent disability or resignation of the governor before the senate was able to act on the confirmation of the person appointed lieutenant governor.

Senator Pyle moved, Senator Wagle seconded, to amend SB 186 as reflected in the balloon (Attachment 2). The motion failed on a voice vote. No further action was taken.

The Chair called for final action on **SB 267—Elections; voters; voter identification changes.** An amendment was offered at the request of the Secretary of State's office (Attachment 3) and concerned permanent advance voter status, stating that once valid identification has been verified pursuant to current statutes, the permanent advance voter would not be required to provide identification in subsequent elections unless they had changed their name or residential address; moved out of the county or state; or were removed from the registration list and re-registered. It would also include the addition of the word "request" on page 8, line 41.

Senator Reitz moved, Senator Kultala seconded, to amend SB 267 as reflected in the balloon that was distributed. Motion carried.

The second amendment, presented by Senator Pyle (Attachment 4) states that no person may apply for an advance ballot less than 24 hours after submitting an application for registration. A balloon to this amendment was moved by Senator Apple, seconded by Senator Reitz and passed to include any person who applies to register to vote and at the same time applies for an advance ballot, either in person or by mail in the five (5) day period where they can do both, shall have their ballot considered as a provisional ballot.

Senator Reitz moved, Senator Brungardt seconded, to recommend SB 267 as amended, favorably for passage.

CONTINUATION SHEET

Minutes of the Senate Ethics and Elections Committee at 9:30 a.m. on March 12, 2009, in Room 446-N of the Capitol.

Motion carried.

The meeting was adjourned at 10:30 a.m. There are no further meetings scheduled.



**SENATE BILL No. 297**

By Committee on Ways and Means

3-3

9 AN ACT concerning governmental ethics; eliminating the filing require-  
10 ment for certain faculty of state education institutions; amending  
11 K.S.A. 2008 Supp. 46-247 and repealing the existing section.  
12

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

14 Section 1. K.S.A. 2008 Supp. 46-247 is hereby amended to read as  
15 follows: 46-247. The following individuals shall file written statements of  
16 substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive,  
17 and amendments thereto:

18 (a) Legislators and candidates for nomination or election to the  
19 legislature.

20 (b) Individuals holding an elected office in the executive branch of  
21 this state, and candidates for nomination or election to any such office.

22 (c) State officers, employees and members of boards, councils and  
23 commissions under the jurisdiction of the head of any state agency who  
24 are listed as designees by the head of a state agency pursuant to K.S.A.  
25 46-285, and amendments thereto.

26 (d) Individuals whose appointment to office is subject to confirmation  
27 by the senate whether or not such individual is a state officer or employee.

28 (e) General counsels for state agencies irrespective of how  
29 compensated.

30 (f) The administrator or executive director of the education commis-  
31 sion of the states, the interstate compact on agricultural grain marketing,  
32 the Mo-Kan metropolitan development district and agency compact, the  
33 Kansas City area transportation district and authority compact, the mid-  
34 west nuclear compact, the central interstate low-level radioactive waste  
35 compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river  
36 basin compact, the Kansas-Nebraska Big Blue river compact, and the  
37 multistate lottery.

38 (g) Private consultants under contract with any agency of the state of  
39 Kansas to evaluate bids for public contracts or to award public contracts.

40 (h) From and after January 1, 2003, any faculty member or other  
41 employee of a postsecondary educational institution as defined by K.S.A.  
42 74-3201b, and amendments thereto, who provides consulting services and  
43 who, on behalf of or for the benefit of the person for which consulting

Proposed Amendments

Prepared by: Mike Heim  
Revisor of Statutes Office

March 10, 2009

z29

tex

Senate Ethics and Elections Cmte  
Date 3-12-2009  
Attachment 1

1 services are provided:

2 (1) Promotes or opposes action or nonaction by any federal agency,  
3 any state agency as defined by K.S.A. 46-224, and amendments thereto,  
4 or any political subdivision of the state or any agency of such political  
5 subdivision or a representative of such state agency, political subdivision  
6 or agency; or

7 (2) promotes or opposes action or nonaction relating to the expend-  
8 iture of public funds of the federal government, the state or political  
9 subdivision of the state or agency of the federal government, state or  
10 political subdivision of the state.

11 ~~(i) From and after January 1, 2006, any faculty member who receives  
12 an annual salary of \$50,000 or more, other than an adjunct faculty mem-  
13 ber, who is employed by a state education institution as defined by K.S.A.  
14 76-711, and amendments thereto.~~

15 Sec. 2. K.S.A. 2008 Supp. 46-247 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its  
17 publication in the statute book.

New Sec. 2. (a) Any faculty member who receives an annual salary of \$50,000 or more, other than an adjunct faculty member, who is employed by a state educational institution as defined by K.S.A. 76-711, and amendments thereto, shall file a written statement of substantial interests with the employing state educational institution.

(b) The written statement of substantial interests filed with a state educational institution pursuant to this section shall, at a minimum, include the information required by K.S.A. 46-229, and amendments thereto, and shall be an open public record. Any conflict of interests information required by the state board of regents or state educational institution that is in addition to that which is required by K.S.A. 46-229, and amendments thereto, may be placed in the faculty member's personnel records file and discretionarily closed in accordance with K.S.A. 45-221, and amendments thereto.

(c) The written statement of substantial interests required by this section shall be in such form as required by the state board of regents and shall be filed annually as part of the state educational institution's appointment or salary notification process, and supplemented as required by the state board of regents.

And by renumbering the remaining sections accordingly

1-2

# SENATE BILL No. 186

By Senator Pyle

2-3

Proposed Amendments

Prepared by: Mike Heim  
Revisor of Statutes Office

March 9, 2009

z18

Senate Ethics and Elections Cmte  
Date 3-12-2009  
Attachment 2

9 AN ACT concerning the offices of the governor and lieutenant governor;  
10 relating to vacancies therein.

.

, state treasurer and insurance commissioner

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

12 Section 1. Any governor resigning from such office shall file a written  
13 notice of such resignation in the office of the secretary of state. Such  
14 notice of resignation shall state the effective date of the resignation. Upon  
15 receiving such notice of resignation, the secretary of state shall notify the  
16 lieutenant governor.

; amending K. S. A. 25-101b and 40-106 and repealing the existing sections

17 Sec. 2. Any lieutenant governor resigning from such office shall file  
18 a written notice of such resignation in the office of the secretary of state.  
19 Such notice of resignation shall state the effective date of the resignation.  
20 Upon receiving such notice of resignation, the secretary of state shall  
21 notify the governor.

(a)

22 Sec. 3. Whenever the office of lieutenant governor becomes vacant  
23 as a result of the death, permanent disability or resignation of the lieuten-  
24 ant governor, a successor shall be appointed by the governor, subject  
25 to confirmation by the senate as provided in K.S.A. 75-4315b, and amend-  
26 ments thereto. Except as provided by K.S.A. 46-2601, and amendments  
27 thereto, no person appointed as lieutenant governor pursuant to this sec-  
28 tion shall exercise any power, duty or function as lieutenant governor until  
29 confirmed by the senate.

(b) The provisions of subsection (a) shall not apply if the office of governor becomes vacant as a result of the death, permanent disability or resignation of the governor before the senate is able to act on the confirmation of the person appointed lieutenant governor.

30 Sec. 4. This act shall take effect and be in force from and after its  
31 publication in the Kansas register.

Sec. 4. K.S.A. 25-101b (see attached - text186ball)  
Sec. 5. K.S.A. 40-106 (see attached - text186ball)  
Sec. 6. K.S.A. 25-101b and 40-106 are hereby repealed.

And by renumbering the remaining section accordingly

(b) The provisions of subsection (a) shall not apply if the office of governor becomes vacant as a result of the death, permanent disability or resignation of the governor before the senate is able to act on the confirmation of the person appointed lieutenant governor.

Sec. 4. K.S.A. 25-101b is hereby amended to read as follows: 25-101b. At the general election ~~held in 1978 and each four (4) years thereafter~~, there shall be elected a treasurer for the state of Kansas, whose term of office shall be four (4) years beginning on the second Monday in January next succeeding such treasurer's election. In case of a vacancy in such office, the governor shall appoint some suitable person to serve for the unexpired term and until a successor is elected and qualified subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as state treasurer pursuant to this section shall exercise any power, duty or function as state treasurer until confirmed by the senate.

Sec. 5. K.S.A. 40-106 is hereby amended to read as follows: 40-106. At the general election ~~held in 1978 and each four (4) years thereafter~~, there shall be elected a commissioner of insurance for the state of Kansas, whose term of office shall be four (4) years beginning on the second Monday in January next succeeding such commissioner's election. In case of a vacancy in such office the governor shall appoint some suitable person to serve for the unexpired term and until a successor is elected and qualified subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as commissioner of insurance pursuant to this section shall exercise any power, duty or function as commissioner of insurance until confirmed by the senate.



**SENATE BILL No. 267**

By Committee on Ways and Means

2-12

Proposed Amendments  
Prepared by: Mike Heim  
Revisor of Statutes Office  
March 11, 2009

9 AN ACT concerning elections; relating to voter identification; amending  
10 K.S.A. 25-2354 and K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123,  
11 25-2908 and 25-3002 and repealing the existing sections.  
12

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

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

21 (b) If the registered voter is applying for an advance voting ballot to  
22 be transmitted in person, ~~and such voter is a first-time voter,~~ such voter  
23 shall provide a form of valid identification such as a current and valid  
24 Kansas driver's license, nondriver's identification card, utility bill, bank  
25 statement, paycheck, government check or other government document  
26 containing the voter's current name and address as indicated on the reg-  
27 istration book. ~~Such voter shall not be required to provide identification~~  
28 ~~if such voter has previously provided current and valid identification in~~  
29 ~~the county where registered.~~

30 (c) If the registered voter is applying for an advance voting ballot to  
31 be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter  
32 shall provide on the application for an advance voting ballot the voter's  
33 current and valid Kansas driver's license number, nondriver's identifica-  
34 tion card number or the last four digits of the voter's social security num-  
35 ber, or shall provide with the application a copy of the voter's current and  
36 valid Kansas driver's license, nondriver's identification card, utility bill,  
37 bank statement, paycheck, government check or other government doc-  
38 ument containing the voter's current name and address as indicated on  
39 the registration book. ~~Such voter shall not be required to provide iden-~~  
40 ~~tification if such voter has previously provided current and valid identi-~~  
41 ~~fication in the county where registered.~~

42 (d) *The identification document provided in accordance with subsec-*  
43 *tion (b) and (c) of this section shall contain, at a minimum, the voter's*

Senate Ethics and Elections Cmte  
Date 3-12-2009  
Attachment 3



1 week preceding such primary election.

2 The county election officer of any county may receive applications prior  
3 to the time specified in this subsection (e) and hold such applications  
4 until the beginning of the prescribed application period. Such applications  
5 shall be treated as filed on that date.

6 ~~(f)~~ (g) Unless an earlier date is designated by the county election  
7 office, applications for advance voting ballots transmitted to the voter in  
8 person in the office of the county election officer shall be filed on the  
9 Tuesday next preceding the election and on each subsequent business  
10 day until no later than 12:00 noon on the day preceding such election. If  
11 the county election officer so provides, applications for advance voting  
12 ballots transmitted to the voter in person in the office of the county elec-  
13 tion officer also may be filed on the Saturday preceding the election.  
14 Upon receipt of any such properly executed application, the county elec-  
15 tion officer shall deliver to the voter such ballots and instructions as are  
16 provided for in this act.

17 An application for an advance voting ballot filed by a voter who has a  
18 temporary illness or disability or who is not proficient in reading the  
19 English language or by a person rendering assistance to such voter may  
20 be filed during the regular advance ballot application periods until the  
21 close of the polls on election day.

22 The county election officer may designate places other than the central  
23 county election office as satellite advance voting sites. At any satellite  
24 advance voting site, a registered voter may obtain an application for ad-  
25 vance voting ballots. Such ballots and instructions shall be delivered to  
26 the voter in the same manner and subject to the same limitations as  
27 otherwise provided by this subsection.

28 ~~(g)~~ (h) Any person having a permanent disability or an illness which  
29 has been diagnosed as a permanent illness is hereby authorized to make  
30 an application for permanent advance voting status. Applications for per-  
31 manent advance voting status shall be in the form and contain such in-  
32 formation as is required for application for advance voting ballots and also  
33 shall contain information which establishes the voter's right to permanent  
34 advance voting status. *Any person applying for permanent advance voter*  
35 *status shall submit valid identification as provided in subsection (b) or (c)*  
36 *of this section.*

37 ~~(h)~~ (i) On receipt of any application filed under the provisions of this  
38 section, the county election officer shall prepare and maintain in such  
39 officer's office a list of the names of all persons who have filed such  
40 applications, together with their correct post office address and the pre-  
41 cinct, ward, township or voting area in which such persons claim to be  
42 registered voters or to be authorized by law to vote as former precinct  
43 residents and the present resident address of each applicant. Such names

Once a permanent advance voter has provided valid identification, or if such voter's registration has been verified pursuant to K.S.A. 25-2354, and amendments thereto, such voter shall not be required to provide identification in subsequent elections unless the voter:

- (1) Changes the voter's name or residential address;
- (2) moves out of the county or state; or
- (3) is removed from the registration list and re-registers.

1 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise  
 2 vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_  
 3 (to be filled in only when requesting primary election ballots).

4 \_\_\_\_\_  
 5 \_\_\_\_\_ Signature of voter.

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

7 (c) An application for permanent advance voting status shall be on a  
 8 form prescribed by the secretary of state for this purpose. Such applica-  
 9 tion shall contain an affirmation concerning substantially the same infor-  
 10 mation required in subsection (a) and in addition thereto a statement  
 11 regarding the permanent character of such illness or disability.

12 (d) Any application by a former precinct resident shall state both the  
 13 former and present residence, address, precinct and county of such for-  
 14 mer precinct resident and the date of change of residence. *Such appli-*  
 15 *cation shall include an affirmation containing substantially the same in-*  
 16 *formation required in subsection (a) and shall be accompanied by valid*  
 17 *identification as provided in subsection (a).*

18 Sec. 3. K.S.A. 2008 Supp. 25-1123 is hereby amended to read as  
 19 follows: 25-1123. (a) When an application for an advance voting ballot has  
 20 been filed in accordance with K.S.A. 25-1122, and amendments thereto,  
 21 the county election officer shall transmit to the voter applying therefor  
 22 one each of the appropriate ballots. Except as provided by subsection (b),  
 23 the county election officer shall transmit the advance voting ballots to the  
 24 voter at one of the following addresses as specified by the voter on such  
 25 application: (1) The voter's residential address or mailing address as in-  
 26 dicated on the registration list; (2) the voter's temporary residential ad-  
 27 dress; or (3) a medical care facility as defined in K.S.A. 65-425, and  
 28 amendments thereto, psychiatric hospital, hospice or adult care home  
 29 where the voter resides. No advance voting ballot shall be transmitted by  
 30 the county election officer by any means prior to the 20th day before the  
 31 election for which an application for an advance voting ballot has been  
 32 received by such county election officer. If the advance voting ballot is  
 33 transmitted by mail, such ballot shall be transmitted with printed instruc-  
 34 tions prescribed by the secretary of state and a ballot envelope bearing  
 35 upon the outside a printed form as described in K.S.A. 25-1120, and  
 36 amendments thereto, and the same number as the number of the ballot.  
 37 If the advance voting ballot is transmitted to the applicant in person in  
 38 the office of the county election officer or at a satellite advance voting  
 39 site, such advance voting ballot and printed instructions shall be trans-  
 40 mitted in an advance voting ballot envelope bearing upon the outside a  
 41 printed form as described in K.S.A. 25-1120, and amendments thereto,  
 42 and the same number as the number of the ballot unless the voter elects  
 43 to deposit the advance voting ballot into a locked ballot box without an

Any person applying for permanent advance voter status shall submit valid identification as provided in subsection (b) or (c) of this section. Once such permanent advance voter has provided valid identification, or if such voter's registration has been verified pursuant to K.S.A. 25-2354, and amendments thereto, such voter shall not be required to provide identification in subsequent elections unless the voter:

- (1) Changes the voter's name or residential address;
- (2) moves out of the county or state; or
- (3) is removed from the registration list and re-registers.

**SENATE BILL No. 267**

By Committee on Ways and Means

2-12

9 AN ACT concerning elections; relating to voter identification; amending  
10 K.S.A. 25-2354 and K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123,  
11 25-2908 and 25-3002 and repealing the existing sections.

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

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

21 (b) If the registered voter is applying for an advance voting ballot to  
22 be transmitted in person, ~~and such voter is a first-time voter,~~ such voter  
23 shall provide a form of valid identification such as a current and valid  
24 Kansas driver's license, nondriver's identification card, utility bill, bank  
25 statement, paycheck, government check or other government document  
26 containing the voter's current name and address as indicated on the reg-  
27 istration book. ~~Such voter shall not be required to provide identification~~  
28 ~~if such voter has previously provided current and valid identification in~~  
29 ~~the county where registered.~~

30 (c) If the registered voter is applying for an advance voting ballot to  
31 be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter  
32 shall provide on the application for an advance voting ballot the voter's  
33 current and valid Kansas driver's license number, nondriver's identifica-  
34 tion card number or the last four digits of the voter's social security num-  
35 ber, or shall provide with the application a copy of the voter's current and  
36 valid Kansas driver's license, nondriver's identification card, utility bill,  
37 bank statement, paycheck, government check or other government doc-  
38 ument containing the voter's current name and address as indicated on  
39 the registration book. ~~Such voter shall not be required to provide iden-~~  
40 ~~tification if such voter has previously provided current and valid identi-~~  
41 ~~fication in the county where registered.~~

42 (d) *The identification document provided in accordance with subsec-*  
43 *tion (b) and (c) of this section shall contain, at a minimum, the voter's*

Proposed Amendment

Prepared by: Mike Heim  
Revisor of Statutes Office

March 11, 2009

(b) No person may apply for an advance ballot less than 24 hours after submitting an application for registration under provisions of K.S.A. 25-2309, and amendments thereto.

And by relettering the remaining subsections accordingly

z2t  
Senate Ethics and Elections Cmte  
Date 3-12-2009  
Attachment 4