

MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Terrie Huntington at 9:32 a.m. on February 16, 2011, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Ellen Martinez, Committee Assistant

Conferees appearing before the Committee:

Sherri Riebel, Allen County Clerk
Don Pyle, Crawford County Clerk
Bruce Newby, Wyandotte County Election Commissioner
Janet Rumpel, Sherman County Election Officer
Karen D. Delfore, Cowley County Clerk/Election Officer
Bryan Caskey, Assistant State Election Director, Elections and Legislative Matters

Others attending:

See attached list.

The Chairman called the meeting to order and opened the hearing on **SB 125 - Elections; candidate filing deadline change**. Staff explained the bill would change the filing deadline from June 10 to June 1 for candidates for national, state (including governor and lieutenant governor), county, and township offices. The bill also would remove language regarding certain 1998 elections.

Sherri Riebel, Allen County Clerk, testified in favor of the bill. **SB 125** would alleviate the need to create makeshift ballots to mail to overseas voters and ensure the ballots are error free. (Attachment 1)

Don Pyle, Crawford County Clerk, testified in support of the bill. He stated that passage of **SB 125** would help make the ballot preparation process more manageable for Uniformed and Overseas Citizens Absentee Voting Act ballots. (Attachment 2)

Bryan Caskey informed the Committee that the Secretary of State had no position officially on **SB 125**.

There being no further testimony, the hearing on **SB 125** was closed.

The Chairman opened the hearing on **SB 127 - Elections; certain local units of governments; primaries**. Staff explained that **SB 127** would resolve contradictory language in the 2008 law, but maintain the intent of the 2008 law by reducing the number of spring primaries.

Sherri Riebel, Allen County Clerk, testified in support of **SB 127**. The bill would clean up language in the current bill. (Attachment 3)

Don Pyle, Crawford County Clerk, testified in support of **SB 127**. (Attachment 4)

Bryan Caskey, Assistant State Election Director, Elections and Legislative Matters, testified in support of **SB 127**. The Secretary of State supports this bill. He requested two amendments to clarify language. (Attachment 5)

Kim Winn, League of Kansas Municipalities, provided written testimony only in support of **SB 127**. (Attachment 6)

There being no further testimony, the hearing on **SB 127** was closed.

The Chairman opened the hearing on **SB 130 - Elections; candidate filing deadlines; other**. Staff explained that **SB 130** would change candidate filing deadlines in years in which districts are reapportioned.

CONTINUATION SHEET

The minutes of the Ethics and Elections Committee at 9:32 a.m. on February 16, 2011, in Room 159-S of the Capitol.

Bryan Caskey, Assistant State Election Director, Elections and Legislative Matters, testified in support of **SB 130**. This bill would alter the special candidate filing deadlines in years in which the Legislature draws new district lines. (Attachment 7)

There being no further testimony, the hearing was closed.

The Chairman opened the floor for final action on **SB 43 - Campaign finance; transfer of campaign money to another candidacy**. Senator Schmidt asked that **SB 43** be amended to require the reporting of the date of certain lobbyist expenditures.

Senator Schmidt moved, seconded by Senator Kelsey, the bill be amended as previously stated. Motion carried.

Senator Schmidt moved, seconded by Senator Brungardt, the bill be passed favorably as amended. Motion carried.

The Chairman opened the floor for final action on **SB 67 - Gubernatorial inauguration donations; disposition of residual monies**. Senator Schmidt asked that **SB 67** be amended to change the bill's effective date.

Senator Schmidt moved, seconded by Senator Peterson, the bill be amended as previously stated. Motion carried.

Senator Peterson moved, seconded by Senator Reitz, the bill be passed favorably as amended. Motion carried.

The Chairman opened the floor for final action on **SB 127 - Elections; certain local units of governments; primaries**. Senator Schmidt asked that **SB 127** be amended with technical corrections.

Senator Schmidt moved, seconded by Senator Kelsey, the bill be amended as previously stated. Motion carried.

Senator Kelsey moved, seconded by Senator Reitz, the bill be passed favorably. Senator Peterson asked for a substitute bill that incorporated extensive technical changes to the original bill but did not change its intent.

Senator Peterson moved, seconded by Senator Brungardt to recommend SB 67 as amended by a substitute bill be passed favorably. Motion carried.

The Chairman thanked everyone for appearing before the Committee.

The next meeting is scheduled for January 17, 2011

The meeting was adjourned at 10:30 a.m.

**SENATE ETHICS AND ELECTIONS COMMITTEE
GUEST LIST**

Date: February 16, 2011

NAME	REPRESENTING
Sherrie L. Liebel	Allen Co. Clerk / KCC + COA ^{Election} Chair
Dana Schuppel	Madison Co. Clerk " "
Donald Pyle	Charlton Co. Clerk KCC EOA
BRYAN A. CASKEY	SEC. OF STATE
Don Moler	LHM
ERIK SARTORIUS	City of Overland Park
Judy Moler	KGCC
Carol Williams	KGCC
Ryan Kriegshanser	Sec. of State
Kent Cornish	KAB

ALLEN COUNTY COURTHOUSE

Sherrie L. Riebel
COUNTY CLERK

1 N. Washington
Iola, KS 66749

620-365-1407
Fax: 365-1441
Email: coclerk@allencounty.org

February 16, 2011

To: Senate Ethics and Elections Committee

Re: Testimony on Senate Bill 125

From: Sherrie L. Riebel, Allen County Clerk/Election Official
and Kansas County Clerk's & Election Officials Election Committee Chair

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 125. Senate Bill 125 would move the filing deadline for Federal, State and Local offices from June 10th to June 1st.

Kansas County Clerk's and Election Officials Association supports this legislation.

One, currently Election officials have to create ballots before the final ballots are printed due to the mailing deadline being 45 days before Election Day. The problem being that from June 10th at noon until June 20th deadline for mailing Federal Service ballots is 9 ½ days. This is not enough turnaround time for actual ballots to be created and printed; therefore we are creating "makeshift" ballots for our most important voters, the ones serving to keep our freedom so that we can vote. I have attached calendars from the Secretary of State's office and Election Systems and Software (which has at least 85% of Kansas Counties).

Two, it would also eliminate possible errors on "makeshift" ballots. You are trying to get everything on the ballot, and waiting on the Secretary of State's office for the certification of candidates. Secretary of State's office has to wait on lawsuits, therefore time gets pressed and mistakes are more likely to happen. We take every precaution to avoid such errors, but we are human.

Third, if the filing deadline were moved to June 1st, this would alleviate some of the problem and give both the Secretary of State more time to have the correct certified names and our offices more time to prepare the ballots.

KCC&EOA urge the committee to report Senate Bill 125 favorably for passage. Thank you for your consideration.

Sincerely,
Sherrie L. Riebel
Allen County Clerk/Election Official
& KCC&EOA Election Committee Chair

Ethics and Elections Committee
Attachment 1
Date 2-16-11



Kansas - 2008 County Primary Election Calendar

May

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- May 7TH – Final day to submit on-site support request to ES&S (90 days prior to election)
- May 26th – Closed for Memorial Day

June

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- June 3rd – All Forms due (excluding candidates)
- June 10th – Candidate Filing Deadline
- June 10th – Candidate Forms due
- June 20th – Last day to give initial ballot proofs to Counties (strictly for use for military and overseas voting)
- June 21st – Absentee Voting Begins (Military & Citizens Abroad)
- June 24th – Certification Deadline; State Releases Rotations

July

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- July 4th – Closed for Independence Day
- July 8th – All Ballot Proofs Signed Off
- July 15th – Last Day to Deliver Election Day Ballots
- July 16th – Advance or Early Voting Begins
- July 18th – Last Day to Ship Coding Materials

August

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

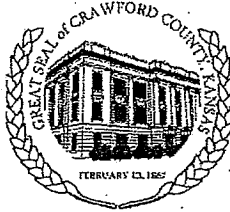
- August 4th – Advance or Early Voting Ends
- August 4th – On-site dedicated support personnel from ES&S will arrive at clerk's office (if previously requested)
- August 5th – Election Day
- August 6th – On-site dedicated support personnel from ES&S will depart from county

Kansas Secretary of State			June 2008		2008 Election Calendar	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 SOS -- Noon deadline for new parties to file petitions seeking recognition. Statutory deadline June 1. -302a	3	4	5	6 SOS -- (Primary) Deadline to notify CEOs of close of registration for August primary. (60 days before primary) -2311(c)	7
8	9	10 SOS -- (Primary) Noon deadline for candidates to file or withdraw (except independent and judicial retention candidates) -205, 209(a), -306a SOS -- (Primary) Mail certified list of candidates and addresses to CEOs. -219 SOS -- (Primary) Mail list of primary candidates for federal office to President of US Senate, Clerk of US House and Federal Election Commission.	11	12	13	14 Flag Day
15 Father's Day	16	17	18	19	20	21 CEO -- (Primary) Deadline to mail federal services absentee ballots to applicants. -1220
22	23	24 SOS -- (Primary) Send ballot rotation schedules to CEOs. -212	25 CEO -- (Primary) Publish list of candidates for primary election for three consecutive weeks. -209	26	27	28
29	30					

Kansas Secretary of State						
July 2008						
2008 Election Calendar						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 SOS -- (Primary) Deadline to send advance voting ballot forms and voter instructions to CEOs. -1121 SOS -- Send primary and general ballot forms to CEOs. -210, -213, -616, -617, -618	2	3 CEO -- (Primary) Deadline for in-state residence change. Voter who moves within 30 days before election may vote in former precinct. (Deadline July 6) -3701	4 Independence Day	5
6	7 CEO -- (Primary) Deadline to publish times, places and close of registration. -2310, -2311(a)(3), KAR 7-23-4 CEO -- (Primary) Deadline for county party chairs to recommend election board workers. (Statutory deadline July 6.) -2803(a)	8	9	10	11	12
13	14	15 SOS -- (Primary) Order primary abstract books and envelopes from printer.	16 CEO -- (Primary) Begin mailing advance ballots. (20 days before election) -1123 CEO -- (Primary) Advance voting in person in office of CEO may begin. -1122(f), -1123	17 CEO -- (Primary) 1 st and 2 nd class cities may provide late hours for voter registration through Monday (optional). -2311(d)	18	19
20	21 SOS/CEO -- (Primary) Last day to register to vote or change party affiliation. -2311(a)(3), -3304(b) CEO -- (Primary) Deadline to mail copies of publication to candidates & party chairs. -211 CEO -- (Primary) Appoint election boards. -2861 SOS -- (Primary) Mail abstract books to CEOs. -3906	22 CEO -- (Primary) Certify to SOS and county party chairs voter registration and party affiliation totals by precinct. -3302, KAR 7-27-1	23 CEO -- (Primary) Deadline for township candidates to file affidavits of exemption for campaigns under \$500. -904(a)	24	25 CEO -- (Primary) Deadline for county party chairs to suggest ballot changes to CEOs. -211 CEO -- (Primary) Publish notice of voting equipment test (at least 48 hours before test) Notify party chairs in writing. -4411(b), -4610(b)	26
27 CEO -- (Primary) Candidates and their agents may inspect ballots. -604(c) CEO -- (Primary) Train election boards this week. -2806	28 SOS/CEO -- (Primary) Campaign finance report deadline for state & county candidates, 1 st class city candidates, parties & political committees. -4148(a)(1) CEO -- (Primary) Deadline to accept late voter registration applications with missing or illegible postmarks. (Statutory deadline July 27) -2311(e)	29 SOS/CEO -- (Primary) Election night tabulation test run. (tentative) CEO -- (Primary) Advance voting in person in CEO office must begin (earlier if CEO desires). -1122(b), (f) CEO -- (Primary) Conduct test of voting equipment (within 5 days before election). -4411(b), -4610(b)	30	31		

Kansas Secretary of State			August 2008		2008 Election Calendar	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 CEO -- (Primary) Deadline for voters to apply for advance ballots to be mailed. -1122(e)(1)	2
3 EO -- (Primary) Distribute ballots and supplies to supervising judges. -604(c)	4 SOS/CEO -- (General) Noon deadline for independent candidates to file petitions. -305(b) SOS/CEO -- (General) Noon deadline for retention judges to file. 20-2903 CEO -- (Primary) Noon deadline to vote regular advance ballots in person. -1122(c)	5 PRIMARY ELECTION -203(a) CEO -- (Primary) Advance voting ballots must be returned by close of polls. -1132 CEO -- (Primary) Disabled & non-English proficient voters may apply for advance ballots. -1122(c), -1124	6 SOS/CEO -- (Primary) Registration books reopen. -2311(a) CEO -- (Primary) Prepare preliminary final abstract. -3106	7	8 CEO -- (Primary) County canvassers certify election results (or next Monday). -3104, -3107 CEO -- (Primary) Send intermediate abstract for national/state offices to SOS as soon as possible. -3106, -3202	9
10	11 CEO -- (Primary) Alternate date for county canvass. -3104 SOS/CEO -- (Primary) Noon deadline to request recount if canvass was Friday. -3107(b) CEO -- (Primary) Issue nomination certificates for county/township candidates if recount not requested. -3110, KAR 1-26-1	12 CEO -- (Primary) Deadline at 5:00 to request recount if canvass was Monday. -3107(b) SOS/CEO -- (Primary) Recount must be initiated if requested Monday. -3107(b)	13 CEO -- (General) Voters may apply for advance ballots to be mailed. -1122(b)(2) SOS/CEO -- (Primary) Recount must be initiated if requested Tuesday. -3107(b)	14 CEO -- (Primary) Objections to nominations for local office must be filed within 3 days of issuance of nomination certificate. ← -308(a)(1) →	15 SOS/CEO -- (Primary) Recount must be completed by 5:00 p.m. if requested Monday. -3107(b)	16
17	18 SOS/CEO -- (Primary) Recount must be completed by 5:00 p.m. if requested Tuesday. -3107(b)	19 CEO -- (Primary) Deadline to forward election abstract to SOS. -3203	20	21	22 CEO -- (Primary) Deadline for county/township candidates to declare incapability and withdraw from nomination (10 days after county canvass--may be next Monday). -306(b)	23
24	25	26	27	28	29 SOS -- (Primary) State board of canvassers meets. (Tentative date--deadline September 1.) -3205	30
31						

Donald P. Pyle
PO Box 249
111 E. Forest St.
Girard, Kansas 66743



620-724-6115
Fax 620-724-6007
www.crawfordcountykansas.com
countyclerk@ckt.net

Office of the Crawford County Clerk

February 14, 2011

Honorable Kansas State Senator Terrie Huntington
Chairman, Senate Ethics and Elections Committee
and Distinguished Members of the Committee

Re: Senate Bill Number 125, to change the candidate filing deadline in even-numbered years

Chairman Huntington and Distinguished Committee Members,

In my capacity as Crawford County Election Officer, I am very supportive of Senate Bill 125. This bill will move the candidate filing deadline for even-numbered elections from June 10 at noon to June 1 at noon. The change of this deadline will help election officials to be better able to meet the deadline for the delivery of Uniformed and Overseas Citizens Absentee Voting Act ballots.

UOCAVA is a federal election law that is designed to give American citizens and soldiers that are overseas the same voting opportunities as all other American citizens. According to this law, ballots for the August Primary Election in even-numbered years must be mailed to the individuals requesting UOCAVA ballots by June 19. With the filing deadline of June 10, it is extremely difficult to finish the formatting of ballot forms, get them sent off to the printers and back and to still have them ready to be mailed out by June 19. By allowing the election officials an additional 9 days it will make the ballot preparation process much more manageable and will reduce the chance for errors.

The Kansas County Clerks and Election Officials work hard to make sure that Kansas Elections are administered in a professional manner. With the support of the Kansas Secretary of State's Office and the Kansas Legislature we will continue to work to make sure that Kansas Elections are a model for the rest of the country. Thank you for your time and we very much appreciate your support in this matter.

Sincerely,

Donald P. Pyle
Crawford County Clerk and Election Officer
countyclerk@ckt.net

Ethics and Elections Committee

Attachment 2

Date 2-16-11

ALLEN COUNTY COURTHOUSE

Sherrie L. Riebel
COUNTY CLERK

1 N. Washington
Iola, KS 66749

620-365-1407
Fax: 365-1441
Email: coclerk@allencounty.org

February 16, 2011

To: Senate Ethics and Elections Committee

Re: Testimony on Senate Bill 127

From: Sherrie L. Riebel, Allen County Clerk/Election Official
and Kansas County Clerk's & Election Officials Election Committee Chair

Honorable Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 127 with the Secretary of State's amendment. Kansas County Clerk's and Election Officials Association supports this legislation only with the amendment.

One, because the amendment cleans up a sections 2 and 3 of SB127:

1. Section 2(c), page 2

Line 30: Delete "District method" and insert "Election by ward"

Line 31: Delete "member districts" and insert "wards"

Section 2(d), page 2

Line 33: Delete "member districts" and insert "wards"

2. Section 3, page 3

Delete subsections (b), (c) and (d) on lines 5 through 31.

Two, the confusion of the current K.S.A. 2008 Supplement 25-2021 would be clarified. All we want to do is clarify whether two candidates would continue on to the General ballot from the Primary or whether three of the candidates would be listed on the General ballot. Currently it is translated as either. We would like to be consistent through out the state in each election race.

KCC&EOA urge the committee to report Senate Bill 127 with the amendment favorably for passage. Thank you for your consideration.

Sincerely,
Sherrie L. Riebel
Allen County Clerk/Election Official
& KCC&EOA Election Committee Chair

Ethics and Elections Committee
Attachment 3
Date 2-16-11

Donald P. Pyle
PO Box 249
111 E. Forest St.
Girard, Kansas 66743



620-724-6115
Fax 620-724-6007
www.crawfordcountykansas.com
countyclerk@ckt.net

Office of the Crawford County Clerk

February 14, 2011

Honorable Kansas State Senator Terrie Huntington
Chairman, Senate Ethics and Elections Committee
and Distinguished Members of the Committee

Re: Senate Bill Number 127, to reduce the number of City & School Primary Elections

Chairman Huntington and Distinguished Committee Members,

In my capacity as Crawford County Election Officer, I am very supportive of Senate Bill 127. This bill will clean up the language in statutes relating to the circumstances that trigger primary elections for city and school board candidates. Currently there are a couple of statutes that contain conflicting language regarding the number of candidates that are included on the general election ballots after a primary election is performed.

The conflict is between some of the older statutes that address city and school elections and a bill passed a few years ago to reduce the number of primary elections for city and school candidates. After the passage of the new legislation it was discovered that it was unclear if two or three candidates for a particular position would advance to the general election. Senate Bill Number 127 will clear up these discrepancies and make it clear that only two candidates will advance to the general election to vie for one position. As elections continue to come under closer scrutiny each year, we would appreciate your help in clearing up any inconsistencies in the state election statutes.

The Kansas County Clerks and Election Officials work hard to make sure that Kansas Elections are administered in a professional manner. With the support of the Kansas Secretary of State's Office and the Kansas Legislature we will continue to work to make sure that Kansas Elections are a model for the rest of the country. Thank you for your time and support in this matter.

Sincerely,

Donald P. Pyle
Crawford County Clerk and Election Officer
countyclerk@ckt.net

Ethics and Elections Committee
Attachment 4
Date 2-16-11

KRIS W. KOBACH
Secretary of State



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

STATE OF KANSAS

Senate Committee on Ethics and Elections

Testimony on Senate Bill 127

Bryan Caskey, Assistant State Election Director
Elections and Legislative Matters

February 16, 2011

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 127, which was proposed by the Kansas County Clerks and Election Officials Association (KCCEOA). This bill deals with the rules that govern primary elections for city offices, local school boards and community college boards of trustees. These elections are held in the spring of odd-numbered years. Traditionally, primaries are held for these positions only if the number of candidate filings triggers a primary. Legislation in 2008 sought to reduce the number of primaries by increasing the number of candidate filings required to trigger a primary. However, that language created an inconsistency in the law that Senate Bill 127 will resolve.

We support Senate Bill 127 because (1) it resolves the contradictory language that is in the law passed in 2008, and (2) it maintains the intent of the 2008 law by reducing the number of spring primaries.

In 2007 and before, the law stated that a primary was required in spring elections only if more than two candidates filed for a position. The primary would eliminate one or more candidates, so the goal of the primary was to narrow the field of candidates to two in the general election, held on the first Tuesday of April.

In 2008, the KCCEOA proposed legislation to reduce the number of these expensive primaries by increasing by one the number of candidates that would trigger a primary. Thus, if three candidates filed there would not be a primary; a primary would be required if four or more candidates filed. But the 2008 law was unclear as to how many candidates would be carried forward from the primary to the general election ballot. The contradiction in the language of the 2008 law created confusion that needs to be clarified.

If the Legislature passes Senate Bill 127, the policy regarding spring primaries will be that a primary will be required only in those districts in which a fourth candidate files for office. If three or fewer candidates file, there is no primary and all the candidates' names are printed on the general election ballot in April. If four or more candidates file, there will be a primary to

reduce the field to two for the general election.

We have included a chart to help explain the rules for holding primary elections under the 2007 law, the current (2008) law and Senate Bill 127.

Proposed amendments to Senate Bill 127

We offer the attached amendments to tighten the language deadline with city elections and to correct an error in the bill.

1. We propose changing references to member district elections in cities to elections by ward. This language fits better with the way cities' political geography is set up.
2. We propose replacing all of Section 3 with language pertaining to city elections. The original language of the bill contains sections replicated from Section 4, which deals with elections for community college boards of trustees.

We urge the committee to amend Senate Bill 127 as proposed and to recommend the bill favorably, as amended, for passage..

Thank you for your consideration.

CITY / SCHOOL / COMMUNITY COLLEGE PRIMARY ELECTION CHART

2007 LAW

NUMBER OF POSITIONS	CANDIDATES FILED - NO PRIMARY	CANDIDATES FILED CREATING PRIMARY	IF PRIMARY IS HELD NUMBER OF CANDIDATES ADVANCING TO GENERAL
---------------------	-------------------------------	-----------------------------------	--

1	0-2	3 OR MORE	2
2 (at large)	0-4	5 OR MORE	4
3 (at large)	0-6	7 OR MORE	6
4 (at large)	0-8	9 OR MORE	8

2008 LAW

NUMBER OF POSITIONS	CANDIDATES FILED - NO PRIMARY	CANDIDATES FILED CREATING PRIMARY	IF PRIMARY IS HELD NUMBER OF CANDIDATES ADVANCING TO GENERAL
---------------------	-------------------------------	-----------------------------------	--

1	0-3	4 OR MORE	3
2 (at large)	0-6	7 OR MORE	6
3 (at large)	0-9	10 OR MORE	9
4 (at large)	0-12	13 OR MORE	12

2011 SENATE BILL 127

NUMBER OF POSITIONS	CANDIDATES FILED - NO PRIMARY	CANDIDATES FILED CREATING PRIMARY	IF PRIMARY IS HELD NUMBER OF CANDIDATES ADVANCING TO GENERAL
---------------------	-------------------------------	-----------------------------------	--

1	0-3	4 OR MORE	2
2 (at large)	0-6	7 OR MORE	4
3 (at large)	0-9	10 OR MORE	6
4 (at large)	0-12	13 OR MORE	8

Proposed Amendments to Senate Bill 127

1. Section 2(c), page 2

Line 30: Delete "District method" and insert "Election by ward"

Line 31: Delete "member districts" and insert "wards"

Section 2(d), page 2

Line 33: Delete "member districts" and insert "wards"

2. Section 3, page 3

Delete subsections (b), (c) and (d) on lines 5 through 31.

Insert the following:

(b) In cities in which an election by ward method is in effect, if there are more than three qualified candidates for one ward, the county election officer shall call, and there shall be held, a primary election in each such ward. The names of the two candidates receiving the greatest number of votes for any ward at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any ward there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.

To: Senate Ethics and Elections
From: Kim Winn, Deputy Director
Date: February 16, 2011
Re: SB 127

On behalf of the member cities of the League of Kansas Municipalities, thank you for the opportunity to appear today concerning SB 127. The statutory changes that were promulgated in 2008 regarding primary elections for city office gave rise to many questions from city officials.

First, the application of the current statute is unclear with regard to cities that elect councilmembers at large versus those that elect by wards. In addition, there was uncertainty as to the number of individuals that would move forward to the general election in the event that a primary was held under the statutory framework.

The bill as written and published has a number of drafting errors. Concerning cities, the bill refers to "districts" rather than "wards." Further, the language of Section 3 inaccurately refers to community colleges rather than cities. We believe that with the technical amendments that are being offered, SB 127 addresses these two questions and offers some needed clarification of this law.

We respectfully request that the Committee make the requested amendments to fix the drafting errors. In addition, we encourage the Committee to report this bill favorably for passage. I would be happy to stand for questions at the appropriate time.

Ethics and Elections Committee
Attachment 6
Date 2-16-11

KRIS W. KOBACH
Secretary of State



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

STATE OF KANSAS

Senate Committee on Ethics and Elections

Testimony on Senate Bill 130

Bryan Caskey, Assistant State Election Director
Elections and Legislative Matters

February 16, 2011

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 130. This bill was proposed by the Secretary of State to alter the special candidate filing deadlines in years in which the Legislature draws new district lines.

Under current law, if the Legislature completes the redistricting process on or before June 10, the candidate filing deadline is on June 24 instead of the normal date of June 10. If redistricting is completed on or after June 11, the filing deadline is July 12.

Senate Bill 130 proposes to move the filing deadline to June 10 in the first instance and to June 18 in the second instance. The reason for this proposal is to allow county election officers time to comply with federal laws requiring ballots to be distributed to military and overseas voters beginning the 45th day before the election.

Consider the following dates in 2012, which is the next redistricting year:

General election	Tuesday, November 6
Primary election	Tuesday, August 7
Ballot distribution deadline	Saturday, June 23
Earliest candidate filing deadline (current)	Monday, June 25
Earliest candidate filing deadline (proposed)	Monday, June 11
Latest candidate filing deadline (current)	Thursday, July 12
Latest candidate filing deadline (proposed)	Monday, June 18

Note: In 2012, the June 10 deadline is moved to June 11 and the June 24 deadline is moved to June 25 because the dates land on Sundays.

Under both redistricting scenarios, the candidate filing deadlines are after the deadline to begin mailing ballots. This puts the county election offices automatically out of compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment (MOVES) Act.

Department of Justice has enforcement authority over federal voting laws, and the state of Kansas faces a federal lawsuit if we do not comply. As election officers, we feel we must propose a solution to allow us to comply with federal law.

The deadlines proposed in Senate Bill 130 are June 10 and June 18. These deadlines will allow time for potential candidates to make their decisions about whether to file for office, and they will allow more time to prepare and distribute military and overseas ballots.

We urge the committee to recommend Senate Bill 130 favorably for passage.

Thank you for your consideration.

JUNE 2012

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