

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 502

As Amended by House Committee on
Ethics and Elections

Brief*

SB 502 makes several amendments to the Kansas election laws dealing with cancellation of voter registration, temporary appointments to the County Board of Canvassers, qualifications of persons who circulate petitions, validity of candidate nominations in city and local school board elections, and the posting of a notice of voters' rights and responsibilities.

The bill clarifies the circumstances under which a voter's registration may be cancelled by the county election officer only if evidence exists that the voter moved out of the county. This amendment brings KSA 25-2316c into technical compliance with the 1993 National Voter Registration Act.

The bill updates the statute to allow for the temporary appointment of more than two persons to act as county canvasser to fill multiple vacancies on the board. Current law only allows for the appointment of two persons. The Committee amended the bill to involve the county election officer as a consultant in the appointments to the county board of canvassers.

The bill changes the statutory qualifications of persons who circulate gubernatorial candidate petitions and persons circulating petitions which seek the recall of local officials. Persons only would have to be residents and be a qualified elector of the State of Kansas and not have to be a registered voter or resident of the election district where they circulate petitions. This amendment would bring this statute into compliance with the U.S. Supreme Court decision in *Buckley vs American Constitutional Law Foundation*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

The bill authorizes county election officers to determine the validity of candidate nominations in city and local school board elections.

The bill also requires the posting of a notice of voters' rights and responsibilities at each polling place on election day.

Background

The House Committee amended SB 468 into SB 502. Both bills were sponsored by the Secretary of State's Office.

On SB 468, a representative of the Office testified that the amendment of compliance with the National Voter Registration Act (NVRA) is a technical amendment and would not change current practice among county election officers because they have been informed of the proper procedures and trained to conduct their confirmation mailings in accordance with the NVRA. The appointment of more than two persons to act as a county canvasser was made because current language in the bill assumed there were only three commissioners, but now some counties have five or more commissioners, so the statute has to be upgraded to allow for temporary appointment of canvassers to fill multiple vacancies on a board. He said the change in the qualifications of persons who circulate gubernatorial candidate petitions should have been included in 2001 SB 127, but was inadvertently omitted.

On SB 502, the representative testified the county election officer is granted authority to determine whether candidates are eligible to run in the primary or general election for city and local school board elections. In current law, the election officers have this specific authority only in national/state/county/township elections held in even-numbered years. The Secretary of State's Office determines the validity of candidate nominations for national and state offices, and the respective county election officers determine the validity of nominations for county and township offices. He testified that the 2000 elections raised national consciousness of many issues, including voter education, and posting voters' rights and responsibilities would be one way of improving voters' knowledge of the process.

The Division of the Budget's fiscal note indicates that the passage of SB 468 would have no fiscal effect on the Secretary of State's Office.

The Division of the Budget's fiscal note indicates that the passage of SB 502 would have a fiscal effect on state or county governments. The bill does not indicate whether the state or county would be responsible for posting the list of voters' rights and responsibilities. If the Secretary of State's Office were responsible, a one-time cost of \$1,500 to \$2,900 would be incurred for printing the posters and distributing them to the county election officers. If the county governments were responsible, these costs would be passed on to the individual counties. Passage of SB 502 would cause no additional expenditures for the state or counties to determine the validity of nominations for city and school elections.