

## MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE:

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on March 12, 2001 in Room 521-S of the Capitol.

All members were present.

Committee staff present: Theresa Kiernan, Office of the Revisor of Statutes  
Dennis Hodgins, Kansas Legislative Research Department  
Shirley Weideman, Committee Secretary

Conferees appearing before the committee:

**HB 2531** Neutral: Brad Bryant, Deputy Assistant Secretary of State  
Opponent: Karen Hartenbower, Lyon County Clerk/Election Officer

**SB 47** Proponent: Jeanne Turner, Lyon County District Clerk

**SB 218** Proponents: Karen Hartenbower, Lyon County Clerk/Election Officer  
Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Chairman Powell opened the hearing on **HB 2531 - Elections; advance voting; adult care homes.**

Representative Dennis Pyle appeared before the committee in support of **HB 2531**. He said that he visited a nursing home in his district during his campaign and visited a lady who was legally blind. She was on the list that the nursing home prepared for requesting advance ballots. Representative Pyle asked this lady if she had requested a ballot and she told him that she had not. The nursing home administrator can collect names, sign the affidavit of assistance and then help the resident mark the ballot when it arrives.

He said this bill would require two people from the elections office to be present at the nursing home for two hours in order to be present when these ballots are marked. He included a copy of the request for advance ballots and the affidavit of assistance. Representative Pyle answered questions asked by committee members. (attachment #1)

Karen Hartenbower, Lyon County Clerk/Election Officer, testified in opposition to **HB 2531**. She has three major objections to this bill 1)finding members from each party who are willing to work extra hours at nursing homes, 2)the impossibility of collecting ballots within two hours of delivery and 3)using a locked box for delivery of the ballots and returning them would be too cumbersome when a sealed envelope would probably be sufficient. Ms. Hartenbower also had letters from other counties who opposed this bill. (attachment #2)

Brad Bryant, Deputy Assistant Secretary of State, appeared before the committee as neutral concerning **HB 2531**. His concerns were for the fiscal cost of providing election board workers on additional days, finding members of each political party in that county to visit nursing homes, completing the balloting in two hours and the handling of nonpartisan and question-submitted elections. Mr. Bryant answered committee members' questions. (attachment #3)

Since there were no other questions, the hearing was closed on **HB 2531**.

Chairman Powell opened the hearing on **SB 47 - Consideration of objections in election controversies.**

Jeanne Turner, Lyon County District Clerk, appeared in support of **SB 47**. She said that this bill deals with contested elections where an objection has been filed. She does not feel that the clerk of the district court is a proper person to be on the panel. (attachment #4)

CONTINUATION SHEET

Minutes of House Ethics and Elections Committee for March 12, 2001

There being no further discussion the hearing on **SB 47** was closed.

Representative Mayans moved and Representative Hermes seconded the motion that **SB 47** be passed favorably and placed on the consent calendar. Motion passed.

Hearing was opened on **SB 218 - Elections; counting of provisional ballots.**

Appearing in support of **SB 218** was Karen Hartenbower, Lyons County Clerk/Election Officer. She said this bill will ensure that all provisional ballots will be handled in the same manner by all county clerks and that is that the provisional ballots shall be determined as to acceptance and then the county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns. Ms. Hartenbower answered questions asked by committee members. (attachment #5)

Brad Bryant testified before the committee in support of **SB 218.** He said that this legislation clarifies the sequence of events prescribed in law for the processing of provisional ballots. (attachment #6)

The hearing was closed on **SB 218** since there was no other discussion.

**SB 63 - Elections; registration of voters, requiring last four digits of social security number.**

Representative Toplikar moved to pass **SB 63** favorably out of the committee. The motion was seconded by Representative Hermes. Motion passed.

**SB 107 - Petition sufficiency; duty of county or district attorney.**

Chair Powell suggested that **SB 107** be amended to provide that the county attorney can challenge the petition and the court must make a decision within 20 days.

Representative Alldritt moved Chair Powell's amendment to **SB 107.** Representative Hermes seconded the motion. Motion passed.

Representative Hermes moved and Representative Alldritt seconded the motion that **SB 107 as amended** be passed out of the committee. Motion passed.

**SB 125 - Technical clean up amendments to election laws.**

Chairman Powell suggested amending **SB 125** to list title of electors for presidential ballots only once on the ballot and moving the part of the advanced ballot section of **HB 2531** into the correct section of that bill.

Representative Hermes moved that **SB 125** be amended as suggested by Chairman Powell. Representative Alldritt seconded the motion. Motion carried.

Representative Hermes moved that **SB 125 as amended** be passed favorably from the committee.. Representative Findley seconded the motion. Motion carried.

**SB 126 - Recount procedure for offices elected on statewide basis.**

Chairman Powell suggested amending **SB 126** to include the state senate, state house of representatives, and state board of education, where those races include more than one county, in the Governor's amendment to allow the state to pay for recounts when the vote is close (within 0.5%) in statewide offices for U.S. Senate, U.S. House of Representatives and Presidential elections. He would also amend **SB 126** to provide the polling time to be the same in the 5 counties that are in both the Mountain Time Zone and the Central Time Zone (6 a.m. to 6 p.m. in MST and 7 a.m. to 7 p.m. in CST).

Representative Hermes moved Chairman Powell's amendment to **SB 126.** The motion was seconded by

Representative Alldritt. Motion carried.

Continuation of Minutes of House Ethics and Elections Committee for March 12, 2001

Pg. 3

Representative Hermes moved and the motion was seconded by Representative Huff that **SB 126 as amended** be passed favorably out of committee. Motion carried.

**SB 127 - Election procedures; petitions and advance voting.**

Chairman Powell offered an amendment to allow the election officers to have an inactive voter list for those who have not voted in the last two general elections. Their names would not be removed from the voter registration list.

It was moved by Representative Morrison and seconded by Representative Powers that **SB 127** be amended to include Chairman Powell's amendment. Motion carried.

Representative Wilson moved and Representative Alldritt seconded the motion for a conceptual amendment to **SB 127** to forbid the voter registration application from containing a request to remove the voter's address. Motion passed.

Representative Hermes moved that **SB 127 as amended** be passed favorably from the committee. The motion was seconded by Representative Wilson. Motion carried.

The meeting was adjourned at 5:15 p.m. The next scheduled meeting will be March 14.