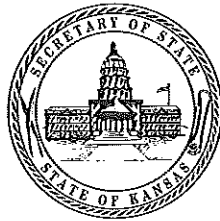


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STATE OF KANSAS

Senate Committee on Ethics, Elections and Local Government

Testimony on Senate Bill 211

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March 13, 2013

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 211. This bill deals with local and municipal elections currently held in the spring of odd-numbered years. The bill would:

- change local elections from nonpartisan to partisan
- move these elections from the spring of odd-numbered years to the fall of even-numbered years to coincide with national, state and county elections
- provide for a simpler ballot format by placing candidates' names on the ballot in alphabetical order rather than on a rotated basis

This bill affects the following jurisdictions: extension districts, cities, boards of public utilities, water districts, drainage districts, irrigation districts, unified school districts, and community colleges.

From a public policy perspective, we support legislation that will increase turnout. This bill will increase turnout for local elections. From an election administration perspective, we insist on an election process that can be successfully administered by our county election officers. We must reduce complexity, minimize costs, avoid voter confusion, and minimize the possibility of ballot distribution errors by poll workers. Two components of Senate Bill 211 are designed to do that—making all elections partisan and simplifying ballot rotation.

We have distributed a handout that gives an idea of the complexity that may result in one county if appropriate steps are not taken. A series of overlays indicates the divisions Butler County would see if local elections are simply added to the ballot that currently exists for even-year elections. Because most local jurisdictions do not follow precinct lines, many additional ballot styles are created, which leads to ballot printing and machine programming costs that are paid by the counties. This complexity can lead to voter confusion and errors in ballot distribution.

We propose another option for ballot rotation. Senate Bill 211 would replace the system of rotation of candidates' names on ballots with an alphabetical listing of names for all offices. We propose an alternative that would preserve the rotation system for statewide offices and provide

for a random alphabetical system for all district offices. Candidates' names would be rotated by county for statewide offices, whereas for district offices the Secretary of State would draw a letter from a hat each election year. The letter drawn would be the first letter in the ballot rotation scheme for that election year, and subsequent letters in the alphabet would follow in order.

We also have listed below some technical amendments to the bill that we recommend the committee consider.

Thank you for your consideration.

Proposed Ballot Rotation Method

We have provided on separate pages proposed language to amend KSA 25-212 and KSA 25-610. This would require removal of Sections 29, 41 and 52 from Senate Bill 211.

Proposed Technical Amendments to Senate Bill 211

- a. Section 5, Page 6, Lines 12-14—Delete the sentence referring to the April general election for extension districts.
- b. Section 15, Page 15, Line 28—Delete “clerk” and insert “election officer” to be consistent with Line 19 on Page 14.
- c. Section 17, Page 16, line 29—Insert “of November” after “Monday”
- d. Section 28, Page 26, Line 10—Delete “following the first Monday in”
- e. Section 31, Page 27, Line 37—Delete “25-209” and insert “25-105”

25-212. Arrangement of names on ballots; rotation. In case there are nomination petitions or declarations of intention to become a candidate on file for more than one candidate or for more than one pair of candidates for ~~governor and lieutenant governor, of the same party for any national or state office~~ the offices of president and vice president of the United States, United States senator, United States representative, and state offices elected on a statewide basis, the secretary of state shall divide the state or appropriate part thereof, into as many divisions as there are names to go on such party ballot for that office. Such divisions shall be as nearly equal in number of members of such party as is convenient without dividing any one county. In making such division the secretary of state shall take begin with the alphabetical list of counties ~~in regular order and shall rearrange the list of counties as needed~~ until the secretary of state gets the required proportion of party members of such party based upon the party affiliation lists as shown by the certificates of the respective county election officers, and so on through the list of counties until the secretary of state gets the proper proportion of party members in each division. The secretary of state shall also take the alphabetical list of candidates or pairs of candidates in regular order and in certifying to the county election officer the list of names for whom nomination petitions or declarations of intent to become a candidate have been filed, shall place one name or pair of candidates at the head of the list in the first division of counties, another in the second division, and so on with all the candidates for any particular office, so that every candidate or pair of candidates for any office shall be at the head of the list in one division of the state and second in another division thereof, and so forth. ~~When, in the case of candidates for the office of congressman, district judge, district magistrate judge, state senator, state representative or state board of education member, the secretary of state finds that the secretary of state cannot get a fair proportion of party members to give each candidate for congressman, district judge, district magistrate judge, state senator, state representative or state board of education member in any given district an equitable or fair opportunity to have the candidate's name first on the ballot in the respective counties of the district, the secretary of state shall order the county election officers in the various counties of the district to rotate the names of the candidates for such district offices according to precinct. If voting machines are used the arrangement of names of candidates or pair of candidates for all offices on the voting machines shall be rotated, as near as may be, according to precinct.~~

For all other state offices and for all county, township and municipal offices, the secretary of state shall establish an alphabetical order for candidates' names to appear on ballots in all counties. The secretary of state shall, on or before May 1 of any election year, draw one letter of the alphabet at random and candidates whose surnames begin with such letter shall have their names listed first on the ballots throughout their districts. The remaining candidates' names shall appear on the ballots in the order that the letters of the alphabet follow the letter drawn by the secretary of state. The drawing shall take place in a public meeting, and notice shall be given through press announcements and notices posted on the secretary of state's web site.

The arrangement of the names certified by the secretary of state shall govern the county election officer in arranging the primary election ballot, ~~and the county election officer in preparing the ballot for such officer's county shall follow the same arrangement as provided in this section for the secretary of state, for the candidates nominated for county offices, using the township and precincts of the county in making the division.~~

25-610. **Official general ballots for national and state offices; form; rotation of names of candidates; duties of secretary of state.** The secretary of state shall furnish to each county election officer forms for ballots in their respective counties. The secretary of state shall prepare a rotation of the different candidates appearing on the official general ballot for the ~~national and state offices for each such office~~ offices of president and vice president of the United States, United States senator, United States representative, and state offices elected on a statewide basis. Such rotation shall be developed and arranged so that each candidate shall have an equal opportunity as near as practicable for the respective offices to which they are nominated. In case there is more than one candidate for any ~~national or state~~ such office, the secretary of state shall divide the state or part thereof, into as many divisions as there are names to go on the ballot for each particular office. In making such division the secretary of state shall ~~divide, in regular order,~~ begin with the alphabetical list of counties and shall rearrange the list of counties as needed, dividing the counties into the required number of divisions, in such a manner that all divisions are as nearly equal as convenient in the number of registered voters in such division as compiled by the office of the secretary of state. The secretary of state, in certifying the list of names of candidates to the county election officers, shall assign, in regular order from the alphabetical list of candidates for each office, the ballot position for each candidate in such a manner that every candidate for any office shall occupy a different ballot position in each division. ~~When, in the case of candidates for national or state offices elected on less than a statewide basis, the secretary of state finds it impossible to make a division which allows each such candidate in any given district an equitable or fair opportunity to have such candidate's name first on the ballot in the respective counties of the district, the secretary of state shall order the county election officers in the various counties of the district to rotate the names of the candidates for such district offices according to precinct to obtain an equitable division. The names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms.~~

For all other state offices and for all county, township and municipal offices, the secretary of state shall establish an alphabetical order for candidates' names to appear on ballots in all counties. The secretary of state shall, on or before May 1 of any election year, draw one letter of the alphabet at random and candidates whose surnames begin with such letter shall have their names listed first on the ballots throughout their districts. The remaining candidates' names shall appear on the ballots in the order that the letters of the alphabet follow the letter drawn by the secretary of state. The drawing shall take place in a public meeting, and notice shall be given through press announcements and notices posted on the secretary of state's web site.

In the case of the governor and lieutenant governor running together, when the word "candidate" is used in this section, it shall mean pair of candidates.