

Approved: March 3, 2010

Date

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on February 15, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Delia Garcia- excused
Representative Mike Peterson- excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Tom Krebs, Governmental Relations Specialist, Kansas Association of School Boards
Kim Winn, Director of Policy Development & Communications, Kansas League of Municipalities
Brad Bryant, Deputy Assistant Secretary of State

Others attending:

See attached list.

Hearing on:

HB 2654 - Elections: Changing the date of April primary elections to August.

Staff Ken Wilke, Office of the Revisor of Statutes, explained the impact of change in **HB 2654**, saying that a fall election cycle would affect several entities, including school board elections, city commissioner elections, community colleges, library boards, and water district board members. Included in the bill are regulations and qualifications for voters, which are determined by the county clerk (Attachment 1).

Chairman Huebert noted written testimony submitted by Representative Aaron Jack, District 99, as a proponent of **HB 2654** (Attachment 2). Chairman Huebert further commented on a fiscal note from the Kansas Division of the Budget, stating that no costs or savings associated with the bill can be estimated. (Attachment 3).

Tom Krebs, Governmental Relations Specialist, Kansas Association of School Boards, spoke in opposition to **HB 2654** (Attachment 4). He said that local elections are usually focused on school board and city elections and are much narrower in scope than state and national issues. Mr. Krebs said that including these in the November election cycle could limit the number of potential candidates and pressure them to be more partisan.

Kim Winn, Director of Policy Development & Communications, Kansas League of Municipalities, spoke in opposition to **HB 2654** (Attachment 5). She reported that because city elections are non-partisan in nature, moving those to coincide with other partisan primaries and general elections could be confusing to the public. In addition, information on local candidates would tend to be diminished.

Brad Bryant, Deputy Assistant Secretary of State, provided neutral comments on **HB 2654** by submitting written testimony (Attachment 6).

The hearing on **HB 2654** was closed.

Hearing on:

HCR 5006 - State constitutional amendment; reapportionment; adjustments to population.

HCR 5029 - State constitutional amendment; reapportionment; adjustments to population.

Staff Ken Wilke explained that the difference in these two bills: **HCR 5006** completely eliminates the adjustment of federal census figures for students' residence and military personnel's residence; **HCR 5029**

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CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on February 15, 2010, in Room 144-S of the Capitol.

retains the students' location of residence and requires the removal of adjustment for military personnel. Brad Bryant, Deputy Assistant Secretary of State, commenting on both **HCR 5006** and **HCR 5029**, said that the office of the Secretary of State supports both bills, but tacitly agrees more with the position held in **HCR 5006** (Attachments 7 and 8). This constitutional amendment would end the practice of adjusting federal census data to count military personnel and college students at their places of permanent residence. Mr. Bryant noted that federal census records are sealed for a period of seventy-five years.

Mr. Bryant indicated that the proposed resolutions of 1997, 1999, and 2003 to amend the Constitution did not receive the necessary two-thirds vote in either house of the Legislature. He noted the Senate passed the resolutions in 2003. He recommended both resolutions favorable for passage to bring Kansas more in line with all other states that do not adjust the federal census figures.

The hearing on **HCR 5006** and **HCR 5029** was closed.

The meeting was adjourned at 4:40 p.m.

The next meeting is scheduled for February 24, 2010.

HOUSE BILL No. 2654

By Committee on Elections

2-4

9 AN ACT concerning elections; relating to changing the date of primary
 10 [elections from April to August; amending K.S.A. 12-1004, 12-1005a,
 11 12-1005b, 12-1005c, 12-1036d, 12-1037, 14-1204, 19-3507, 24-412, 25-
 12 2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2109,
 13 25-2120, 25-2311, 25-2502, 25-3503, 25-3901, 71-1413 and 71-1414
 14 and K.S.A. 2009 Supp. 14-201, 25-1122 and 25-2108a and repealing
 15 the existing sections.

16
 17 *Be it enacted by the Legislature of the State of Kansas:*
 18 Section 1. K.S.A. 12-1004 is hereby amended to read as follows: 12-
 19 1004. (a) (1) *Except as provided in subsections (b) and (c),* in all cities of
 20 the first class with a population of 18,000 or less now governed by the
 21 city-manager act, where commissioners for such cities have heretofore
 22 been selected according to existing law, the city commissioners shall be
 23 selected hereafter at regular city elections as follows, ~~to wit:~~ Two com-
 24 missioners shall be elected to hold office until the next regular city elec-
 25 tion in 1925; one commissioner shall be elected to hold office until the
 26 regular election in 1927; all of which commissioners shall be elected at
 27 the next regular city election in 1923, the person receiving the largest
 28 number of votes at said election shall thereby be elected to the four-year
 29 term of office last above mentioned.
 30 (2) *Except as provided in subsections (b) and (c),* all commissioners
 31 elected as provided herein shall hold office until the dates above desig-
 32 nated or until their successors shall have been elected and qualified. At
 33 the regular election in 1925 one commissioner shall be elected to a two-
 34 year term of office and one commissioner shall be elected for a four-year
 35 term of office, or until their successors shall have been elected and qual-
 36 ified, the person receiving the largest number of votes at such regular city
 37 election to be thereby elected to the four-year term of office. Thereafter,
 38 at each ensuing regular city election there shall be elected one city com-
 39 missioner for a two-year term of office and one city commissioner for a
 40 four-year term of office, or until their successors shall have been respec-
 41 tively elected and qualified. At each regular city election as last above
 42 provided the person receiving the largest number of votes shall thereby
 43 be elected to the four-year term of office as city commissioner.

and general election from the spring of odd numbered years to the fall in even numbered years

2-623,

12-1238,

25-1115,

19-3505, 24-459, 24-506,

As. Elections
2-15-10 Attached

1 the manner as provided for the selection of commissioners in the year
2 1925, and for the further election of city commissioners at the second
3 regular city election after the adoption of said city-manager plan in the
4 same manner as provided for year 1927, and also at the regular city elec-
5 tions thereafter, as provided in K.S.A. 12-1005a.

6 (b) On and after July 1, 2010, cities of the second class in excess of
7 [eight thousand] population, hereafter adopting the city-manager plan of
8 government, shall select commissioners at the first regular city election
9 after the adoption of said city-manager plan in the manner as provided
10 for the selection of commissioners and for the further election of city com-
11 missioners at the second regular city election after the adoption of said
12 city-manager plan and also at the regular city elections thereafter as pro-
13 vided in K.S.A. 12-1005a, and amendments thereto.

14 (c) Commissioners elected in 2007 shall hold office until successors
15 are elected and qualified in 2010. Commissioners elected in 2009 shall
16 hold office until successors are elected and qualified in 2012.

17 Sec. 4. K.S.A. 12-1005c is hereby amended to read as follows: 12-
18 1005c. (a) Except as provided in subsections (b) and (c), in cities having
19 a population of ~~eight thousand (8,000)~~ 8,000 or less at the time such cities
20 adopt the city-manager plan the terms of office of the commissioners first
21 elected shall be two years. Commissioners elected in April, 1968, shall
22 have terms expiring in 1971. Commissioners elected in April, 1967, shall
23 have terms expiring in 1971.

24 (b) (1) On and after July 1, 2010, in all cities of the second class
25 having a population in excess of 8,000 now governed by the city-manager
26 act, where commissioners for such cities have heretofore been selected
27 according to existing law, the city commissioners shall be selected here-
28 after at regular city elections as follows: Two commissioners shall be
29 elected to hold office until the next regular city election in 2012, one
30 commissioner shall be elected to hold office until the regular election in
31 2014, all of which commissioners shall be elected at the next regular city
32 election in 2016, the person receiving the largest number of votes at said
33 election shall thereby be elected to the four-year term of office last above
34 mentioned.

35 (2) All commissioners elected as provided herein shall hold office until
36 the dates above designated or until their successors shall have been elected
37 and qualified. At the regular election in 2010 one commissioner shall be
38 elected for a two-year term of office and one commissioner shall be elected
39 for a four-year term of office, or until their successors shall have been
40 elected and qualified, the person receiving the largest number of votes at
41 such regular city election to be thereby elected to the four-year term of
42 office. Thereafter, at each ensuing regular city election there shall be
43 elected one city commissioner for a two-year term of office and one city

1 shall be made in the manner provided by K.S.A. 10-120, and amendments
2 thereto. The notice shall state (1) the name of the school district, (2) the
3 date of the election, (3) the amount of bonds to be issued, if a bond
4 election, (4) the proposition to be voted upon, (5) the hours of opening
5 and closing of the polls, (6) the voting place or places and the area each
6 voting place is to serve, and (7) any other information specifically required
7 by law. Description of areas shall be in the terms determined by the
8 county election officer.

9 Sec. 17. K.S.A. 25-2023 is hereby amended to read as follows: 25-
10 2023. (a) *Except as provided in subsection (b)*, each board member shall
11 qualify by filing an oath of office with the election officer not later than
12 ~~ten (10)~~ 10 days following the date of the election, or not later than five
13 ~~(5)~~ days after issuance of such member's certificate of election, whichever
14 is the later date. Each board member shall take office on the July 1
15 following the general school election. Each member elected to a board
16 of education shall hold office until a successor is elected or appointed and
17 qualified and shall serve for a term of four ~~(4)~~ years.

18 (b) *Board members elected in 2007 shall hold office until successors*
19 *are elected and qualified in 2010. Board members elected in 2009 shall*
20 *hold office until successors are elected and qualified in 2012.*

21 Sec. 18. K.S.A. 25-2102 is hereby amended to read as follows: 25-
22 2102. (a) "General election" means the election held on the Tuesday
23 succeeding the first Monday in November of even-numbered years, ~~the~~
24 ~~elections held for officers on the first Tuesday in April~~, and in the case
25 of special elections of any officers to fill vacancies, the election at which
26 any such officer is finally elected.

27 (b) "Primary election" means the election held on the first Tuesday
28 in August of even-numbered years, ~~the election held five weeks preceding~~
29 ~~the election on the first Tuesday in April~~, and any other preliminary elec-
30 tion at which part of the candidates for special election to any national,
31 state, county, city or school office are eliminated by the process of the
32 election but at which no officer is finally elected.

33 Sec. 19. K.S.A. 25-2107 is hereby amended to read as follows: 25-
34 2107. *On and after July 1, 2010*, the general election of city officers shall
35 be held on the first Tuesday in ~~April~~ *November of an even-numbered*
36 *year*. Except as otherwise provided by law or as provided by charter or-
37 *dinance* passed after April 30, 1968, pursuant to article 12, section 5, of
38 the constitution of Kansas, *on and after July 1, 2010*, every city shall have
39 an election of city officers in ~~odd-numbered~~ *even-numbered* years only,
40 and the terms of city officers shall be two ~~(2)~~ years. ~~Provided, however,~~
41 ~~That~~ *The provisions of this section shall not invalidate, repeal or other-*
42 *wise affect any charter ordinance of any city of the third class having a*
43 *population of not less than one thousand five hundred (1,500) 1,500 nor*

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1 (d) In the event that any vacancy occurs to which this act applies, on
2 or after the date of any general election of state officers and before the
3 term of office in which the vacancy has occurred expires, votes cast for
4 the office of congressman in the district in which such vacancy occurs
5 shall be deemed to have been cast to fill such vacancy for the unexpired
6 term, as well as for election for the next regular term. The governor's
7 approval of this act shall be deemed to proclaim that every regular elec-
8 tion of a representative to the United States congress shall be an election
9 for the unexpired term if any should occur, as well as election for the next
10 regular term. In cases to which subsection (c) of this section or this sub-
11 section applies, the person elected for the next regular term shall be
12 deemed to have been elected for the balance of the unexpired term also.

13 [Sec. 26. K.S.A. 25-3901 is hereby amended to read as follows: 25-
14 3901. As used in this act, unless the context otherwise requires, the words
15 and terms defined in article 25 of chapter 25 of Kansas Statutes Annotated
16 shall have the meaning therein ascribed thereto, to the extent that the
17 same are not in conflict with the following:

18 (a) "District office" means the office of district judge, district mag-
19 istrate judge, county commissioner, state representative, state senator,
20 district attorney or county attorney.

21 (b) "Party" means a political party having a state and national organ-
22 ization and of which the officer or candidate whose position has become
23 vacant was a member.

24 (c) "Party candidacy" means a candidate of a political party for a party
25 nomination at a primary election or the party candidate at a general elec-
26 tion.

27 (d) "General election" means the election held on the Tuesday suc-
28 ceeding the first Monday in November in even-numbered years.

29 (e) "Primary election" means the election held on the first Tuesday
30 in August in even-numbered years.

31 (f) "County chairman" or "county chairperson" means the chairper-
32 son of the county central committee, provided to be elected under K.S.A.
33 25-3802 and amendments thereto, of the political party of which the of-
34 ficer or candidate whose position has become vacant was a member.]

35 Sec. 27. K.S.A. 71-1413 is hereby amended to read as follows: 71-
36 1413. (a) *Except as provided in subsection (b)*, elections of trustees of
37 community colleges shall be conducted by the county election officer of
38 the county in which the main campus of the college is located. In any
39 college district having territory in more than one county, the county elec-
40 tion officers of all such counties shall cooperate with the county election
41 officer of the county in which the main campus is located, and upon
42 establishing any new community college or adding territory to any of the
43 community college districts, the state board, in accordance with this sec-

1 a candidate for trustee by filing with the election officer a declaration of
2 intent to be such a candidate, and payment therewith of a filing fee in
3 the amount of \$5.

4 (c) Except as provided in subsection (d), every petition or declaration
5 of intent filed under this section must be filed on or before ~~12 o'clock~~ 12
6 noon on the Tuesday which precedes by 10 weeks the first Tuesday in
7 April of any odd-numbered year. No such petition or declaration shall be
8 filed sooner than the second Tuesday of the December which next pre-
9 ceedes the community college election.

10 (d) On and after July 1, 2010, every petition or declaration of intent
11 filed under this section must be filed on or before 12 noon on the Tuesday
12 which precedes by 10 weeks the first Tuesday in August of any even-
13 numbered year. No such petition or declaration shall be filed sooner than
14 the second Tuesday of the December which next precedes the community
15 college election.

16 Sec. 29. K.S.A. 12-1004, 12-1005a, 12-1005b, 12-1005c, 12-1036d,
17 12-1037, 14-1204, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010,
18 25-2018, 25-2023, 25-2102, 25-2107, 25-2109, 25-2120, 25-2311, 25-
19 2502, 25-3503, 25-3901, 71-1413 and 71-1414 and K.S.A. 2009 Supp. 14-
20 201, 25-1122 and 25-2108a are hereby repealed.

21 Sec. 30. This act shall take effect and be in force from and after its
22 publication in the statute book.

2-623

12-1238

19-3505, 24-459, 24-506,

Sec. . K.S.A. 2-623 is hereby amended to read as follows: 2-623. (a) Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all of the counties of such councils by entering into an agreement in accordance with this section to combine the extension programs for each county involved into one extension program serving the extension district. No such agreement shall be effective unless such agreement has received the prior approval of (1) the board of county commissioners of each county included in the proposed extension district, subject to the provisions of subsection (i); (2) the executive board of the extension council of each county included in the proposed extension district and the director of extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).

(b) Prior to July 1 of any year, one or more county extension councils and the governing body of any existing extension district may establish a new extension district by entering into an agreement in accordance with this section to combine the extension programs for each such county and such district into one extension program serving a new extension district composed of all counties represented by such county extension councils and the area served by the existing extension district. No such agreement shall be effective unless such agreement has received the prior approval of (1) the board of county commissioners of each county being added to the existing extension district, subject to the provisions of subsection (i); (2) the executive board of the county extension council of each county being added to the existing extension district, the governing body of the existing extension district and the director of

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extension of Kansas state university of agriculture and applied science, or the director's authorized representative, acting together as a body; and (3) the attorney general in accordance with subsection (h).

(c) On July 1 after the approval under subsection (a) or (b) of an agreement to establish an extension district, such extension district is hereby established and shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes under the name of "extension district no. _____ (the number designated by the director of extension), _____ counties (naming the counties included within the district), state of Kansas." Each extension district is a taxing subdivision and has the power to contract, sue and be sued and to acquire, hold and convey real and personal property in accordance with law.

(d) Upon the establishment of an extension district under subsection (a) or (b), all of the personnel and property of each of the extension programs which are combined into the new district extension programs shall be transferred to the new extension district and shall be subject to the authority of the governing body of the extension district in accordance with the agreement to establish the extension district.

(e) Upon the establishment of an extension district under subsection (a), the board of county commissioners of each county joining in the establishing of an extension district shall appoint four qualified electors to membership on the governing body of the district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the first

odd-numbered year] following their appointment and two members shall serve for terms ending upon the election and qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year] following their appointment.

August of the first even numbered year

August of the second even numbered year

(f) In the case of one or more counties being included in an existing extension district under subsection (b), the board of county commissioners of each county being included in an existing extension district shall appoint four qualified electors of the county to membership on the governing body of the expanded district. The terms of all members so appointed shall commence on July 1 following their appointment. Of the members so appointed two members shall serve for terms ending upon the election and

qualification of their successors at an election held on the first Tuesday in April of the first odd-numbered year] following their appointment and two members shall serve for terms ending upon the election and

August of the first even numbered year

qualification of their successors at an election held on the first Tuesday in April of the second odd-numbered year] following their appointment. The offices of the members of the governing body of the existing extension district shall continue in existence and the persons in such offices shall be members of the governing body of the expanded extension district which is established on July 1 for the remainder of their existing terms of office.

August of the second even numbered year

(g) In addition to other required provisions, each agreement entered into under this section shall specify the permissible method or methods to be employed in disposing of the assets and liabilities of the extension district in the event that one or more counties withdraw from the extension district under K.S.A. 2-628 and amendments thereto.

(h) Each agreement entered into under this section or under K.S.A. 2-628 and

amendments thereto, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with this act and the other laws of Kansas. The attorney general shall approve any agreement submitted for approval under this section or K.S.A. 2-628 and amendments thereto unless the attorney general finds that the submitted agreement does not meet the requirements of this act. In such case, the attorney general shall specify in writing to the proposed parties to the agreement and to each other entity required to approve the agreement, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure by the attorney general to disapprove an agreement submitted pursuant to this subsection within 90 days of its submission shall constitute approval of the agreement by the attorney general.

(i) Prior to approving an agreement under this section, the board of county commissioners of each county to be included in a proposed extension district under subsection (a) or to be added to an existing extension district under subsection (b), as the case may be, shall adopt a resolution stating the intention of the board of county commissioners to approve such agreement and specifying the counties that are to be included in the extension district. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within 60 days following the last publication of the resolution, a petition in opposition to the approval of the agreement and the inclusion of the county in the extension district is signed by not less than 5% of the qualified electors of the county and is filed with the county election officer, such board of county commissioners shall not approve such agreement and the county shall not be

included in the extension district unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a primary election or general election or at a special election called and held for such purpose. Any such special election shall be called, noticed and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto.

Sec. . . K.S.A. 12-1238 is hereby amended to read as follows: 12-1238. Upon the establishment of such library district the county clerk of the county within which such library district is located, shall cause a publication notice to be published once each week for two consecutive weeks in a newspaper of general circulation in said library district, stating that a meeting of the qualified voters of said library district will be held at the time and place fixed in said notice, for the purpose of electing seven [(7)] directors to act as the governing body of said library district. The last publication of such notice shall be made not more than seven [(7)] days prior to the date fixed for the holding of said meeting. The costs of such publication shall be paid by the city of the third class located within said library district from the general funds of said city, or, from the library funds of said city. At the time and place fixed for the holding of said meeting the county clerk shall call such meeting to order and the electors of such district shall proceed to elect a chairman and a secretary for said meeting. Thereupon, the qualified voters shall proceed to elect, by ballot, seven [(7)] directors for said library district, one for a term expiring the first Tuesday in [April] of the year following the date of such election; two [(2)] for a term expiring the first Tuesday in [April] of the second year following the date of such election; two [(2)] for a term expiring the first Tuesday in [April] of the third year following the date of such election; and two [(2)] for a term expiring the first Tuesday in [April] of the fourth year following the date of such election. Upon the expiration of the terms of the first board of directors, their successors shall be elected in the manner provided for electing members of library boards.

August
August
August
August

Sec. . K.S.A. 19-3505 is hereby amended to read as follows: 19-3505. (a) Except as otherwise provided by this section, the governing body of any water district to which this section applies shall be a five-member board holding positions numbered one to five, inclusive. Each member shall be elected and shall hold office from May 1 following such member's election until April 30, four years thereafter and until a successor is elected and has qualified.

The first election of members of the governing body of any water district created after the effective date of this act shall be held on the first Tuesday in August of any even-numbered year, at which time members shall be elected for terms beginning on September 1 of the same year, and ending on April 30 of the third year following the beginning of such term, to positions numbered three, four and five. At such first election, members shall be elected for terms ending on April 30 of the first year following the beginning of such terms, to positions numbered one and two. Members first elected to positions one and two shall have terms of approximately eight months. Elections shall be thereafter held on the first Tuesday in [April of each odd-numbered year] for the member positions whose terms expire in that year.

August of each even-numbered year

(b) From and after April 30, 1991, the governing body of the water district shall be composed of seven members. At the election held in 1991, positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the election in 1993, positions numbered 3, 4 and 5 shall be elected to four-year terms.

(c) Elections shall be held on the first Tuesday in [April of each odd-numbered year] for the positions which terms expire in that year. Members shall hold office from May 1, following such member's election until April 30, four years thereafter and until a successor is elected and qualified. All

August of each even-numbered year

elections shall be nonpartisan and shall be called and conducted by the county election officer. Laws applying to other local elections occurring at the same time and in the same locality shall apply to elections under this act to the extent that the same can be made to apply.

(d) Following each election the board shall organize and not later than the second regular meeting following each election shall select from among its members a chairperson and a vice-chairperson. The vice-chairperson shall preside over any meetings at which the chairperson is not present. Vacancies occurring during a term shall be filled for the unexpired term by appointment by the remaining members. All members shall take an oath of office as prescribed for other public officials. The members of the board shall be qualified electors in the water district. Prior to accepting office, the water district shall obtain for each member-elect a corporate surety bond to the state of Kansas in the amount of \$10,000, conditioned upon the faithful performance of the member's duties and for the true and faithful accounting of all money that may come into the member's hands by virtue of the office. Such bonds shall be filed in the office of the county clerk for the county in which the major portion of such water district is located after approval by the board of county commissioners of such county.

(e) Each member of the board shall receive a monthly salary in an amount determined by the board and shall be reimbursed for all necessary and reasonable expenses incurred in performing official assigned duties.

Sec. . . K.S.A. 2009 Supp. 24-459 is hereby amended to read as follows: 24-459.

(a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-458 shall consist of three qualified persons as defined in paragraph (3) of subsection (e) of this section.

(b) The directors for the first term after the incorporation of the drainage district shall be selected and designated in the petition for the incorporation of the district and shall be declared directors by the county commissioners to which the petition is presented.

(c) The directors shall hold office until the first Tuesday in April, next after the incorporation of the district, at which time and every four years thereafter directors shall be elected and shall hold their office for the term of four years and until their successors are elected and qualified.

August of an even-numbered year

(d) Every qualified person of the district shall be entitled to vote at the election or at any election which may be held in the district.

(e) For the purposes of this section:

(1) "Owner" or "person who owns land" means any person or entity who is the record owner of the fee in any real estate in the district or the fee in the surface rights of any real estate in the district, but the owners of an oil and gas lease, mineral rights or interest, easements or mortgages as such shall not be considered owners, and school districts, cemetery associations, and municipal corporations shall not be considered owners.

(2) "Taxpayer" means any owner who has paid all taxes currently due on such real estate.

(3) "Qualified person" means any taxpayer 18 years of age or older, whether a resident of the district or not. A taxpayer who is a qualified person and who is not an

individual may designate an individual to cast its vote or to serve as a director of the district.

(f) The county clerk shall determine the qualified persons entitled to vote at any election in the district. Any entity desiring to vote at an election shall register the name of its designated representative with the county election officer no later than 14 days in advance of any such election.

Sec. . . K.S.A. 2009 Supp. 24-506 is hereby amended to read as follows: 24-506.

(a) The board of directors of any drainage district incorporated pursuant to K.S.A. 24-501 et seq., and amendments thereto, shall consist of one person from each county in the district if the number of counties is odd, but if the number of counties is even, then there shall be an additional director at large. If the drainage district is located wholly within one county, the number of directors shall be three. Except as provided in subsection (b), the directors shall be freeholders who shall be residents of Kansas, whose lands in whole or in part are located within the district. The directors shall hold their offices for a term of four years and until their successors are elected and qualified. Elections to choose directors, except the first, shall be held on the first Tuesday in ~~April~~ and every four years thereafter.

August of an even-numbered year

(b) If there are no residents in the drainage district, any owner of land within the district shall be a qualified voter and shall be qualified to hold the office of director.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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AARON JACK
99TH DISTRICT

February 15, 2010

House Committee on Elections

The Honorable Steve Huebert, Chairman
The Honorable Scott Schwab, Vice-Chairman
The Honorable Melany Barnes, Ranking Minority Member

Re: HB 2654

Dear Representative Huebert,

Kansas is experiencing challenges in both our economy and our state budget which we have not seen since the members of our "greatest generation" were mere children. Therefore, it is paramount that we look at everything we do as a state government to make sure we are streamlining all actions between state, county and local governments.

One area where we might find cost savings is by making any elections be scheduled in either August or November to coincide with our state and federal elections.

There could be several direct benefits to such a proposed change:

- a) State and local governments could save money by not requiring polls to be open as often or on as many dates during the year.
- b) Voter turnout would be increased for these elections. Many of these critical elections are often decided by only a few votes and an extremely small percentage of the electorate participate in the election.

Respectfully,

A handwritten signature in cursive script that reads "Aaron Jack".

Aaron Jack
Representative – 99th District
Kansas House of Representatives

HS-Elections
2-15-10 Attachment #2

February 15, 2010

The Honorable Steve Huebert, Chairperson
House Committee on Elections
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Huebert:

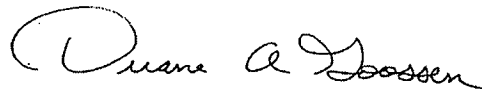
SUBJECT: Fiscal Note for HB 2654 by House Committee on Elections

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2654 is respectfully submitted to your committee.

HB 2654 would move city elections and local elections for water districts, school districts, and community colleges that are currently held in the spring of odd-numbered years to the fall of even-numbered years to coincide with the August primary and November general elections.

The Kansas Association of Counties indicates that HB 2654 would increase costs in the even-numbered years for programming, paper ballots, and publications, but the elimination of spring elections would create a net savings. However, the costs and savings associated with the bill cannot be estimated.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Larry Baer, League of KS Municipalities
Carol Williams, Governmental Ethics
Christy Myers, Secretary of State's Office
Melissa Wangemann, KS Association of Counties

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony before the
House Elections Committee
on
HB 2654

by
Tom Krebs, Governmental Relations Specialist
Kansas Association of School Boards

February 15, 2010

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify on **HB 2654**. We stand as an opponent of the bill.

KASB policy specifically supports current law. "KASB supports electing school board member in April of odd-numbered years and inducting them on July 1. KASB supports non-partisan school board elections with primaries held when more than twice the number of candidates file for the same seat or seats to be filled."

When this bill was introduced, two factors were cited — costs would be reduced and awareness would be raised. As in other current discussions, lowering costs in and of itself has allure, but the real issue is, "Is it more effective?" KASB believes districts will be better governed by those elected out of the hottest of spotlights with campaigns that address what really needs to be done for a community's children in light of a community's values.

A number of years ago I was able to take part in a KASB Delegate Assembly which addressed this issue. Local elections tend, for the most part, to deal with issues that are more specific to a region and a population demographic. The issues around school board and city elections are much narrower and could easily be drowned out by issues that have state, national and international implications. It's also important to note school board members are volunteers and serve with no pay. Having them run in elections where the other positions are not only paying ones but have the potential of being a day-to-day job does them a disservice. Do school board members, in a big district particularly, have to be political savvy? Probably. But when the day is done, they are inevitably a volunteer serving to help children, not somebody looking to feather their nest or jump start a political career. Leaving the elections in April reinforces that notion.

As-Elections
2-15-10 Attachment # 4

And by including them in the November elections, an element of partisanship will likely be introduced that will definitely muddy the water. Education is the most local of all issues. Parties, by definition, divide people rather than unite. Clearly, candidates bring different ideas and potential solutions to a school board race, but partisanship will tend to force them to couch those ideas and solutions in terms of party principles, or even worse, litmus tests. There's nothing to be gained, and a lot to lose, if two folks running for a board seat have to talk with their neighbors using colors or mascots as their credentials as compared to care and common sense.

Thank you for your consideration.



OF KANSAS MUNICIPALITIES



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300 SW 8TH AVENUE, STE. 100
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WWW.LKM.ORG

To: House Elections Committee
From: Kim Winn, Director of Policy Development & Communications
Date: February 15, 2010
Re: Opposition to HB 2654

Thank you for the opportunity to offer comments on behalf of the League of Kansas Municipalities and our member cities. We do not support the provisions of HB 2654 and we offer the following key concerns:

- **City Elections are Non-Partisan.** City elections in Kansas are non-partisan in nature. Moving city elections to coincide with other partisan primaries and general elections would be inappropriate and confusing for the public.
- **Coverage of City Elections.** City officials have expressed great concern about the lack of coverage for city elections should they be moved to August and November. Local candidates and elections would be lost in the myriad of statewide and federal elections that are conducted at the same time.

While tying local elections to the state and federal elections may increase the total number of individuals who vote in city elections, it would likely diminish the information available about city elections and candidates.

For these reasons, we respectfully request that you do not recommend HB 2654 favorably for passage. I would be happy to stand for questions at the appropriate time.

Hs. Elections
2-15-10 Attachment #5

RON THORNBURGH
Secretary of State



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

STATE OF KANSAS
House Committee on Elections

Testimony on House Bill 2654

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 15, 2010

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2654. The Secretary of State is neutral on the policy question raised in this bill, but we wish to provide information for the committee's consideration. The bill would move certain elections currently held in the spring of odd-numbered years to coincide with the August primary and November general elections held in even-numbered years.

Please consider the following points.

Scope of HB 2654

1. If the intent of HB 2654 is to move *all* spring elections currently held in odd-numbered years into the even-numbered years, we suggest the committee consider the following jurisdictions in addition to those already included in the bill:

Drainage districts	K.S.A. 24-412
Extension councils	K.S.A. 2-624
Irrigation districts	K.S.A. 42-706

Filing Deadlines and Primaries

2. If the intent of the bill is to have a single candidate filing deadline and a single primary election date prior to the November general election, certain sections of the bill need to be amended. We suggest that it would be more efficient and less confusing to have the candidate filing deadline for all elections at noon on June 10 (or the next business day if June 10 falls on a weekend). Also, we suggest all primaries be held on the first Tuesday in August except for jurisdictions which do not have primaries.

3. This bill sets school board and city candidate filing deadlines 10 weeks before the November general election, which is after the August primary. (Sec. 14 and 21)

HS Elections
2-15-10 Attachment 6

4. The community college primary is 5 weeks before the regular August primary. This would mean the community college primary would be in late June with the regular primary in early August. Is the intent to have the primary in August, the same as the others? (Sec. 27)
The community college filing deadline is 10 weeks before the August primary, which is in May. Is the intent to have the filing deadline coincide with other offices in June?

5. Section 7 of this bill sets the date of the general election for city officers on the first Tuesday in August, which coincides with the current partisan primary election. Section 20 sets the *primary* for city offices in August. Also, Section 21 sets the candidate filing deadline for city offices on the Tuesday 10 weeks before the November general election, which would be after August. We raise these points so the committee can consider what the intent of the legislation is.

6. If the date of the general election is intended to coincide with the other elections in current law, the date of the general election should be the Tuesday *after the first Monday* in November, not the first Tuesday in November. (Sec. 9, 10, 14, 21, 23, 27)
If not corrected, this will create a double general election in 2016, when the first Tuesday in November is the first day of the month.

Expenses

7. While local jurisdictions will save money by not conducting spring elections in odd-numbered years, certain aspects of the even-year elections will be more expensive because ballot preparation by county election officers will be more complicated.

- There will be more ballot styles. For instance, unified school districts and the member districts within them do not follow traditional precinct lines.

- In the August primary there will need to be a separate nonpartisan ballot for Libertarians, Reform Party members and unaffiliated voters.

8. Local units of government often conduct special question submitted elections in conjunction with regularly scheduled elections to save money. This bill would reduce by half their options for regularly scheduled elections.

Other Consequences

9. There are instances where one individual holds both a local and a state office. That practice would be precluded in many cases by this legislation because K.S.A. 25-613 prohibits any candidate's name from appearing on the ballot more than once.

10. The ballot in the fall elections will be very long in many jurisdictions. Voters may experience what is sometimes called ballot fatigue.

11. This bill will result in many nonpartisan primaries and general elections being conducted at the same time as partisan elections. This can lead to voter confusion. Current law requires judicial retention elections, which are nonpartisan, to be conducted at the same time as the November general election. This bill would add more nonpartisan elections to both the August primary and the November general elections.

12. Section 26 does not appear to have any amendatory language.

13. One positive outcome of this legislation is that the turnout in local elections, traditionally held in the spring of odd-numbered years, will be much higher.

14. The effective date of July 1, 2010 for elections in 2010 is after the June filing deadline and one month before the primary. We suggest making the bill effective upon publication in the *Kansas Register* if it is intended to have effect in the 2010 elections. Another alternative is to make the bill effective in the 2012 elections.

If the committee considers this bill for passage, we recommend consideration of some amendments to allow for easier administration of the elections. We offer our assistance if needed. Thank you for your consideration.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
House Committee on Elections

Testimony on House Concurrent Resolution 5006

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 15, 2010

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of HCR 5006. This resolution would create a statewide vote in the general election to be held in November this year on a constitutional amendment to end the practice of adjusting federal census data to count military personnel and college students at their places of permanent residence.

Since 1988, the Kansas Constitution has required that the decennial federal census population figures be adjusted to count college students and military personnel at their permanent residences for purposes of redistricting the Kansas House of Representatives, Kansas Senate and State Board of Education. Nonresidents are excluded from the Kansas population totals. This policy does not affect redistricting of U.S. House of Representatives seats.

K.S.A. 11-304 assigns to the Secretary of State the task of making the adjustments to the federal census figures. This requires our office to conduct a mini census of students and military personnel and to perform a recalculation of the data. The adjusted figures are then reported to the Legislature for use in its redistricting process in the legislative session occurring in the second year of the decade. We have performed the adjustment in 1990 and 2000, and we are now in the middle of the 2010 adjustment process.

The Secretary of State proposed resolutions in 1997, 1999 and 2003 to amend the Constitution to abolish the adjustment process, both military and students. None of these resolutions received the necessary two-thirds vote of both houses of the Legislature. We support HCR 5006 in its attempt to accomplish this important policy change.

If this resolution is adopted and the voters approve the constitutional amendment in November, it will be too late to prevent the office of the Secretary of State from spending the time and resources to collect and process the information used in the adjustment, but it will be soon enough to allow the Legislature to redraw district lines using unadjusted federal census data.

Hs. Elections
2-15-10 Attachment #7

Here are our reasons for supporting this resolution:

1. Kansas is the only state that adjusts the federal census figures. We are thus not in line with other states.
2. The adjustment is an inconsistent policy. It does not apply to congressional redistricting or to distribution of funds, government planning or other purposes that are based on census data.
3. The results of the 1990 and 2000 adjustments indicate that the adjustment has very little statistical effect and very little impact on the apportionment of legislative power. For instance, the 2000 adjustment resulted in less than one House district's worth of difference spread over the entire state.
4. The policy is ineffectual and inherently flawed.
 - a. Military bases are federal agencies, and the state cannot compel federal agencies to comply with its constitutional and statutory directives.
 - b. Some people are not represented in any state legislature as a result of the adjustment. For instance, if a person in Kansas informs us that their permanent residence is in another state, we subtract them from Kansas' totals. They are not added back into the other state's population, so they are not counted anywhere for representation purposes.
 - c. We do not have access to federal census records. We conduct our mini census on the assumption that we encounter the respondents at the same place as did the U.S. Bureau of the Census.
 - d. Respondents do not always complete their Kansas adjustment questionnaires the same as they complete their federal questionnaires. The result is that the adjustment may produce negative population totals in some census blocks or a negative total for one minority group. In the redistricting process, a legislative district's population can actually be reduced by adding territory.
5. This is not a good use of public funds. The statistical insignificance of the results does not warrant this expenditure.

The 1990 census adjustment project cost more than \$300,000, and the 2000 adjustment cost more than \$438,000. Two years ago, in preparation for the 2010 adjustment, we projected a budget of more than \$600,000 spread over three fiscal years. In today's budget climate, we have little reason to expect a legislative appropriation to cover the cost of the project. We have a memorandum of understanding with the Legislature for payment of up to \$75,000 for a vendor's services for the actual data recalculation, but we are absorbing the rest of the project costs with current resources.

We have attached maps displaying the net effect of the 1990 and 2000 adjustment projects.

We support HCR 5006 because it would abolish an expensive and unnecessary recalculation of census figures and would bring Kansas redistricting policy more in line with other states. We encourage the committee to recommend this resolution favorably for passage.

Thank you for your consideration.

2000 Census Adjustment

(Census +/- Net Adj. = Adjusted)

3165 + 63 3228 <small>Cherokee</small>	2966 + 74 3040 <small>Rosales</small>	3472 + 55 3527 <small>Decatur</small>	5953 +101 6054 <small>Horton</small>	6001 + 87 6088 <small>Phillips</small>	4536 +118 4654 <small>Smith</small>	3791 + 78 3869 <small>Jewell</small>	5835 +145 5980 <small>Republic</small>	6483 +177 6660 <small>Washington</small>	10965 + 234 11199 <small>Marshall</small>	10717 + 307 11024 <small>Neosho</small>	10734 + 177 10901 <small>Brown</small>	8249 189 8060 <small>Wagonwheel</small>	
6760 + 26 6786 <small>Silverman</small>	8100 283 7817 <small>Thomas</small>	2813 + 75 2888 <small>Sheridan</small>	2946 + 71 3017 <small>Graham</small>	5685 + 80 5765 <small>Rooks</small>	4452 + 83 4535 <small>Osborne</small>	6532 16 6516 <small>Mitchell</small>	10268 102 10066 <small>Clay</small>	8822 +151 8973 <small>Clay</small>	62843 3244 49597 <small>Clay</small>	18209 + 202 18411 <small>Padawatomie</small>	12657 + 160 12817 <small>Jackson</small>	16774 369 16405 <small>Atkinson</small>	157882 + 178 158060 <small>Wyandalla</small>
1749 + 33 1782 <small>Wallace</small>	3046 + 57 3103 <small>Logan</small>	3068 + 84 3152 <small>Gove</small>	3319 + 79 3398 <small>Trego</small>	27507 1599 25908 <small>Ellis</small>	7370 +101 7471 <small>Russell</small>	3578 + 85 3663 <small>Lincoln</small>	6163 +307 6270 <small>Ottawa</small>	19344 + 236 19580 <small>Clay</small>	27947 1541 26406 <small>Clay</small>	6885 +106 6991 <small>Wabunzas</small>	169871 + 676 170547 <small>Stewart</small>	18609 + 183 18792 <small>Jefferson</small>	451086 + 2569 453655 <small>Johnson</small>
1534 + 42 1576 <small>Grealey</small>	2531 + 61 2592 <small>Wichita</small>	5120 +113 5233 <small>Scott</small>	2155 + 61 2216 <small>Lane</small>	3551 + 57 3608 <small>Rush</small>	28205 + 67 28272 <small>Barton</small>	6525 +112 6637 <small>Ellsworth</small>	53597 + 186 53783 <small>Sedona</small>	19344 + 236 19580 <small>Dickinson</small>	6104 + 78 6183 <small>Maric</small>	35935 -147 34488 <small>Wabunzas</small>	16712 + 144 16856 <small>Osage</small>	24794 34 24760 <small>Franklin</small>	28351 + 261 28612 <small>Illant</small>
2670 + 48 2718 <small>Hendallan</small>	4531 + 57 4588 <small>Kearney</small>	40523 76 40444 <small>Finney</small>	2085 + 39 2124 <small>Rodgers</small>	7233 + 99 7332 <small>Pawnee</small>	4789 + 78 4867 <small>Sumner</small>	10761 116 10625 <small>Tioga</small>	24554 459 25013 <small>McPherson</small>	13361 90 12271 <small>Marion</small>	3030 + 30 3060 <small>Chase</small>	34488 <small>Lyon</small>	8865 +117 8982 <small>Colfax</small>	24794 34 24760 <small>Anderson</small>	9570 + 72 9642 <small>Linn</small>
2406 + 43 2449 <small>Stanton</small>	7909 + 91 8000 <small>Gard</small>	4307 + 59 4366 <small>Haskell</small>	5904 +106 6010 <small>Gray</small>	3443 + 70 3513 <small>Edwards</small>	3278 + 18 3296 <small>Kiowa</small>	64790 + 81 64871 <small>Reno</small>	452659 279 452938 <small>Geary</small>	59482 + 178 59658 <small>Bulker</small>	7673 + 67 7740 <small>Greenwood</small>	10332 + 99 10431 <small>Woodson</small>	3788 + 46 3834 <small>Woodson</small>	14385 13 14372 <small>Allen</small>	15379 359 15738 <small>Wagonwheel</small>
3496 + 45 3541 <small>Morton</small>	5463 + 56 5519 <small>Stevens</small>	22510 + 1 22511 <small>Seward</small>	4631 + 63 4694 <small>Meade</small>	2390 + 51 2441 <small>Clark</small>	1967 + 37 2004 <small>Cornmanche</small>	8673 +107 8780 <small>Kingman</small>	25946 + 290 26236 <small>Sumner</small>	3291 283 3598 <small>Cowley</small>	3261 + 30 3291 <small>Elk</small>	4359 + 26 4385 <small>Chautauque</small>	36252 185 36067 <small>McPherson</small>	22835 + 82 22917 <small>Labette</small>	22605 + 64 22669 <small>Cherokee</small>

Net Loss of Pop.


1990 CENSUS

ADJUSTMENT


EXAMPLE
 14,638 = 1990 U.S. Census
 +55 = Net Adjustment
 14,693 = Adjusted 1990 Total

EXAMPLE
 14,638 = 1990 U.S. Census
 +55 = Net Adjustment
 14,693 = Adjusted 1990 Total

3,243 +72 3,315	3,404 +70 3,474	4,021 +92 4,113	5,947 +146 6,093	6,590 +123 6,713	5,078 +86 5,164
Cheyenne	Rawlins	Decatur	Norton	Phillips	Smith
6,926 +110 7,036	8,258 -173 8,085	3,043 +108 3,151	3,543 +74 3,617	6,039 +110 6,149	4,867 +102 4,969
Sherman	Thomas	Sheridan	Graham	Rooks	Osborne
1,821 +44 1,865	3,081 +68 3,149	3,231 +91 3,322	3,694 +80 3,774	26,004 -1,450 24,554	7,835 +109 7,944
Wallace	Logan	Gove	Trego	Ellis	Russell
1,774 +26 1,800	2,758 +60 2,818	5,289 -120 5,409	2,375 +45 2,420	4,033 +93 4,126	3,842 +81 3,923
Greeley	Wichita	Scott	Lane	Ness	Rush
2,388 +41 2,429	4,027 +71 4,098	33,070 +5 33,075	2,177 +50 2,227	7,555 +129 7,684	5,365 +104 5,469
Hamilton	Kearny	Finney	Hodgeman	Pawnee	Barton
2,333 +54 2,387	7,159 +86 7,245	3,886 +72 3,958	5,396 +88 5,484	27,463 -222 27,241	9,702 -67 9,635
Stanton	Grant	Haskell	Gray	Ford	Frank
3,480 +46 3,526	5,048 +83 5,131	18,743 +60 18,803	4,247 +74 4,321	2,418 +50 2,468	2,313 +60 2,373
Morton	Stevens	Seward	Meade	Clark	Comanche
					5,874 +101 5,975
					Barber

 Counties with net loss of population after adjustment

4,251 +82 4,333	6,482 +142 6,624	7,073 +146 7,219	11,705 +232 11,937	10,446 +256 10,702	11,128 +169 11,297	8,134 -175 7,959
Jewell	Republic	Washington	Marshall	Nemaha	Brown	Doniphan
7,203 +165 7,368	11,023 -169 10,854	9,158 +51 9,209	67,139 -19,131 48,008	16,128 +73 16,201	11,525 +213 11,738	16,932 -210 16,722
Mitchell	Cloud	Clay	Riley	Pottawatomie	Jackson	Atchison
3,653 +78 3,731	5,634 +95 5,729	18,958 +129 19,087	30,453 -4,622 25,831	6,603 +79 6,682	15,905 +299 16,144	15,905 +299 16,144
Lincoln	Ottawa	Dickinson	Geary	Wabaunsee	Shawnee	Leavenworth
6,586 +142 6,728	49,301 +491 49,792	6,198 +48 6,246	15,248 +226 15,474	160,976 +871 161,847	81,798 -12,038 69,760	64,371 -3,132 61,239
Ellsworth	Saline	Morris	Chase	Lyon	Douglas	Johnson
10,610 -70 10,540	27,258 +56 26,812	12,868 -81 12,807	3,021 +41 3,062	34,732 -1,939 32,793	21,994 +42 22,036	355,054 -4,885 359,939
Rice	McPherson	Marion	Lyon	Osage	Franklin	Miami
62,389 +180 62,569	31,028 -238 30,790	403,662 -1,725 401,937	50,580 +133 50,713	8,404 -122 8,533	7,803 +115 7,918	8,254 +92 8,353
Reno	Harvey	Butler	Greenwood	Coffey	Anderson	Linn
8,292 +163 8,455	403,662 -1,725 401,937	50,580 +133 50,713	7,847 +102 7,949	4,116 +50 4,166	14,638 +57 14,695	14,966 -22 14,944
Kingman	Sedgwick	Butler	Greenwood	Woodson	Allen	Bourbon
7,124 +105 7,229	25,841 +278 26,119	36,915 -96 36,819	3,327 +50 3,377	10,289 +131 10,420	17,035 +134 17,169	35,568 -1,432 34,136
Harper	Sumner	Cowley	Elk	Wilson	Necosho	Crawford
			4,407 +56 4,463	38,816 +183 38,999	23,693 +98 23,791	21,374 +125 21,499
				Chautauqua	Montgomery	Cherokee

 Counties with net loss of population after adjustment

4-6

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
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STATE OF KANSAS
House Committee on Elections

Testimony on House Concurrent Resolution 5029

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

February 15, 2010

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of HCR 5029. This resolution would create a statewide vote in the general election to be held in November this year on a constitutional amendment to end the practice of adjusting federal census data to count military personnel at their places of permanent residence. It would leave in the Constitution a provision that requires adjustment of the federal census data for college students.

Since 1988, the Kansas Constitution has required that the decennial federal census population figures be adjusted to count college students and military personnel at their permanent residences for purposes of redistricting the Kansas House of Representatives, Kansas Senate and State Board of Education. Nonresidents are excluded from the Kansas population totals. This policy does not affect redistricting of U.S. House of Representatives seats.

K.S.A. 11-304 assigns to the Secretary of State the task of making the adjustments to the federal census figures. This requires our office to conduct a mini census of students and military personnel and to perform a recalculation of the data. The adjusted figures are then reported to the Legislature for use in its redistricting process in the legislative session occurring in the second year of the decade. We have performed the adjustment in 1990 and 2000, and we are now in the middle of the 2010 adjustment process.

The Secretary of State proposed resolutions in 1997, 1999 and 2003 to amend the Constitution to abolish the adjustment process, both military and students. None of these resolutions received the necessary two-thirds vote of both houses of the Legislature. Although we would rather see the entire adjustment process abolished, we still support HCR 5029 as a step in the right direction.

If this resolution is adopted and the voters approve the constitutional amendment in November, it will be too late to prevent the office of the Secretary of State from spending the time and resources to collect and process the information used in the adjustment, but it will be soon enough to allow the Legislature to redraw district lines using federal census data that has not been adjusted for military personnel.

As. Elections
2-15-10 Attachment #8

Here are our reasons for supporting this resolution:

1. Kansas is the only state that adjusts the federal census figures. We are thus not in line with other states.
2. The adjustment is an inconsistent policy. It does not apply to congressional redistricting or to distribution of funds, government planning or other purposes that are based on census data.
3. The results of the 1990 and 2000 adjustments indicate that the adjustment has very little statistical effect and very little impact on the apportionment of legislative power. For instance, the 2000 adjustment resulted in less than one House district's worth of difference spread over the entire state.
4. The policy is ineffectual and inherently flawed.
 - a. Military bases are federal agencies, and the state cannot compel federal agencies to comply with its constitutional and statutory directives.
 - b. Some people are not represented in any state legislature as a result of the adjustment. For instance, if a person in Kansas informs us that their permanent residence is in another state, we subtract them from Kansas' totals. They are not added back into the other state's population, so they are not counted anywhere for representation purposes.
 - c. We do not have access to federal census records. We conduct our mini census on the assumption that we encounter the respondents at the same place as did the U.S. Bureau of the Census.
 - d. Respondents do not always complete their Kansas adjustment questionnaires the same as they complete their federal questionnaires. The result is that the adjustment may produce negative population totals in some census blocks or a negative total for one minority group. In the redistricting process, a legislative district's population can actually be reduced by adding territory.
5. This is not a good use of public funds. The statistical insignificance of the results does not warrant this expenditure.

The 1990 census adjustment project cost more than \$300,000, and the 2000 adjustment cost more than \$438,000. Two years ago, in preparation for the 2010 adjustment, we projected a budget of more than \$600,000 spread over three fiscal years. In today's budget climate, we have little reason to expect a legislative appropriation to cover the cost of the project. We have a memorandum of understanding with the Legislature for payment of up to \$75,000 for a vendor's services for the actual data recalculation, but we are absorbing the rest of the project costs with current resources.

We have attached maps displaying the net effect of the 1990 and 2000 adjustment projects.

We support HCR 5029 because it would abolish one part of an expensive and unnecessary recalculation of census figures and would bring Kansas redistricting policy more in line with other states. We encourage the committee to recommend this resolution favorably for passage.

Thank you for your consideration.

2000 Census Adjustment

(Census +/- Net Adj. = Adjusted)

3165 + 63 3228	2966 + 74 3040	3472 + 55 3527	5953 +101 6054	6001 + 87 6088	4536 +118 4654	3791 + 78 3869	5835 +145 5980	6483 +177 6660	10965 + 234 11199	10717 + 307 11024	10724 + 177 10901	8249 -189 8060	16774 - 353 16421	157882 + 178 158060
Cherokee	Rainbow	DeKalb	Newton	Phillips	Smith	Jewell	Republic	Washington	Marshall	North	Brown	Darlington	Waynes	Wynona
6760 + 26 6786	8180 -183 7997	2813 + 75 2888	2946 + 71 3017	5685 + 80 5765	4452 + 83 4535	6932 - 16 6916	10268 - 202 10066	8822 +151 8973	62843 -13246 49597	18209 + 202 18411	12657 + 160 12817	18426 + 183 18609	16411 - 883 15528	157882 + 178 158060
Shannon	Thomas	Sheridan	Graham	Rooks	Osburn	Mitchell	Cherokee	Clay	Haskell	Polk	Jackman	Jefferson	Lincoln	Wagoner
1749 + 33 1782	3046 + 57 3103	3068 + 84 3152	3319 + 79 3398	27507 -1539 25968	7370 +101 7471	3578 + 85 3663	6163 +107 6270	19344 + 236 19580	27947 -1541 26406	6885 +106 6991	169871 + 676 170547	99952 -4431 95521	451086 + 2569 453655	451086 + 2569 453655
Wallace	Logan	Gore	Trego	Ellis	Rusk	Lincoln	Ottawa	Clay	Wagoner	Wagoner	Shawnee	Doola	Johnston	Johnston
1534 + 42 1576	2531 + 61 2592	5120 +113 5233	2155 + 61 2216	3551 + 37 3608	28205 + 67 28272	6525 +112 6637	53597 + 186 53783	19344 + 236 19580	6104 + 78 6183	6885 +106 6991	169871 + 676 170547	99952 -4431 95521	451086 + 2569 453655	451086 + 2569 453655
Greer	Wichita	Scott	Lane	Ness	Rush	Ellsworth	Saltine	Dickinson	Morris	Wagoner	Shawnee	Doola	Johnston	Johnston
2670 + 48 2718	4531 + 57 4588	40523 +79 40444	2085 + 39 2124	7233 + 99 7332	4788 + 78 4867	10761 - 136 10625	29554 - 459 29095	13361 - 90 13271	3030 + 30 3060	38935 -1487 34448	16712 + 144 16856	24784 - 54 24730	28351 + 261 28612	28351 + 261 28612
Hamilton	Neosho	Finney	Hodgeman	Padon	Stifford	Rice	McPherson	Marion	Chase	Lyon	Collier	Anderson	Lincoln	Lincoln
2406 + 43 2449	7909 + 91 8000	4307 + 59 4366	5904 +106 6010	3443 + 70 3513	4867	10625	29095	13271	3060	34448	16856	24730	28612	28612
Stanton	Greer	Haskell	Gray	Ford	Kiowa	Kingman	Kingman	Kingman	Kingman	Kingman	Kingman	Kingman	Kingman	Kingman
3496 + 45 3541	5463 + 56 5519	22510 + 1 22511	4631 + 83 4694	2390 + 51 2441	1967 + 37 2004	5307 +108 5415	6536 + 85 6621	25946 + 290 26236	36191 - 293 35898	4359 + 26 4385	36253 - 155 36097	22835 + 82 22917	22695 + 64 22669	22695 + 64 22669
Maxon	Stevens	Seward	Moore	Clark	Comanche	Bart	Harper	Stoner	Cowley	Cherokee	Cherokee	Cherokee	Cherokee	Cherokee

Net Loss of Pop.


1990 CENSUS

ADJUSTMENT


EXAMPLE
 14,638 = 1990 U.S. Census
 +55 = Net Adjustment
 14,693 = Adjusted 1990 Total

EXAMPLE
 14,638 = 1990 U.S. Census
 +52 = Net Adjustment
 14,693 = Adjusted 1990 Total

3,243 +72 3,315	3,404 +70 3,474	4,021 +92 4,113	5,947 +146 6,093	6,590 +123 6,713	5,078 +86 5,164
Cheyenne	Rawlins	Decatur	Norton	Phillips	Smith
6,926 +110 7,036	8,258 -173 8,085	3,043 +108 3,151	3,543 +74 3,617	6,039 +110 6,149	4,867 +102 4,969
Sherman	Thomas	Sheridan	Graham	Rooks	Osborne
1,821 +44 1,865	3,081 +68 3,149	3,231 +91 3,322	3,694 +80 3,774	26,004 -1,450 24,554	7,835 +109 7,944
Wallace	Logan	Gove	Trego	Ellis	Russell
1,774 +26 1,800	2,758 +60 2,818	5,289 +120 5,409	2,375 +45 2,420	4,033 +93 4,126	3,842 +81 3,923
Creeley	Wichita	Scott	Lane	Ness	Rush
2,388 +41 2,429	4,027 +71 4,098	33,070 +5 33,075	2,177 +50 2,227	7,555 +129 7,684	5,365 +104 5,469
Hamilton	Kearny	Finney	Hodgeman	Pawnee	Stafford
2,333 +54 2,387	7,159 +86 7,245	3,886 +72 3,958	5,396 +88 5,484	3,787 +59 3,846	9,702 -67 9,635
Stanton	Grant	Haskell	Gray	Ford	Pratt
3,480 +46 3,526	5,048 +83 5,131	18,743 +60 18,803	4,247 +74 4,321	2,418 +50 2,468	2,313 +60 2,373
Morton	Stevens	Seward	Meade	Clark	Comanche
					Barber

 Counties with net loss of population after adjustment

4,251 +82 4,333	6,482 -142 6,624	7,073 +146 7,219	11,705 +232 11,937	10,446 +256 10,702	11,128 +169 11,297	8,134 -175 7,959	Dorphan
Jewell	Republic	Washington	Marshall	Nemaha	Brown	16,932 -210 16,722	Aitchison
7,203 +165 7,368	11,023 -169 10,854	9,158 +51 9,209	67,139 -19,131 48,008	16,128 +73 16,201	11,525 +213 11,738	15,905 +239 16,144	Leavenworth
Mitchell	Cloud	Clay	Riley	Pottawatomie	Jackson	64,371 -3,152 61,219	Wyandotte
3,653 +28 3,731	5,634 +95 5,729	18,958 +129 19,087	30,453 -4,622 25,831	6,603 +79 6,682	160,976 +871 161,847	81,796 -12,038 69,760	161,993 +578 162,571
Lincoln	Ottawa	Dickinson	Geary	Wabaunsee	Shawnee	Jefferson	Johnson
6,586 +142 6,728	49,301 +491 49,792	6,198 +48 6,246	6,198 +48 6,246	6,198 +48 6,246	15,248 +226 15,474	355,054 -4,885 350,169	355,054 -4,885 350,169
Ellsworth	Saline	Morris	Chase	Lyon	Douglas	21,994 +42 22,036	Miami
10,610 -70 10,540	27,268 -456 26,812	12,888 -81 12,807	3,021 +41 3,062	34,732 -1,933 32,799	8,404 +129 8,533	7,803 +115 7,918	23,466 +285 23,751
Rice	McPherson	Marion	Chase	Lyon	Osage	Franklin	Lincoln
62,389 +180 62,569	31,028 -238 30,790	50,580 +133 50,713	7,847 +102 7,949	4,116 +50 4,166	14,638 +57 14,695	14,966 -22 14,944	14,966 -22 14,944
Reno	Harvey	Butler	Greenwood	Woodson	Allen	Bourbon	Bourbon
8,292 +163 8,455	403,662 -1,725 401,937	10,289 +131 10,420	10,289 +131 10,420	17,035 +134 17,169	35,568 -1,452 34,116	35,568 -1,452 34,116	35,568 -1,452 34,116
Kingman	Sedgwick	Butler	Greenwood	Woodson	Allen	Bourbon	Bourbon
7,124 +105 7,229	25,841 +278 26,119	36,915 -96 36,819	3,327 +50 3,377	3,327 +50 3,377	23,693 +98 23,791	21,374 +125 21,499	21,374 +125 21,499
Harper	Sumner	Cowley	Elk	Chautauqua	Montgomery	Labette	Cherokee

 Counties with net loss of population after adjustment