

Approved: 3-8-94  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on February 24, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Herman Dillon (E)

Committee staff present: Carolyn Rampey, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Arden Ensley, Revisor of Statutes  
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Representative Carol Dawson  
Senator Carolyn Tillotson  
Senator Marge Petty  
Shirley A. Norris  
Ramon Powers, Executive Director, Kansas State Historical Society  
Orion Jordan, Director, Division of Facilities Management  
Emil Lutz, Legislative Administrative Services  
Dr. Robert C. Harder, Secretary, Department of Health and Environment  
Josie Torrez  
Representative Eugene Shore  
Representative Vincent Snowbarger  
Chris McKenzie, Executive Director, League of Kansas Municipalities

Others attending: See attached list

Hearing on:

HB 2594 - art work, displays and special events in state capitol.

Representative Carol Dawson provided written testimony in support of HB 2594 and explained how the subcommittee worked on this matter (Attachment 1). She pointed out that the fiscal note is only \$1,260-\$1,890 for six one-day meetings outside of a legislative session.

Senator Carolyn Tillotson, who served on the subcommittee to study this issue, gave testimony in support of HB 2994, explaining that the study was in response to expressed wishes for a more sensitive and uniform way of responding to displays of art and presentations in the statehouse. The bill provides for a five person committee, including the Executive Director of the State Historical Society, the Secretary of Administration, the Director of Legislative Administrative Services, one gubernatorial appointment and one legislative coordinating council appointment (Attachment 2).

Senator Marge Petty also served on this subcommittee and related that the public, including representatives from minorities, expressed concern over the absence of cultural diversity in the murals, art work and historical narrative at the Capitol. Historians and architects identified the need for setting Capitol plans and standards for developing a "living" history of Kansas. This bill establishes a permanent planning and review entity charged with the task of accomplishing goals such as a long range plan for displaying, cataloging and acquiring Capitol artwork and developing a permanent multi-cultural exposition for Capitol visitors (Attachment 3).

Shirley A. Norris testified in support of HB 2994 because she feels it is intended as a first step toward having a representative, objective and knowledgeable committee which will develop criteria for granting requests (Attachment 4).

## CONTINUATION SHEET

### MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 24, 1994.

Ramon Powers, Executive Director, Kansas State Historical Society, presented joint testimony with Emil Lutz, Director of Legislative Services, and Orion Jordan, Director of Facilities Management in the Department of Administration. He stated they supported HB 2994, saying at present time he and Orion Jordan and Emile Lutz work together to review art work to be displayed but would be in support of people with experience working with art or historical museums (Attachment 5).

Orion Jordan, Director, Division of Facilities Management, stated he and Emil Lutz would recommend in Section G of HB 2994 that he remain in charge of the first and second floor and Mr. Lutz remain in charge of the third, fourth and fifth floors.

Emil Lutz, Legislative Administrative Services, stated he was in support of HB 2994.

HB 2739 - coordinating council on early childhood developmental services.

Dr. Robert C. Harder, Secretary, Department of Health and Environment, provided written testimony in support of HB 2739, recommending amendments to: 1) change the word handicapping to disabling throughout the statute, 2) add the insurance commissioner or representative to the council membership, 3) change the definition of the parent membership on the council, 4) prohibit the lead agency representative from serving as chair of the council, and 5) modify the numbering sequence (Attachment 6). He provided a balloon along with his testimony to delete language for paying for child care for parent members, since this could be handled administratively.

Josie Torrez, parent member of the Interagency Coordinating Council on Early Childhood Developmental Services, gave information as to the activities of the ICC and said she supports the bill with amendments recommended by Dr. Harder (Attachment 7).

HB 2810 - extending effective dates for regulations which exceed federal requirements.

Representative Eugene Shore testified in support of HB 2810 stating this bill is the result of frustration over unfunded mandates (Attachment 8). He stated that federal mandates have guidelines which must be met and they require state action to implement them by rules and regulation but the rules and regulations tend to make federal mandates much more difficult than they were intended to be. This bill would require if rule and regulation is more stringent than the federal guidelines, the agency will report by January 20 of each year to the joint committee on rules and regulations those rules and regulations which exceed the requirement and these excessive requirements would not become effective before March 15 of that year, after the legislature is notified of the more stringent rules and regulations and have had time to modify them before they go into effect. This would provide legislative oversight to the implementation of the mandates.

Representative Vincent Snowbarger provided testimony that HB 2810 is an attempt to deal with one aspect of unfunded state mandates on both the public and private sector. This bill would require state agencies to report to the legislature any proposed regulations which would be more stringent than those required by federal law and the legislature would then have 45-60 days to review and potentially override those regulations deemed inappropriate (Attachment 9).

Chris McKenzie, Executive Director, League of Kansas Municipalities, provided written testimony in support of HB 2810 stating greater legislative oversight of the administrative rulemaking process would provide assurance that federal and state legislative intent are indeed being carried out (Attachment 10).

Action on:

HB 2745 - elections; enacting the election finance act.

Arden Ensley, Revisor of Statutes, explained the balloon amendments proposed by the subcommittee for HB 2745 (Attachment 11). The amendments were to: 1) remove the local officers who had not previously been under the jurisdiction of the Commission on Governmental Standards and Conduct and have them file with the county election officer, 2) exempt individual spending of less than \$250 from reporting, 3) place a penalty on public agencies prohibiting them from spending public funds to influence elections, and 4) cap at \$300 the fine for intentional breaking of the filing law.

Representative Wells made a motion to adopt the committee report. Representative O'Connor seconded.

Extensive discussion ensued as to the intent of HB 2745 and whether the bill as amended met the needs as set forth in hearings.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 24, 1994.

Representative Benlon made a substitute motion to table HB 2745. Representative Mills seconded. The motion carried.

HB 2256 - elections; recount of votes and contest involving electronic voting machines.

Arden Ensley, Revisor of Statutes, explained a balloon amendment to HB 2256 (Attachment 12) recommended by Representative Toplikar, sponsor of the bill. This amendment would provide for a specific mechanical way of providing for recount of votes on electronic voting machines.

Representative Wells made a motion to adopt the balloon amendment for HB 2256 and to move out of committee. Representative O'Connor seconded. The motion carried.

HB 2998 - elections; petitions for official recognition of political parties.

A balloon amendment for HB 2998 was submitted to change the date from June 10 to June 1 for declarations to be filed (Attachment 13).

Representative Hendrix made a motion to pass the bill favorably as amended. Representative Majure seconded. The motion carried.

HB 2999 - elections; advance voting prior to election day.

Representative Macy made a motion to pass HB 2999 favorably from committee. Representative Mills seconded. The motion carried.

Representative Gilbert made a motion to approve the minutes of meetings on February 22, 1994 and February 23, 1994. Representative O'Connor seconded. The motion carried.

The meeting was adjourned at 10:45 a.m. The next meeting is scheduled for February 25, 1994.

## GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 2-24-94

[illegible]

STATE OF KANSAS

CAROL DAWSON  
REPRESENTATIVE, 110TH DISTRICT  
458 EAST THIRD  
RUSSELL, KANSAS 67665

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STATE CAPITOL  
RM 182-W  
TOPEKA, KANSAS 66612-1504  
913-296-7637



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: COMMERCIAL AND FINANCIAL INSTITUTIONS  
AND INSURANCE  
GOVERNMENTAL ORGANIZATION AND ELECTIONS  
TRANSPORTATION

CHAIRPERSON: JOINT COMMITTEE OF HOUSE AND SENATE:  
ARTS AND CULTURAL RESOURCES

FEBRUARY 24, 1994

GOVERNMENTAL ORGANIZATION & ELECTIONS COMMITTEE

MR. CHAIRMAN

MEMBERS OF THE COMMITTEE

FYI

Attached is the Arts and Cultural Resources committee report dealing with HB 2594. It gives a brief history and information concerning the state capitol; relating to art work, displays and special events.

The fiscal note for HB 2594 is also attached.

*House Gov't Org & Elections*  
*February 24, 1994*  
*Attachment 1*

## JOINT COMMITTEE ON ARTS AND CULTURAL RESOURCES

### COMMITTEE ACTIVITIES

The Joint Committee on Arts and Cultural Resources was established by the 1989 Legislature and is directed by statute to study, investigate, analyze, and make recommendations on the following matters, among other items:

1. the goals appropriate to the future of the arts and cultural life in Kansas including, but not limited to, public arts, individual artists, film, video, radio, music, and historic preservation; and
2. the role the Legislature and state government should play in the achievement of these goals.

Because the Joint Committee is a statutorily prescribed committee, it set its own agenda for meetings scheduled during the 1993 interim. The Joint Committee studied and made recommendations on the following topic.

#### Creation of a Statehouse Commission

This topic was carried over from the 1992 interim. Dr. Ramon Powers, Executive Director, State Historical Society; Orion Jordan, Director of Facilities Maintenance, Department of Administration; and Emil Lutz, Director, Legislative Administrative Services assisted the Committee with its deliberations on this topic.

Committee discussion focused on the procedure by which artwork is approved for display in the Statehouse and the overall issue of the presentation of Kansas history in the Statehouse. The Committee discussed multi-cultural presentation of history in the Statehouse and discussed the following goals:

1. Increase sensitivity to multi-cultural issues in the presentation of history and art in the Statehouse.
2. Establish uniform policies governing the placement of artwork in

the Statehouse.

The Committee expressed concern that the history and artwork in the Statehouse may not be as reflective of the diversity of Kansas history as it should be. Concern was also expressed that there is currently no uniform policy governing the placement of artwork in the Statehouse. The Committee was informed that there does now exist an ad hoc Statehouse Artwork Committee comprised of the Executive Director of the State Historical Society, the Director of Facilities Management, and the Director of Legislative Administrative Services.

Tours of the Statehouse were also discussed. The Committee questioned whether because of its statutorily defined mission, the Department of Commerce may not be able to adequately give the presentation of history in the Statehouse the attention it deserves. Currently, there are 2.5 FTE tourist counselor positions (at very low pay scales) located at the Statehouse under the administration of the Department of Commerce and Housing. During the Legislative Session, Legislative Administrative Services hires six additional part-time employees to provide tours. There is no volunteer program for the Statehouse.

### CONCLUSIONS AND RECOMMENDATIONS

1. Codify the Statehouse Artwork Committee, renaming it, the Statehouse Art and History Committee, and expand membership to include two public members, one appointed by the Governor and the other by the Legislature. The two public members would be individuals with experience in museum curation. The Committee would establish policies and procedures for the selection of artwork in the Statehouse. The Committee could also discuss such issues as:

- a. The establishment of a special exhibit room in the Statehouse.
- b. The use of the Memorial Building as a place where paintings and sculptures of prominent Kansans could be placed, as part of an interpretative plan.
- c. The coordination of the temporary display in the Statehouse

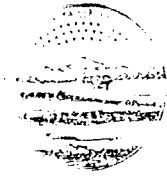
of paintings of prominent Kansans.

2. It is the intent of the Committee that the Art and History Committee would take under consideration when determining policies and procedures, standards of excellence and aesthetics. The Committee would be expected to concern itself with a broad and multi-cultural approach to the presentation of history of the state and the current ethnic diversity of the state.

3. The Committee wishes to express its desire that the infrastructure and resources of the State Historical Society, particularly the Education Division, be more effectively utilized in the interpretation of history in the Statehouse. The Committee believes that the docent program similar to the one at the Kansas Museum of History would be of great value to the interpretation of history in the Statehouse.

4. The Committee notes further that there are four exhibit cases on the first floor of the Statehouse, the displays in which have not been changed or upgraded in years. Rotating displays could provide an opportunity to show the different cultural and ethnic aspects of Kansas history.

STATE OF KANSAS



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DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1504

(913) 296-2436

FAX (913) 296-0231

Joan Finney  
Governor

Gloria M. Timmer  
Director

January 25, 1994

The Honorable Marvin Smith, Chairperson  
House Committee on Governmental Organization and Elections  
Statehouse, Room 115-S  
Topeka, Kansas 66612

Dear Representative Smith:

SUBJECT: Fiscal Note for HB 2594 by Joint Committee on Arts  
and Cultural Resources

In accordance with KSA 75-3715a, the following fiscal note  
concerning HB 2594 is respectfully submitted to your committee.

HB 2594 would create a Statehouse Art and History Committee of  
five members. The membership of the Committee would consist of the  
Secretary of Administration or the Secretary's designee; the  
Director of Legislative Administrative Services; the Executive  
Director of the State Historical Society; one member appointed by  
the Governor; and one member appointed by the Legislative  
Coordinating Council. The two latter members are to have  
experience working with an art or historical museum.

The duties of the Committee would include development of a  
long-term plan for artistic and historical displays in the State  
Capitol Building. These displays are to be evaluated on the  
excellence and aesthetics of the works to be displayed, and the  
representation of multicultural art and history of the state. The  
Committee is also directed to adopt procedures and criteria for  
evaluating and approving artwork, special events and displays in  
the Statehouse. In addition, the Committee is directed to adopt  
and implement standards and procedures for the display and  
preservation of artworks in the Statehouse.

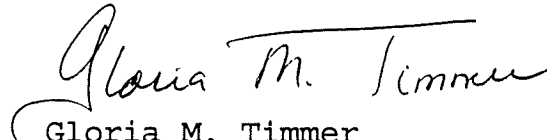
The act provides that Committee members be reimbursed for the  
cost of attendance at meetings in accordance with KSA 75-3223. The  
Director of the Division of Legislative Administrative Services

The Honorable Marvin Smith, Chairperson  
January 25, 1994  
Page 2

estimates that the cost of the meetings would range from \$1,260 to \$1,890 for six one-day meetings outside of a legislative session for a legislative member of the Committee, depending on the number and length of the meetings. The cost of reimbursement for the Secretary of Administration, the Director of Legislative Administrative Services, and the Executive Director of the Historical Society would depend upon the number of meetings outside of Topeka, since these members are state employees who are stationed in Topeka.

The fiscal impact of the passage of HB 2594 would depend upon the number of meetings held by the Committee, the duration of those meetings, and the cost to develop the long-range plan. This act would increase expenditures from the State General Fund for FY 1995 by \$1,260 to \$1,890 from the amounts included in the *FY 1995 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer". The signature is written in dark ink and is positioned above the printed name and title.

Gloria M. Timmer  
Director of the Budget

cc: Pat Higgins - Secretary of Administration  
Orion Jordan - Facilities Management  
Ruth Sherrer - Historical Society  
Emil Lutz - Legislative Administrative Services

2594.bn

February 24, 1994

This bill is a product of a sub-committee of our joint Arts & Cultural Resources Committee.

The sub-committee was in response to expressed wishes of some members of our committee for a more sensitive and uniform way responding to displays of art and presentations in the statehouse.

The bill provides for a five-person committee including the executive director of the state historical society, the secretary of administration, the director of legislative administrative services, one gubernatorial appointment and one legislative coordinating council appointment.

We believe this commission will be able to choose art and or historical displays and presentations which are appropriate to our statehouse, which is on the register of National Historic Places.

*House Joint Res. & Election*  
*February 24, 1994*  
*Attachment 2*



TOPEKA

SENATE CHAMBER

**MARGE PETTY**

SENATOR, 18TH DISTRICT  
SHAWNEE COUNTY

HOME ADDRESS: 106 WOODLAWN  
TOPEKA, KANSAS 66606-1241  
(913) 232-4907

OFFICE: STATE CAPITOL BUILDING  
TOPEKA, KANSAS 66612-1504  
(913) 296-7365

**DEMOCRATIC CAUCUS: POLICY CHAIR**

MEMBER: JUDICIARY-RANKING MINORITY  
WAYS AND MEANS  
COMMERCE  
FINANCIAL INSTITUTIONS AND INSURANCE  
KANSAS FILM COMMISSION  
CAPITOL AREA PLAZA PLANNING AUTHORITY

JOINT COMMITTEE MEMBER: INVESTMENTS, PENSIONS,  
AND BENEFITS  
ARTS AND CULTURAL RESOURCES

BOARD MEMBER: MID AMERICA MANUFACTURING  
TECHNOLOGY CENTER

**TESTIMONY**

**HB 2594**

**SENATOR MARGE PETTY**

HB 2594 was drafted to respond to multiple issues expressed by the public, needs identified by historians and architects, and constraints existing within the budget.

The public, including representatives from minorities, expressed concern over the absence of cultural diversity in the murals, art work and historical narrative at the Capitol. Historians and architects identified the need for setting Capitol plans and standards for developing the "living" history of Kansas as depicted in the artwork and tourist narrative. Capitol staff acknowledged the unmet potential in the development of a long range plan for displaying, cataloging and acquiring Capitol artwork and developing a permanent multi-cultural exposition for Capitol visitors.

This bill establishes a permanent planning and review entity charged with the task of accomplishing those goals.

*House Gov't Org & Elections*

*February 24, 1994*

*Attachment 3*

Written Testimony on HB 2594  
presented to the  
Governmental Organization and Elections Committee  
by  
Shirley A. Norris  
131 Greenwood  
Topeka, Kansas 66606-1225  
Ph. 913-232-3206

Last summer members of the Martin Luther King Memorial Committee testified before the Joint Committee on Arts and Cultural Resources, requesting legislative support for permanently hanging pictures of the Buffalo Soldiers and the Sheldon Kindergarten (the first black kindergarten west of the Mississippi) in the Capitol. I testified at that time, and I am back to testify again. Although HB2594 does not specifically address the request of the Martin Luther King Committee, it is my impression that it is intended as a first step toward having a representative, objective and knowledgeable committee which will develop criteria for granting such requests. I am disappointed that the proposed legislation does not specify that at least one member of the committee represent a racial or ethnic minority, and urge you to amend the bill to ensure that representation, and then hope that you will recommend it for passage.

Thank you.

*House Govt Org + Elections  
February 24, 1994  
Attachment 4*



# KANSAS STATE HISTORICAL SOCIETY

CENTER FOR HISTORICAL RESEARCH

120 West Tenth ▪ Topeka, Kansas 66612-1291 ▪ 913/296-3251  
FAX #913/296-1005

KANSAS MUSEUM OF HISTORY

6425 South West Sixth ▪ Topeka, Kansas 66615-1099 ▪ 913/272-8681

Testimony on H.B. 2594 before the House Governmental Organization Committee, February 24, 1994

Chairman Smith and members of the committee, I am Ramon Powers, Executive Director of the Kansas State Historical Society. I appear today to present this joint testimony in support of H.B. 2594; this testimony represents the positions of Emile Lutz, Director of Legislative Services, and Orion Jordan, Director of Facilities Management in the Department of Administration.

The bill would create a Statehouse Art and History Committee consisting of five members including the Secretary of Administration or his or her designee, the Director of Legislative Administrative Services, the Executive Director of the Kansas State Historical Society, a member appointed by the Governor, and a member appointed by the Legislative Coordinating Council. The two latter members should have experience working with art or historical museums.

The duties of the committee are specified in the bill and include the representation of multicultural art and history of the state. The committee would adopt procedures and criteria for evaluating and approving art work, special events, and displays; it would also adopt and implement standards and procedures for the display and preservation of art works in the statehouse.

At the present time Emil, Orion, and I constitute an informal committee that reviews certain projects affecting the statehouse, such as the display of art work. As State Historic Preservation Officer, my role is to oversee the preservation of the building and protect its historic integrity as a National Register property. That oversight, subject to the will of the Governor and Legislature, applies to both the exterior and interior features that define the building's character.

*House Govt Org + Elections  
February 24, 1994  
Attachment 5*

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

Testimony presented to

House Governmental Organization and Elections Committee

by

The Kansas Department of Health and Environment

House Bill 2739

Statute K.S.A. 74-7801 et seq was enacted in 1986 and amended in 1989 and 1992 to meet the requirements of Federal legislation relative to the composition and duties of the coordinating council. Current proposed amendments address the following issues:

1. changes the word handicapping to disabling throughout the statute;
2. adds the insurance commissioner or representative to the council membership;
3. changes the definition of the parent membership on the council;
4. prohibits the lead agency representative from serving as chair of the council;  
and
5. modifies the numbering sequence.

The word change from handicapping to disability is being done to be consistent with the Federal law and to use a word which is identified as more appropriate by the constituency. The council membership changes and the prohibition of lead agency representative as chair are made to be consistent with Federal legislation.

The current grant award (FFY94) was made conditionally upon proof that the membership of the Coordinating Council of Early Childhood Developmental Services is in compliance with Part H of IDEA.

I am also submitting a balloon bill that amends Section 3 (a) to delete language for paying for child care for parent members, since this can be handled administratively.

It is recommended that the bill be passed with the proposed amendment.

Testimony presented by:

Robert C. Harder  
Secretary  
February 24, 1994

*House Govt Org & Elections  
February 24, 1994  
Attachment 6*

## HOUSE BILL No. 2739

By Committee on Public Health and Welfare

1-25

8 AN ACT concerning the coordinating council on early childhood  
9 developmental services; amending K.S.A. 74-7801, 74-7802 and  
10 74-7803 and repealing the existing sections.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 74-7801 is hereby amended to read as follows:  
14 74-7801. (a) The coordinating council on early childhood develop-  
15 mental services shall consist of ~~15~~ *at least 16* members as follows:

16 (1) A representative of the governor;

17 (2) the secretary of social and rehabilitation services or a rep-  
18 resentative of the secretary selected by the secretary;

19 (3) the secretary of health and environment or a representative  
20 of the secretary selected by the secretary;

21 (4) a member of the state board of education selected by the  
22 chairperson of the state board of education or, at the discretion of  
23 the chairperson of the state board, the commissioner of education;

24 (5) a representative of the board of regents selected by the chair-  
25 person of the board of regents;

26 (6) *the commissioner of insurance, or a representative of the*  
27 *commissioner selected by the commissioner;*

28 ~~(6)~~ (7) two members of the state legislature selected by the  
29 legislative coordinating council so that one is a member of the senate  
30 and one is a member of the house of representatives and such  
31 members are not members of the same political party; and

32 ~~(7)~~ (8) *at least eight* members appointed by the governor, *at*  
33 *least three* of whom are parents of ~~handicapped children under~~  
34 ~~seven years of age, including minority parents, of children with~~  
35 ~~disabilities under 12 years of age, with at least one being a parent~~  
36 ~~of a child with disabilities under six years of age, at least three of~~  
37 ~~whom are providers of early childhood services for the handicapped~~  
38 ~~children with disabilities, and two of whom are representative of the~~  
9 public at large.

10 (b) The members appointed by the governor under subsection  
41 ~~(a)(7)~~ (a)(8) shall serve for a term of four years, except that, of the  
42 members first so appointed by the governor after the effective date  
43 of this act, four members shall serve for a term of two years. The

governor shall designate the term for which each of the members first appointed shall serve. Members are eligible for reappointment.

(c) Any vacancy occurring in the appointive membership of the council shall be filled in the same manner and from the same class as the original appointment.

A chairperson shall be designated annually by the governor. *no member of the council who is a representative of the lead agency shall serve as chairperson of the council.* A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(e) Final decisions of the council shall be by majority vote of the members.

(f) The council shall meet at least quarterly.

Sec. 2. K.S.A. 74-7802 is hereby amended to read as follows: 74-7802. The coordinating council on early childhood developmental services established by this act shall:

(a) Solicit information and opinions from concerned agencies, groups and individuals on proposed policies and recommendations for the delivery of health, education and social services for young children from birth through age five with or at risk for ~~handicapping~~ *disabling* conditions and for their families;

(b) establish appropriate committees to perform tasks, gather information, and explore issues as directed by the council;

(c) determine the work activities of a staff person to the coordinating council on early childhood developmental services;

(d) disseminate information about the activities of the council and its actions to local, private and public service providers, parents, advocacy organizations, state agency personnel and other interested parties;

(e) develop and implement a state plan for young children from birth through age five with or at risk for ~~handicapping~~ *disabling* conditions and for their families;

(f) recommend policies, procedures, and legislation for effectively providing health, education and social services;

(g) develop interagency agreements to promote a comprehensive service delivery system for young children with ~~handicapping~~ *at risk for disabling* conditions and for their families;

(h) advise and assist the lead agency, as defined in K.S.A. ~~1992~~ *1993 Supp. 75-5648 and amendments thereto, in implementing PL 102-119 the individuals with disabling education act*, Part H at both state and local levels; and

(i) submit annual reports to the governor.

Sec. 3. K.S.A. 74-7803 is hereby amended to read as follows:

1 74-7803. (a) The members of the coordinating council who are ap-  
2 pointed by the governor under subsection ~~(a)(7)~~ (a)(8) of K.S.A. 74-  
3 7801 and amendments thereto shall be reimbursed for actual and  
4 necessary expenses incurred in the performance of their official du-  
5 ties, ~~including reasonable child care costs for parent members. Such~~  
6 ~~reimbursement shall be~~ in amounts provided for in subsection (e) of  
7 K.S.A. 75-3223, and amendments thereto ~~where appropriate.~~  
8 Amounts provided to be paid under this subsection shall be paid,  
9 subject to appropriations acts, from federal funds made available to  
10 the state for early childhood services for ~~the handicapped persons~~  
11 ~~with disabilities.~~  
12 (b) The coordinating council may appoint one staff person who  
13 shall be in the unclassified service under the Kansas civil service  
14 act and who shall receive compensation fixed by the coordinating  
15 council and approved by the governor. Such compensation shall be  
16 paid, subject to appropriations acts, from federal funds made available  
17 to the state for early childhood services for ~~the handicapped chil-~~  
18 ~~dren with disabilities.~~ The staff person shall be assigned to the  
19 chairperson.  
20 Sec. 4. K.S.A. 74-7801, 74-7802 and 74-7803 are hereby re-  
21 pealed.  
22 Sec. 5. This act shall take effect and be in force from and after  
23 its publication in the Kansas register.

Del

Del

Date: February 24, 1994

To: House Governmental Organization and Elections

From: Josie Torrez  
1832 S.W. Webster  
Topeka, Kansas 66604  
913-273-6343

Re: HB 2739

Thank you for allowing me to testify before your committee regarding the Interagency Coordinating Council on Early Childhood Developmental Services. My name is Josie Torrez and I am a parent member of the ICC. I have proudly sat on this council since July of 1991.

I have an eight year old son, Joey, who was diagnosed as developmentally delayed at age 2. He attended the local early intervention preschool from age 2 to age 5. He is presently enrolled in a second grade classroom four blocks from our home. He still receives special education services at school.

As a parent member of the ICC, I am in frequent contact with Local ICC's in this area receiving information and opinions regarding policies and recommendations on services to children birth through 5 and their families.

This summer, I was honored to chair the Legislative Subcommittee which gathered information from the local ICC's to develop a Legislative Summary for the legislature.

We are also in the process of developing a job description for the ICC Coordinator, which is at this time, vacant.

We regularly provide information on the activities of the council to service providers, parents, advocacy organizations and state agency personnel.

We have developed and implemented a state plan for young children birth through five with disabilities and their families.

We continue to recommend policies, procedures and legislation for effectively providing services to the eligible children.

*House Govt Org + Elections*  
*February 24, 1994*  
*Attachment 7*

We submit reports to the Governor on an annual basis.

We reimburse parent members who come from across the State for their travel and child care. This is paid from the federal funds available to Kansas for Early Childhood services for children with disabilities.

I, as a member of this council, believe it is important for the insurance commissioner or it's representative to be part of the ICC. With Health Care Reform being widely discussed in Kansas and the Nation, those of us that sit on the council are concerned how Health Care Reform will effect children with disabilities or are at risk for developing disabilities and their families. The council would then have the appropriate person sitting on the council that could answer questions pertaining to this important matter.

My recommendation to your committee is to approve this bill as amended.

Thank you again for allowing me to speak regarding this subject.

EUGENE L. SHORE  
REPRESENTATIVE 124TH DISTRICT  
GRANT, W. HASKELL, MORTON,  
STANTON AND STEVENS COUNTIES

ROOM 446-N, CAPITOL BLDG.  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

**Testimony on HB 2810**

House Governmental Organization Committee  
February 24, 1994  
Representative Eugene Shore

COMMITTEE ASSIGNMENTS

CHAIRMAN AGRICULTURE

MEMBER ENERGY AND NATURAL RESOURCES

MEMBER TRANSPORTATION

Mr. Chairman and members of the committee. HB 2810 is the result of frustration over unfunded mandates. We resent them, our constituents hate them. We constantly blame them for everything from costing too much to taking too much time and just lacking plain common sense. The one size fits all approach causes confusion.

Federal mandates have guidelines which must be met. They also require state action to implement them by rules and regulation. Over the last several years I've watched how the rules and regulations tend to make federal mandates much more difficult than they were intended to be. We have little control over federal law, but we should have some say about state guidelines.

It seems state bureaucrats have the philosophy that if a little is good, a lot should be better. Much of the excessive cost is due to state rules and regulations which have many more costly and time consuming conditions than the federal guidelines.

HB 2810 requires that if a rule and regulation is more stringent than the federal guidelines, the agency will report by Jan 20 of each year to the joint committee on rules and regulations those rules and regulations which exceed the requirement. These excessive requirements would not become effective before March 15 of that year.

The effect of HB 2810 would be to have the Legislature be notified of the more stringent rules and regulations and have time to modify them before they go into effect. This would provide legislative oversight to the implementation of the mandates.

HB 2810 has the potential to save millions in excessive cost to state and local government as well as hours of paperwork and many headaches.

Thank you for your attention. I urge your favorable action on HB 2810.

HC 02  
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*House Gov't Org + Elections  
February 24, 1994  
Attachment 8*

HOUSE OF REPRESENTATIVES  
STATE OF KANSAS

REPRESENTATIVE, 26TH DISTRICT  
JOHNSON COUNTY  
1451 ORLEANS DRIVE  
OLATHE, KANSAS 66062  
HOME (913) 764-0457  
WORK (913) 677-1717

STATE CAPITOL, ROOM 381-W  
TOPEKA, KANSAS 66612-1504  
(913) 296-7662



TOPEKA

COMMITTEE ASSIGNMENTS  
CALENDAR AND PRINTING, CHAIRMAN  
INTERSTATE COOPERATION  
LEGISLATIVE COORDINATING COUNCIL

VINCENT K. SNOWBARGER  
MAJORITY LEADER

February 24, 1994

TESTIMONY BEFORE THE HOUSE COMMITTEE  
ON GOVERNMENTAL ORGANIZATIONS AND ELECTIONS

H.B. 2810

H.B. 2810 is an attempt to deal with one aspect of unfunded state mandates on both the public and private sector. My interest in this legislation came from my service on the Blue Highways Committee dealing with "Tough Management" last interim. We visited 12 cities in four days - one of them Unfunded Mandates Day which included a march on Washington.

While we received numerous complaints about unfunded mandates, sometimes the source of that mandate was not easy to pinpoint. Many mandates come from federal statute and many more from federal regulations. Many of our state mandates begin with federal law, but often our agencies would implement these federal mandates with regulations and rules more stringent than federal. Often the most onerous "state mandates" came not from any public policy articulated by the legislature, but rather from regulatory agencies.

H.B. 2810 would require that state agencies report to the legislature any proposed regulations which would be more stringent than those required by federal law. The legislature would then have 45-60 days to review and potentially over-ride those regulations deemed inappropriate. This is similar to the portion of the landfill bill passed last year.

The bottom line is that legislators are currently being blamed for unfunded state mandates when, in fact, those mandates come from agencies, not the legislature. Agencies are all too willing to participate in regulatory schemes. If we are going to be held responsible, we should be a part of the process of implementing such regulations. These regulations may be good, appropriate, etc., but we should be the ones to make those policy decisions.

I would ask for your support of H.B. 2810.

*House Gov't Org. & Elections  
February 24, 1994  
Attachment 9*



**League  
of Kansas  
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

**TO:** House Governmental Organization and Elections Committee

**FROM:** Chris McKenzie, Executive Director *Chris McKenzie*

**DATE:** February 24, 1994

**SUBJECT:** Support for HB 2810

Thank you for the opportunity to appear today in support of HB 2810. An increasing percentage of the workload and expense of running city government is in response to state administrative rules and regulations designed to implement and administer federal and state laws. Based on our experiences of the past few years, greater legislative oversight of the administrative rulemaking process would provide assurance that federal and state legislative intent are indeed being carried out.

Kansas carries out a number of federally mandated programs--especially in the environmental protection area. Municipal officials generally would prefer to deal with state administrative staff than federal officials in planning local implementation strategies. I am being advised with increasing frequency by local officials, however, that the rules and regulations for various state programs seem to be more stringent than those established at the federal level for the administration of the program. While it may be appropriate for Kansas to be more stringent than federal law, it would only seem appropriate that the legislature be involved in that policy decision.

There will no doubt be questions that will arise with the implementation of HB 2810--e.g., what should be done when federal regulations don't address a subject? We are confident these problems can be worked out, however, if there is a sincere interest by all parties concerned.

**RECOMMENDATION:** The League recommends the enactment of HB 2810.

*House Gov't Org + Elections  
February 24, 1994  
Attachment 10*

## HOUSE BILL No. 2745

By Governmental Organization and Elections

1-26

AN ACT relating to elections; enacting the election finance act; providing for the administration and enforcement of the act; declaring certain acts to be unlawful and prescribing penalties for the violation thereof; amending K.S.A. 25-4143, 25-4169a and 45-221 and repealing the existing sections; also repealing K.S.A. 25-901, 25-902, 25-904 and 25-905.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. Sections 1 to 17, inclusive, and amendments thereto, shall constitute and may be cited as the "election finance act".

New Sec. 2. As used in this act, unless the context otherwise requires:

(a) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan, payment or permissive use of money or any other thing of value, including but not limited to tangible property, information and records and ~~including~~ the reporting recipient's ~~money or other thing~~ resources, services, of value, made in connection with election activity or made for the purpose of influencing an issue election or made for the purpose of informing voters about an issue election; own

(B) Any sale or transfer of goods or services by a public agency at less than fair market value or on terms or conditions not otherwise made available by such agency to the public;

(C) the payment, by any person other than the reporting recipient of the contribution, of compensation to an individual for personal services rendered without charge to or for the reporting recipient.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during a reporting period as provided by section 9 or section 11, and amendments thereto.

(C) the value of goods donated to testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market

*House Gov't Org & Elections  
February 24, 1994  
Attachment 11*

: (1) Any action taken by any person or public agency influencing,

1 value of \$50 per event.

2 (b) "Election" means any election voted on by the electors of  
3 the state or a part of them.

4 (c) "Election activity" means promoting or engaging in the pro-  
5 motion of the adoption or defeat of any issue election and informing  
6 or engaging in informing voters or potential voters about any issue  
7 election.

8 (d) "Engage" means receiving any contribution or making any  
9 expenditure in connection with an issue election or preparing, dis-  
10 tributing or providing information in connection with informing vot-  
11 ers about any issue election.

12 (e) (1) "Expenditure" means:

13 (A) Any purchase, payment, distribution, loan, advance, deposit,  
14 gift or grant of permissive use of money or any other thing including  
15 but not limited to tangible property, information and records, of  
16 value, including the reporting recipient's money or other thing of  
17 value, made in connection with election activity or made for the  
18 purpose of influencing an issue election or made for the purpose of  
19 informing voters about an issue election;

20 (B) any contract to make an expenditure.

21 (2) "Expenditure" does not include:

22 (A) The value of volunteer services provided without compen-  
23 sation;

24 (B) costs to a volunteer related to the rendering of volunteer  
25 services not exceeding a fair market value of \$50 during a reporting  
26 period as provided by section 9 or section 11, and amendments  
27 thereto;

28 (C) the value of goods donated to testimonial events, bake sales,  
29 garage sales and auctions by any person not exceeding a fair market  
30 value of \$50 per event.

31 (f) "Issue election" means any election, including question sub-  
32 mitted elections, as defined by K.S.A. 25-2503(g), and amendments  
33 thereto, but does not include any election for state office, as defined  
34 by K.S.A. 25-4143(k), and amendments thereto, or local office, as  
35 defined by K.S.A. ~~45-4143(c)~~, and amendments thereto, and does  
36 not include any election on amendments to the Kansas constitution.

37 (g) "Person" means any individual, campaign committee, com-  
38 mittee, company, corporation, municipality, partnership, political  
9 committee, public agency, trust organization or association.

41 (h) "Political committee" means any combination of two or more  
42 individuals or any person other than an individual a major purpose  
43 of which is to engage in election activity.

(i) "Public agency" means the state or any political or taxing

; (2) becoming a candidate for local office;  
or (3) any action taken by any person or public  
agency for the purposes of influencing the  
nomination or election of any candidate to  
local office

or receiving any contribution or making any  
expenditure for the purpose of influencing the  
nomination or election of any candidate to  
local office

of value

25-4143

,members

subdivision of the state or of any municipal corporation or any entity whose officers ~~for~~ trustees are determined by public election or by election to state office, as defined in K.S.A. 25-4143~~(a)~~, and amendments thereto, or to local office, as defined in K.S.A. 25-4143~~(e)~~, and amendments thereto, ~~for~~ any office, officer, agency, agent, employee or instrumentality thereof, or any other entity receiving or expending or supported in whole or in part by public funds appropriated by the state or by public funds of any political or taxing subdivision of the state or of any municipal corporation but shall not include any entity solely by reason of payment from public funds for property, goods or services of such entity.

(j) "Receipt" means a contribution or any other money or thing of value, including but not limited to tangible property, information and records and including the reporting recipient's money or other thing of value, received by the treasurer in the treasurer's official capacity.

(k) "Treasurer" means a treasurer appointed under this act.

New Sec. 3. No person ~~or~~ public agency shall engage in election activity until such person or public agency has appointed a treasurer and has filed a report stating the name and address of such treasurer. Thereafter, such treasurer shall perform the duties prescribed by this act until either a replacement treasurer is appointed and a supplemental report indicating such replacement appointment is filed or until such treasurer files a written resignation of such treasurer or until a termination report, as required by section 11, and amendments thereto, has been filed. In the event of the removal of a treasurer from or in the event of a vacancy in the position of treasurer for a person or public agency, all members or officers of such person or public agency shall be responsible for the performance of the treasurer's duties until such time as a replacement treasurer is appointed and a supplemental report indicating such replacement treasurer's appointment is filed. Any change of treasurer name or address must be reported and filed within 10 days of such change. A succeeding treasurer shall not be responsible for the accuracy of the predecessor's records, statements or reports. The appointment of a succeeding treasurer shall not absolve a prior treasurer or any individual responsible for performing the duties of a treasurer from any reporting duty under this act nor shall such appointment discharge any civil fine assessable against such prior treasurer or responsible individual.

New Sec. 4. The treasurer shall cause to be kept a detailed account of all moneys or property or other things of value received by the treasurer's person or public agency and of the manner in

or in this section, and amendment thereto,

(1) "Candidate" means an individual who:

(1) Appoints a treasurer or a candidate committee,

(2) makes a public announcement of intention to seek nomination or election to local office,

(3) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any local office, or

(4) files a declaration or petition to become a candidate for local office.

(m) "Local office", as used in sections 1 to 17

inclusive, means any elective office but does not include any state office, as defined by K.S.A. 25-4143, and amendments thereto, or local office, as defined by K.S.A. 25-4143, and amendments thereto.

, except for an individual who expends an aggregate amount or value of less than \$250 during any calendar year,

1 which the same shall be expended and a statement of all such person  
2 or public agency's receipts and expenditures showing in detail from  
3 whom such moneys or property or other things of value were re-  
4 ceived, to whom such moneys or property or other things of value  
5 were paid, for what specific purposes each payment was made and  
6 the exact nature of the service rendered in consideration thereof.

7 New Sec. 5. Separately for each issue election in which the trea-  
8 surer's person or public agency engages in election activity, every  
9 treasurer shall file a report as prescribed by this section. Each report  
10 shall state:

11 (a) The value or amount of assets on hand, including cash, for  
12 such person or public agency's use in election activity on the first  
13 day of the reporting period;

14 (b) the name and address of each person or public agency, in-  
15 cluding the reporting person or public agency, who has made one  
16 or more contributions in an aggregate amount in excess of \$50 during  
17 the period covered by such report together with the amount and  
18 date of such contribution and including the name and address of  
19 every lender, guarantor and endorser when a contribution is made  
20 in the form of an advance or a loan;

21 (c) the aggregate amount of all proceeds from bona fide sales of  
22 political materials such as, but not limited to, political campaign  
23 pins, buttons, badges, flags, emblems, hats, banners and literature  
24 during the period covered by the report;

25 (d) the aggregate amount of contributions, for which the name  
26 and address of the contributor is not known, received during the  
27 period covered by the report;

28 (e) each contribution, rebate, refund or other receipt not oth-  
29 erwise listed received during the period covered by the report;

30 (f) the total of all receipts received during the period covered  
31 by the report;

32 (g) the name and address of each person or public agency to  
33 whom expenditures have been made during the period covered by  
34 the report in an aggregate amount or value in excess of \$50, with  
35 the amount, date, and purpose of each and the the names and  
36 addresses of each person or public agency to whom any loan or  
37 advance has been made; when an expenditure is made by payment  
38 to an advertising agency, public relations firm or political consultants  
39 for disbursement to vendors, the report of such expenditure shall  
40 show in detail the name of each such vendor and the amount, date  
41 and purpose of the payment to each;

42 (h) the name and address of each person or public agency, in-  
43 cluding the reporting person or public agency, from whom an in-

1 kind contribution was received during the period covered by the  
2 report or who has paid, during the period covered by the report,  
3 for services provided without charge to or for the reporting person  
4 or public agency, if the contribution is in excess of \$50 and is not  
5 otherwise reported under subsection (g), and the amount date and  
6 purpose of the contribution;

7 (i) the aggregate of all expenditures made during the period cov-  
8 ered by the report not otherwise reported under this section; and

9 (j) the total of all expenditures made during the period covered  
10 by the report.

11 New Sec. 6. When a report is made under this act and the  
12 aggregate amount being contributed during any calendar year by an  
13 individual is over \$150, the report shall list the occupation of the  
14 individual contributor, or if the contributor is not employed for  
15 compensation during such calendar year, then the report shall list  
16 the occupation of the contributor's spouse.

17 ~~New Sec. 7. Individuals engaged in election activity who expend~~  
18 ~~an aggregate amount or value of less than \$250 during any calendar~~  
19 ~~year shall not be required to appoint a treasurer and shall not be~~  
20 ~~required to make or file any report under this act for such expen-~~  
21 ~~diture.~~

22 New Sec. 8. Every treasurer for a person or public agency which  
23 expends an aggregate amount or value of less the \$500 and which  
24 receives contributions in an aggregate amount or value of less than  
25 \$500 during any required reporting period may file, instead of a  
26 required report, an affidavit report indicating that expenditures and  
27 receipts for the reporting period aggregate an amount or value of  
28 less than \$500.

29 New Sec. 9. Except as otherwise provided by section 10, and  
30 amendments thereto, and until a termination report as required by  
31 section 11, and amendments thereto, has been filed, all reports  
32 required to be filed by a treasurer shall be filed in time to be received  
33 in the required county election officers' offices on or before each of  
34 the following days:

35 (a) The eighth day preceding each election with respect to which  
36 the treasurer's person or public agency has engaged in election ac-  
37 tivity which report shall cover the period beginning on January 1  
38 of the calendar year preceding such election if no previous report  
39 was required by this act or beginning on the first day after the  
40 period covered by the most recent required report if a previous  
41 report was required by this act and ending on the 10th day preceding  
42 such election inclusive of the beginning and ending days of such  
43 period;

115  
(a) No public agency or officer, agent or employee thereof shall use or authorize the use of public funds or public vehicles, machinery, inventory, equipment, resources, information or supplies or public records, as defined by K.S.A. 45-217, and amendments thereto, of any such public agency or the time or services of any officer, agent or employee of such public agency, for which the officer, agent or employee is compensated by such public agency, for the purpose of influencing the nomination or election of any candidate to local office. The provisions of this section prohibiting the use of time or services of any officer or employee for the described purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such officer's office or to the Kansas commission on governmental standards and conduct.

(b) Any person violating the provisions of this section shall be guilty of a class A misdemeanor.

(b) January 10 of each year which report shall cover the period beginning on the first day after the period covered by the most recent required report and ending on December 31 immediately preceding such January 10, inclusive of the beginning and ending days of such period.

New Sec. 10. If a required report is sent by certified or registered mail to a required county election officer's office on or before the day such report is due, the mailing shall constitute receipt by the county election officer.

New Sec. 11. Before any person or public agency may be dissolved or the position of treasurer terminated, the treasurer shall file a termination report which shall include full information as to the disposition of residual funds and shall make a final report covering the period beginning on January 1 of the calendar year preceding the date of termination if no previous report was required to be filed by this act or beginning on the first day after the period covered by the most recent required report if a previous report was required by this act and ending on the date of termination inclusive of the beginning and ending days of such period. Any required report may be a termination report if so designated. At the time of the termination of any election activity campaign and prior to the filing of a termination report required by this section of the act, all residual funds or assets not otherwise obligated for the payment of expenses incurred in such election activity shall be contributed to a charitable organization, as defined by the laws of the state, or shall be returned, in proportion to their contributions to the reporting person or public agency's contributor or shall be paid into the general fund of the state.

election activity

New Sec. 12. Each report required to be filed under this act shall be filed with the county election officer for each county in which the reporting person or public agency maintains its headquarters or residence and for each county in which such person or public agency engages in election activity.

New Sec. 13. The secretary of state shall prepare and publish in the Kansas register forms suggested for use in filing required reports. All filed reports shall be made available for public inspection and copying during regular office hours in the offices where they are required to have been filed.

New Sec. 14. Corrupt political advertising is: Publishing or causing to be published in a newspaper or other periodical any paid matter which might constitute election activity or which is designed or tends to aid, injure or defeat any election issue unless such matter is followed by the words "political advertisement" or the abbreviation

1 "political adv." in a separate line together with the name of the  
2 person or public agency inserting the same and the name of the  
3 treasurer of such person or public agency or the name of the in-  
4 dividual who is responsible therefore; or broadcasting or causing to  
5 be broadcast by any radio, television or cable signal system any paid  
6 matter which might constitute election activity or which is designed  
7 or tends to aid, injure or defeat any election issue unless such matter  
8 is followed by a statement that the preceding was an advertisement  
9 together with the name of the person or public agency sponsoring  
10 the same and the name of the treasurer of such person or public  
11 agency or the name of the individual who is responsible therefore.

12 New Sec. 15. (a) Intentional violation of any provision of this act  
13 is a class A misdemeanor.

14 ~~(b) Unintentional violation of a provision of this act is a class C~~  
15 ~~misdemeanor.~~

16 ~~(a)~~ In addition to any penalty imposed under subsection (a) or  
17 ~~subsection (b) of this section,~~ a civil fine of \$10 per day shall be  
18 imposed on each treasurer or individual responsible for performing  
19 the duties of a treasurer for each day that a required report remains  
20 unfiled. Civil fines provided for by this section shall be paid to the  
21 state treasurer who shall deposit the same in the state treasury to  
22 the credit of the state's general fund. If a person fails to pay a civil  
23 fine provided for by this subsection, it shall be the duty of the  
24 attorney general or county or district attorney to bring an action to  
25 recover such civil fine in the district court of the county in which  
26 such person resides.

27 ~~(d)~~ No individual responsible for performing the duties of a treas-  
28 urer under this act who has failed to pay any civil fine assessed or  
29 failed to file any report required to be filed under this act shall be  
30 eligible to become a candidate for state office or local office under  
31 the laws of the state until such fine has been paid or such report  
32 has been filed or both such fine has been paid and such report has  
33 been filed.

34 New Sec. 16. Whenever it appears that any person or public  
35 agency has engaged in any act or practice constituting a violation of  
36 any provision of the election finance act or any rule or regulation  
37 or order hereunder, an action may be brought in the district court  
38 of any county in which such violation occurs to enjoin the acts or  
39 practices and to enforce compliance with such act or any rule or  
40 regulation or order hereunder and, upon a proper showing, a per-  
41 manent or temporary injunction, restraining order, restitution, writ  
42 of mandamus or other equitable relief shall be granted in an action  
43 brought by any person, the attorney general or a county or district

(b)-

for intentional violations of the provisions of  
this act

, except that no such civil fine shall exceed  
\$300

(c)

1 attorney.

2 New Sec. 17. Nothing in this act shall be construed as prohib-  
3 iting any public agency from permitting the use of buildings and  
4 facilities of such agency by persons promoting or opposing issue  
5 elections or informing voters about issue elections or seeking to  
6 influence the nomination or election of candidates for public office  
7 if such buildings and facilities are made available to all other persons  
8 interested in promoting or opposing such election or nomination or  
9 election of candidates on an equal basis both as to time and cost.

10 Sec. 18. K.S.A. 25-4143 is hereby amended to read as follows:  
11 25-4143. As used in the campaign finance act, unless the context  
12 otherwise requires:

13 (a) "Candidate" means an individual who: (1) Appoints a treasurer  
14 or a candidate committee,

15 (2) makes a public announcement of intention to seek nomination  
16 or election to state or local office,

17 (3) makes any expenditure or accepts any contribution for the  
18 purpose of influencing such person's nomination or election to any  
19 state or local office, or

20 (4) files a declaration or petition to become a candidate for state  
21 or local office.

22 (b) "Candidate committee" means a committee appointed by a  
23 candidate to receive contributions and make expenditures for the  
24 candidate.

25 (c) "Commission" means the Kansas commission on governmental  
26 standards and conduct created by K.S.A. 25-4119a and amendments  
27 thereto.

28 (d) (1) "Contribution" means: (A) Any advance, conveyance, de-  
29 posit, distribution, gift, loan or payment of money or any other thing  
30 of value made for the purpose of influencing the nomination or  
31 election of any individual to state or local office;

32 (B) a transfer of funds between any two or more candidate com-  
33 mittees, party committees or political committees;

34 (C) the payment, by any person other than a candidate, candidate  
35 committee, party committee or political committee, of compensation  
36 to an individual for the personal services rendered without charge  
37 to or for a candidate's campaign or to or for any such committee;

38 (D) the purchase of tickets or admissions to, or advertisements  
39 in journals or programs for, testimonial events.

40 (2) "Contribution" does not include:

41 (A) The value of volunteer services provided without compen-  
42 sation;

43 (B) costs to a volunteer related to the rendering of volunteer

services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.

(e) "Election" means: (1) A primary or general election for state or local office and (2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(f) (1) "Expenditure" means: (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state or local office;

(B) any contract to make an expenditure;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to influence the nomination or election of a candidate.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes

Annotated, or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives.

(h) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(i) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to support or oppose any candidate for state or local office, but not including any candidate committee or party committee.

(j) "Public agency" means the state or any political or taxing subdivision of the state or of any municipal corporation or any entity whose officers or trustees are determined by public election or any office, officer, agency, agent, employee or instrumentality thereof, or any other entity receiving or expending or supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state or of any municipal corporation but shall not include any entity solely by reason of payment from public funds for property, goods or services of such entity.

(j) (k) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(k) (l) "State office" means any state office as defined in K.S.A. 25-2505 and amendments thereto.

(l) (m) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(m) (n) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172 and amendments thereto.

(n) (o) ~~"Local office" means an elective office of a city of the first class, a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities any publicly elected office which is~~

, members

or by election to state office, as defined in K.S.A. 25-4143, and amendments thereto, or to local office, as defined in K.S.A. 25-4143, and amendments thereto,

~~(n)~~ "Local office" means an elective office of a city of the first class, a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

1 ~~not a state office.~~

2 Sec. 19. K.S.A. 25-4169a is hereby amended to read as follows:

3 25-4169a. (a) No ~~public agency or officer or employee of the state~~  
4 ~~of Kansas, any county, any unified school district having 35,000~~  
5 ~~or more pupils regularly enrolled, any city of the first class or~~  
6 ~~the board of public utilities of the city of Kansas City, Kansas,~~  
7 ~~agent or employee thereof~~ shall use or authorize the use of public  
8 funds or public vehicles, machinery, ~~inventory~~, equipment, ~~re-~~  
9 ~~sources, information or supplies or public records, as defined by~~  
10 ~~K.S.A. 45-217, and amendments thereto, of any such governmental~~  
11 ~~public agency or the time or services of any officer, agent or em-~~  
12 ~~ployee of any such governmental public agency, for which the~~  
13 ~~officer, agent or employee is compensated by such governmental~~  
14 ~~public agency, for the purpose of influencing the nomination or~~  
15 ~~election of any candidate to state office or local office. The provisions~~  
16 ~~of this section prohibiting the use of time or services of any officer~~  
17 ~~or employee for such the described purposes shall not apply to an~~  
18 ~~incumbent officer campaigning for nomination or reelection to a~~  
19 ~~succeeding term to such officer's office or to members of the per-~~  
20 ~~sonal staff of any elected officer.~~

21 (b) Any person violating the provisions of this section shall be  
22 guilty of a class C misdemeanor.

23 Sec. 20. K.S.A. 45-221 is hereby amended to read as follows:

24 45-221. (a) Except to the extent disclosure is otherwise required by  
25 law, a public agency shall not be required to disclose:

26 (1) Records the disclosure of which is specifically prohibited or  
27 restricted by federal law, state statute or rule of the Kansas supreme  
28 court or the disclosure of which is prohibited or restricted pursuant  
29 to specific authorization of federal law, state statute or rule of the  
30 Kansas supreme court to restrict or prohibit disclosure.

31 (2) Records which are privileged under the rules of evidence,  
32 unless the holder of the privilege consents to the disclosure.

33 (3) Medical, psychiatric, psychological or alcoholism or drug de-  
34 pendency treatment records which pertain to identifiable patients.

35 (4) Personnel records, performance ratings or individually iden-  
36 tifiable records pertaining to employees or applicants for employ-  
37 ment, except that this exemption shall not apply to the names,  
38 positions, salaries and lengths of service of officers and employees  
of public agencies once they are employed as such.

41 (5) Information which would reveal the identity of any undercover  
agent or any informant reporting a specific violation of law.

42 (6) Letters of reference or recommendation pertaining to the  
43 character or qualifications of an identifiable individual.

or to the Kansas commission on governmental  
standards and conduct

1 (7) Library, archive and museum materials contributed by private  
2 persons, to the extent of any limitations imposed as conditions of  
3 the contribution.

4 (8) Information which would reveal the identity of an individual  
5 who lawfully makes a donation to a public agency, if anonymity of  
6 the donor is a condition of the donation.

7 (9) Testing and examination materials, before the test or exam-  
8 ination is given or if it is to be given again, or records of individual  
9 test or examination scores, other than records which show only pas-  
10 sage or failure and not specific scores.

11 (10) Criminal investigation records, except that the district court,  
12 in an action brought pursuant to K.S.A. 45-222, and amendments  
13 thereto, may order disclosure of such records, subject to such con-  
14 ditions as the court may impose, if the court finds that disclosure:

15 (A) Is in the public interest;

16 (B) would not interfere with any prospective law enforcement  
17 action;

18 (C) would not reveal the identity of any confidential source or  
19 undercover agent;

20 (D) would not reveal confidential investigative techniques or pro-  
21 cedures not known to the general public; and

22 (E) would not endanger the life or physical safety of any person.

23 (11) Records of agencies involved in administrative adjudication  
24 or civil litigation, compiled in the process of detecting or investigating  
25 violations of civil law or administrative rules and regulations, if dis-  
26 closure would interfere with a prospective administrative adjudication  
27 or civil litigation or reveal the identity of a confidential source or  
28 undercover agent.

29 (12) Records of emergency or security information or procedures  
30 of a public agency, or plans, drawings, specifications or related in-  
31 formation for any building or facility which is used for purposes  
32 requiring security measures in or around the building or facility or  
33 which is used for the generation or transmission of power, water,  
34 fuels or communications, if disclosure would jeopardize security of  
35 the public agency, building or facility.

36 (13) The contents of appraisals or engineering or feasibility es-  
37 timates or evaluations made by or for a public agency relative to  
38 the acquisition of property, prior to the award of formal contracts  
39 therefor.

40 (14) Correspondence between a public agency and a private in-  
41 dividual, other than correspondence which is intended to give notice  
42 of an action, policy or determination relating to any regulatory,  
43 supervisory or enforcement responsibility of the public agency or

1 which is widely distributed to the public by a public agency and is  
2 not specifically in response to communications from such a private  
3 individual.

4 (15) Records pertaining to employer-employee negotiations, if  
5 disclosure would reveal information discussed in a lawful executive  
6 session under K.S.A. 75-4319, and amendments thereto.

7 (16) Software programs for electronic data processing and doc-  
8 umentation thereof, but each public agency shall maintain a register,  
9 open to the public, that describes:

10 (A) The information which the agency maintains on computer  
11 facilities; and

12 (B) the form in which the information can be made available  
13 using existing computer programs.

14 (17) Applications, financial statements and other information sub-  
15 mitted in connection with applications for student financial assistance  
16 where financial need is a consideration for the award.

17 (18) Plans, designs, drawings or specifications which are prepared  
18 by a person other than an employee of a public agency or records  
19 which are the property of a private person.

20 (19) Well samples, logs or surveys which the state corporation  
21 commission requires to be filed by persons who have drilled or  
22 caused to be drilled, or are drilling or causing to be drilled, holes  
23 for the purpose of discovery or production of oil or gas, to the extent  
24 that disclosure is limited by rules and regulations of the state cor-  
25 poration commission.

26 (20) Notes, preliminary drafts, research data in the process of  
27 analysis, unfunded grant proposals, memoranda, recommendations  
28 or other records in which opinions are expressed or policies or actions  
29 are proposed, except that this exemption shall not apply when such  
30 records are publicly cited or identified in an open meeting or in an  
31 agenda of an open meeting.

32 (21) Records of a public agency having legislative powers, which  
33 records pertain to proposed legislation or amendments to proposed  
34 legislation, except that this exemption shall not apply when such  
35 records are:

36 (A) Publicly cited or identified in an open meeting or in an  
37 agenda of an open meeting; or

38 (B) distributed to a majority of a quorum of any body which has  
39 authority to take action or make recommendations to the public  
40 agency with regard to the matters to which such records pertain.

41 (22) Records of a public agency having legislative powers, which  
42 records pertain to research prepared for one or more members of  
43 such agency, except that this exemption shall not apply when such

1 records are:

2 (A) Publicly cited or identified in an open meeting or in an  
3 agenda of an open meeting; or

4 (B) distributed to a majority of a quorum of any body which has  
5 authority to take action or make recommendations to the public  
6 agency with regard to the matters to which such records pertain.

7 (23) Library patron and circulation records which pertain to iden-  
8 tifiable individuals.

9 (24) Records which are compiled for census or research purposes  
10 and which pertain to identifiable individuals.

11 (25) Records which represent and constitute the work product of  
12 an attorney.

13 (26) Records of a utility or other public service pertaining to  
14 individually identifiable residential customers of the utility or service,  
15 except that information concerning billings for specific individual  
16 customers named by the requester shall be subject to disclosure as  
17 provided by this act.

18 (27) Specifications for competitive bidding, until the specifications  
19 are officially approved by the public agency.

20 (28) Sealed bids and related documents, until a bid is accepted  
21 or all bids rejected.

22 (29) Correctional records pertaining to an identifiable inmate,  
23 except that:

24 (A) The name, sentence data, parole eligibility date, disciplinary  
25 record, custody level and location of an inmate shall be subject to  
26 disclosure to any person other than another inmate; and

27 (B) the ombudsman of corrections, the corrections ombudsman  
28 board, the attorney general, law enforcement agencies, counsel for  
29 the inmate to whom the record pertains and any county or district  
30 attorney shall have access to correctional records to the extent oth-  
31 erwise permitted by law.

32 (30) Public records containing information of a personal nature  
33 where the public disclosure thereof would constitute a clearly un-  
34 warranted invasion of personal privacy.

35 (31) Public records pertaining to prospective location of a business  
36 or industry where no previous public disclosure has been made of  
37 the business' or industry's interest in locating in, relocating within  
38 or expanding within the state. This exception shall not include those  
39 records pertaining to application of agencies for permits or licenses  
40 necessary to do business or to expand business operations within  
1 this state, except as otherwise provided by law.

42 (32) The bidder's list of contractors who have requested bid pro-  
43 posals for construction projects from any public agency, until a bid

1 is accepted or all bids rejected.

2 (33) Engineering and architectural estimates made by or for any  
3 public agency relative to public improvements.

4 (34) Financial information submitted by contractors in qualifica-  
5 tion statements to any public agency.

6 (35) Records involved in the obtaining and processing of intel-  
7 lectual property rights that are expected to be, wholly or partially  
8 vested in or owned by a state educational institution, as defined in  
9 K.S.A. 76-711, and amendments thereto, or an assignee of the in-  
10 stitution organized and existing for the benefit of the institution.

11 (36) Any report or record which is made pursuant to K.S.A. 65-  
12 4922, 65-4923 or 65-4924, and amendments thereto, and which is  
13 privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments  
14 thereto.

15 (37) Information which would reveal the precise location of an  
16 archeological site.

17 (38) Any financial data or traffic information from a railroad com-  
18 pany, to a public agency, concerning the sale, lease or rehabilitation  
19 of the railroad's property in Kansas.

20 (b) Except to the extent disclosure is otherwise required by law  
21 or as appropriate during the course of an administrative proceeding  
22 or on appeal from agency action, a public agency or officer shall not  
23 disclose financial information of a taxpayer which may be required  
24 or requested by a county appraiser to assist in the determination of  
25 the value of the taxpayer's property for ad valorem taxation purposes;  
26 or any financial information of a personal nature required or re-  
27 quested by a public agency or officer, including a name, job de-  
28 scription or title revealing the salary or other compensation of of-  
29 ficers, employees or applicants for employment with a firm,  
30 corporation or agency, except a public agency. Nothing contained  
31 herein shall be construed to prohibit the publication of statistics, so  
32 classified as to prevent identification of particular reports or returns  
33 and the items thereof.

34 (c) As used in this section, the term "cited or identified" shall  
35 not include a request to an employee of a public agency that a  
36 document be prepared.

37 (d) If a public record contains material which is not subject to  
38 disclosure pursuant to this act, the public agency shall separate or  
39 delete such material and make available to the requester that material  
40 in the public record which is subject to disclosure pursuant to this  
41 act. If a public record is not subject to disclosure because it pertains  
42 to an identifiable individual, the public agency shall delete the iden-  
43 tifying portions of the record and make available to the requester

1 any remaining portions which are subject to disclosure pursuant to  
2 this act, unless the request is for a record pertaining to a specific  
3 individual or to such a limited group of individuals that the indi-  
4 viduals' identities are reasonably ascertainable, the public agency  
5 shall not be required to disclose those portions of the record which  
6 pertain to such individual or individuals.

7 (e) The provisions of this section shall not be construed to exempt  
8 from public disclosure statistical information not descriptive of any  
9 identifiable person.

10 (f) Notwithstanding the provisions of subsection (a), any public  
11 record which has been in existence more than 70 years shall be  
12 open for inspection by any person unless disclosure of the record is  
13 specifically prohibited or restricted by federal law, state statute or  
14 rule of the Kansas supreme court or by a policy adopted pursuant  
15 to K.S.A. 72-6214, and amendments thereto.

16 (g) *Notwithstanding the provisions of subsection (a), any public*  
17 *record used by a public agency in connection with such public*  
18 *agency's election activity, as defined by section 2(c), and amendments*  
19 *thereto, shall be open, contemporaneously with such use, for in-*  
20 *spection by any person.*

21 Sec. 21. K.S.A. 25-901, 25-902, 25-904, 25-905, 25-4143, 25-  
22 4169a and 45-221 are hereby repealed.

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

## HOUSE BILL No. 2256

By Representative Toplikar

2-5

8 AN ACT relating to elections; concerning counting and recount of  
9 votes and contest of elections involving electronic voting machines;  
10 amending K.S.A. 25-4412 and 25-4413 and repealing the existing  
11 sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 25-4412 is hereby amended to read as follows:  
15 25-4412. (a) In voting areas where electronic or electromechanical  
16 voting systems are used, as soon as the polls are closed, the election  
17 judge shall secure the marking devices against further voting. The  
18 judge shall thereafter open the ballot box and count the number of  
19 ballots or envelopes containing ballots that have been cast to de-  
20 termine that the number of ballots does not exceed the number of  
21 voters shown on the poll book. If there is an excess, this fact shall  
22 be reported in writing to the county election officer with the reasons  
23 therefor if known. The total number of voters shall be entered on  
24 the tally sheets. The write-in votes shall then be counted by the  
25 election judge and clerks. If ballot cards are used and separate write-  
26 in ballots or envelopes for recording write-in votes are used, all  
27 ballots or envelopes on which write-in votes have been recorded  
28 shall be serially numbered, starting with the number one (1), and  
29 the same number shall be placed on the ballot card of the voter.  
30 The election judge shall compare the write-in votes with the votes  
31 cast on the ballot card and if the total number of votes for any office  
32 exceeds the number allowed by law, a notation to that effect shall  
33 be entered on the back of the ballot card and it shall be returned  
34 to the counting location in an envelope marked "defective ballots"  
35 and such invalid votes shall not be counted. So far as applicable,  
36 provisions relating to defective paper ballots shall apply.

37 (b) *If the voting machine is equipped with a removable pro-*  
38 *grammable memory device or cartridge, such device shall be removed*  
39 *from the machine only after verification by the election judge that*  
40 *the machine has been secured against further voting and in the*  
1 *presence of election board members from different political parties*  
42 *and designated poll agents present. Such memory device or cartridge*  
43 *shall remain in the custody and control of the election officials*

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removing the same from the voting machine until a printed record of the votes cast on such machine has been produced from the memory device or cartridge in the presence of such election officials and any poll agents present.

(b) (c) The election judge shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered forthwith by two (2) election judges who shall not be of the same political party, to the counting location together with the unused, void and defective ballots and returns.

(e) (d) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two (2) election officials who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots or ballot cards shall be clearly labeled "duplicate," shall bear a serial number which shall be recorded on the damaged or defective ballot or ballot card and shall be counted in lieu of the damaged or defective ballot.

If any ballot card, of the type where offices and questions are printed directly on the card, is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card, in the presence of witnesses and in the manner set forth above, or the valid votes on such ballot card may be manually counted at the counting center by at least two (2) election officials in the manner which is best suited to the system used. If any paper ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, such ballot shall be manually counted at the counting center. The totals for all such ballots or ballot cards manually counted shall be added to the totals for the respective precincts or election districts.

(d) (e) Absentee ballots may be counted by the automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.

(e) (f) The return printed by the automatic tabulating equipment, to which has been added the return of write-in and absentee votes and manually counted votes, shall constitute the official return of

1 each precinct or election district. Upon completion of the count the  
 2 returns shall be open to the public. A copy of the returns shall be  
 3 posted at the central counting place or at the office of the election  
 4 officer in lieu of the posting of returns at the individual precincts.

5 (f) (g) If for any reason it becomes impracticable to count all or  
 6 a part of the ballots with tabulation equipment, the county election  
 7 officer may direct that they be counted manually, following as far  
 8 as practicable the provisions governing the counting of paper ballots.

9 Sec. 2. K.S.A. 25-4413 is hereby amended to read as follows:  
 10 25-4413. (a) *Except as otherwise provided in this section, in the*  
 11 *case of a recount, the ballots or ballot cards shall be recounted in*  
 12 *the manner provided in K.S.A. 25-4412, and amendments thereto.*

13 (b) *For the purpose of recounting votes cast on voting machines*  
 14 *equipped with removable programmable memory devices or car-*  
 15 *tridges, an unused memory device or cartridge, after verification*  
 16 *that it contains no recorded information, shall be inserted into the*  
 17 *machine to be recounted and a record of the votes cast on such*  
 18 *machine shall be recorded on the new memory device or cartridge.*  
 19 *The new memory device or cartridge shall be removed from the*  
 20 *machine and be subject to the same procedures for handling and*  
 21 *the production of printed records from such device or cartridge as*  
 22 *those prescribed by subsection (b) of K.S.A. 25-4412, and amend-*  
 23 *ments thereto. If the vote totals recorded during recount from the*  
 24 *new memory device or cartridge are not identical to the original*  
 25 *count, another memory device or cartridge shall be inserted and*  
 26 *another printed record made. If the totals from the second recount*  
 27 *equal the total of the first recount, the second recount shall be the*  
 28 *number of votes cast and officially recorded.*

29 (c) Notwithstanding any other provision of law, if ballots cast  
 30 upon voting machines equipped with removable programmable de-  
 31 vices or cartridges are subject to recount or include votes cast for  
 32 offices for which a notice of contest has been filed, the record of  
 33 the votes cast remaining in any such machine shall not be removed  
 34 prior to the conclusion of such recount or final determination of  
 35 proceedings for the contest of the election.

36 Sec. 3. K.S.A. 25-4412 and 25-4413 are hereby repealed.

37 Sec. 4. This act shall take effect and be in force from and after  
 38 its publication in the statute book.

The printed record for a recount shall be an independent verification of vote totals which shall be accomplished by electronic or manual tallying of individual ballot images from the removable programmable cartridge.

of the vote to be taken by the same procedures required for the initial recount

initial

(d) As used in this section "individual ballot images" means the individual votes cast by each elector which are randomly recorded on the removable programmable memory device or cartridge by the electronic voting machine.

## HOUSE BILL No. 2998

By Committee on Governmental Organization and Elections

2-10

8 AN ACT relating to elections; concerning political parties; filing of  
9 petitions for official recognition; amending K.S.A. 25-302a and  
10 repealing the existing section.

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 25-302a is hereby amended to read as follows:  
13 25-302a. Any political party seeking official recognition in this state  
14 after the effective date of this act shall, at least 60 days before  
15 the deadline for filing nomination papers and declarations of  
16 candidates, file in its behalf, not later than 12:00 noon, June 10,  
17 prior to the primary election held on the first Tuesday of August  
18 in even-numbered years, or if such date falls on a Saturday, Sunday  
19 or a holiday, then before 12:00 noon of the next following day that  
20 is not a Saturday, Sunday or a holiday petitions signed by qualified  
21 electors equal in number to at least 2% of the total vote cast for all  
22 candidates for the office of governor in the state in the last preceding  
23 general election. Such petitions shall declare support for the official  
24 recognition of a political party, the name of which shall be stated  
25 in the declaration. No political party seeking official recognition shall  
26 assume a name or designation which is similar, in the opinion of  
27 the secretary of state, to that of an existing party as to confuse or  
28 mislead the voters at an election.

29  
30 Petitions seeking official recognition of a political party shall be  
31 substantially in the following form:

32 PETITION SEEKING THE OFFICIAL RECOGNITION OF  
33 THE \_\_\_\_\_ PARTY IN THE STATE OF KANSAS

34 I, the undersigned, hereby declare my support for the official recognition of the  
35 \_\_\_\_\_ Party.

36 I have personally signed this petition; I am a registered elector of the state of  
37 Kansas and the County of \_\_\_\_\_, and my residence address is correctly written  
38 after my name.

39 NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

40 Appended to each petition page or set of pages shall be an affidavit  
41 by the circulator of the petition affirming that such circulator is a  
42 duly registered voter of the county in which the petition was cir-  
43 culated and that the circulator personally witnessed the signing of

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1 the petition by each person whose name appears thereon. The af-  
2 fidavit shall be executed before a person authorized to administer  
3 oaths and include the address of the circulator.

4 Each page of ~~said~~ *such* petition shall bear the names of registered  
5 voters of a single county. All petitions shall be grouped according  
6 to the county in which each was circulated before being filed with  
7 the secretary of state. All such petitions shall be filed at one time.  
8 Any related petitions presented thereafter will be deemed to be  
9 separate and not a part of earlier filings. County election officers  
10 shall cooperate with the secretary of state in verifying the sufficiency  
11 of these petitions as required by law.

12 The secretary of state shall transmit such petitions to the county  
13 election officer of each county for which petitions were presented  
14 to be examined for sufficiency pursuant to the provisions of K.S.A.  
15 25-3601 *et seq.* and amendments thereto and applicable regulations.  
16 Not more than 20 days following receipt of such petitions from the  
17 secretary of state, the county election officer shall return these doc-  
18 uments to the secretary of state certifying the number of sufficient  
19 signatures thereon. The secretary of state shall gather all petitions  
20 and determine whether a sufficient number of signatures was sub-  
21 mitted. The secretary of state shall forthwith notify the person who  
22 submitted the declaration of intent to circulate such petitions of the  
23 sufficiency or insufficiency of the number of signatures.

24 Sec. 2. K.S.A. 25-302a is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after  
26 its publication in the Kansas register.