

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on February 6, 2002 in Room 521-S of the Capitol.

All members were present except: Representative Gwen Welshimer, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee: Representative Nancy Kirk
Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Chair Powell welcomed Representative Nancy Kirk to the committee meeting. She asked the committee to introduce a bill to eliminate the exception to the open meetings laws for the Kansas State Legislature.

Without objection, it will be introduced as a committee bill.

Chairman Powell opened the hearing on **HB 2761 - Election procedures; voting by felons.**

Brad Bryant, Deputy Assistant Secretary of State appeared before the committee in support of **HB 2761.** He said that this bill is to clarify the voting rights of felons. Specifically, it seeks to clarify when and under what circumstances the right to register and vote are restored to persons convicted of federal or state felonies. Mr. Bryant indicated that passage of this legislation would resolve a contradiction in the language of three existing state statutes and the state constitution. There are two statutes that state that a person convicted of a felony never loses his/her civil right is sentenced to dispositions not involving custody with the Department of Corrections, such as probation or conservation camp. This bill would clarify that a person loses the right to register, vote, hold public office and serve as a juror upon conviction of a felony and that those right are restored when the person is discharged from custody. (Attachment 1) Mr. Bryant responded to questions asked by committee members.

The chair closed the hearing on **HB 2761.**

Representative Alan Goering introduced a bill that would allow all primary elections to be open.

Without objection, it will be introduced as a bill.

The meeting was adjourned by Chairman Powell at 4:10 p.m. The next scheduled meeting will be February 11 at 3:30 p.m.

RON THORNBURGH
Secretary of State



First Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Ethics and Elections

Testimony on House Bill 2761

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

February 6, 2002

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2761. The Secretary of State proposed this bill to clarify the voting rights of felons. Specifically, it seeks to clarify when and under what circumstances the rights to register and vote are restored to persons convicted of federal or state felonies. Passage of this legislation would resolve a contradiction in the language of three existing state statutes and the state constitution.

With me today is Melissa Wangemann, Legal Counsel for the Secretary of State. With the chair's permission, I will defer to her if needed to answer certain questions because she has done much of the research on the bill.

K.S.A. 21-4615 was amended in 1996 to say that a person loses the right to register, vote, hold public office, and serve as a juror upon conviction of a felony, and that those rights are restored when the person is discharged from custody. Section 3 of Senate Bill 2761 further amends that statute to simplify the language without altering its meaning.

During the past several years we have learned that the loss and restoration of rights were not as simple as stated in K.S.A. 21-4615. Other laws already on the books, namely K.S.A. 21-4603 and 21-4603d, altered the effect of 21-4615. According to these two statutes, a person convicted of a felony never loses his/her civil rights if sentenced to dispositions not involving custody with the Department of Corrections, such as probation or conservation camp. Similar mitigating language had been deleted from K.S.A. 21-4615 by the 1996 amendments, but the other two statutes were left unchanged.

We propose this legislation because we believe the Legislature made a statement of policy on this issue in 1996, but we as election officials are unable to administer the policy due to the contradictory provisions in K.S.A. 21-4603 and 21-4603d. This bill will establish the consistency needed in the laws so county election officers know whom to disqualify from voting and when to restore the right.

Administration: (785) 296-0498
FAX: (785) 368-8028
Corporations: (785) 296-4564
FAX: (785) 296-4570

Web Site:
www.kssos.org
e-mail:
kssos@kssos.org

House Ethics and Elections
2-6-02
Attachment 1

We have consulted with the Department of Corrections, Sentencing Commission, Juvenile Justice Authority, Judicial Council, Public Defender, and the Attorney General in preparing this legislation. None of those agencies has expressed opposition.

We urge the committee to report House Bill 2761 favorably for passage, thereby promoting consistency in Kansas statutes and making a clear enunciation of the state's policy on the voting rights of felons.

Thank you for your consideration. I will stand for questions.