

Approved: March 7, 2011
Date

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Vice Chair Mario Goico at 9:00 a.m., on February 16, 2011, in Room 546-S of the Capitol.

All members were present except:
Scott Schwab Excused

Committee staff present:
Doug Taylor, Office of Revisor of Statutes
Katherine McBride, Office of Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Diane Brian, Committee Assistant

Conferees appearing before the Committee:
Steve Huebert, Representative
Brad Bryant, Deputy Assistant Secretary of State
Jim Edwards, Assistant Executive Director, Kansas Association of School Boards
Sandy Jacquot, General Counsel, League of Kansas Municipalities
Darci Meese, Government Affairs Coordinator, Water District #1

Others attending:
See attached list.

Hearing on HB 2126 – Elections; municipalities; primary and general election date change.

Vice Chair Goico opened the meeting on **HB 2126**:

Doug Bryant, Office of the Revisor of Statutes, presented an overview.
Representative Steve Huebert spoke in support of **HB 2126**, (Attachment 1).
Brad Bryant spoke in support of **HB 2126**, (Attachment 2).
Jim Edwards spoke in opposition to **HB 2126**, (Attachment 3).
Sandy Jacquot appeared in opposition to **HB 2126**, (Attachment 4).
Darci Meese spoke in opposition to **HB 2126**, (Attachment 5).

Written testimony in support of **HB 2126** was submitted by:
Jeff Glendening, Vice President of Political Affairs, Kansas Chamber, (Attachment 6).

Written testimony in opposition to **HB 2126** was submitted by:
Don Grosdidier, Superintendent of Schools, (Attachment 7).
Trey Burton, President of USD 450 School Board, (Attachment 8).

Written neutral testimony on **HB 2126** was submitted by:
Bruce L. Newby, Election Commissioner, Wyandotte County, (Attachment 9).

Testimony was concluded and committee members asked questions.

There being no further conferees, the hearing on **HB 2126** was closed.

The next meeting is scheduled for February 21, 2011.

The meeting was adjourned at 10:10 a.m.

HOUSE ELECTIONS COMMITTEE
9:00 AM,
Room 546-S, Capitol Building

GUEST LIST

2/16
DATE: , 2011

NAME	REPRESENTING
Patricia Meese	Wren One
Kent Cornish	KAB
Travis Love	Little Court Relations
Brad Bryant	Sec. of State
Dr. Edwards	KASB
Sandy Jorgensen	LKM

State of Kansas
House of Representatives

STEVE HUEBERT
REPRESENTATIVE, 90TH DISTRICT
619 N. BIRCH
VALLEY CENTER, KS 67147
(316) 755-1943
OFFICE: 121-W STATEHOUSE
TOPEKA, KANSAS 66612
(785) 296-1754
(800) 432-3924
TTY (785) 296-8430



TOPEKA

COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS
MEMBER: FEDERAL AND STATE AFFAIRS
LOCAL GOVERNMENT
EDUCATION
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE
LEGISLATIVE EDUCATION
PLANNING COMMITTEE (LEPC)

February 16, 2011

House Committee on Elections

The Honorable Scott Schwab, Chairman
The Honorable Mario Goico, Vice-Chairman
The Honorable Ann Mah, Ranking Minority Member

RE: HB 2126

House Bill 2126 is an improved version of HB 2654, which I introduced last year as chairman of this distinguished committee.

To summarize, Kansas is experiencing challenges in both our economy and our state budget which we have not seen in generations. Therefore, it is crucial that we look at everything we do as a state government to make sure we are streamlining all actions between state, county and local governments.

One area in which to find cost savings is to have any election process scheduled in either August or November to coincide with our state and federal elections.

There are several benefits to the proposed changes in HB 2126:

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

In conclusion, HB 2126 should save money and increase participation as we work together to improve our great state.

A handwritten signature in black ink, appearing to read "Steve Huebert", written in a cursive style.

Representative Steve Huebert
District 90
Kansas House of Representatives

HOUSE ELECTIONS
DATE: 2/16/11
ATTACHMENT: 1



STATE OF KANSAS

House Committee on Elections

Testimony on House Bill 2126

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

February 16, 2011

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2126. We expect that passage of House Bill 2126 would result in modest cost savings for county election offices and a dramatic increase in turnout for local elections.

We also wish to raise several questions related to the administration of elections if the bill passes. We ask the committee to consider our questions, and possibly consider amendments to the bill, during its deliberations.

Questions on House Bill 2126

1. New Section 1 establishes a single candidate filing deadline, primary election date and general election date for all jurisdictions covered by the bill. This is necessary in order to have an orderly election process. Should the candidate filing deadlines and primary election dates be written into all the other sections of the bill? If the bill passes, its provisions will be scattered throughout the statutes and people researching the election requirements of drainage districts, for instance, might not realize the law requires a candidate filing deadline and a primary election.

Also, in Subsection (b), lines 24-27 on page 1, does there need to be language covering local officials elected in 2011? If so, this could be done by copying language from Section 17, Subsection (b), lines 13-15 on page 17.

2. Some jurisdictions have not had primary elections in the past. Are they required to have primaries under this legislation? Example: Drainage districts, covered in Sections 8, 9 and 10 of the bill, have no provision requiring a primary in current law, but a primary is not expressly prohibited. Would drainage districts have primaries under this legislation?

3. Section 7(b), line 36 on page 8 states that water districts do not have primary elections. This appears to conflict with New Section 1, which requires a primary.

4. In local school board elections, the county election officer is required to publish notice of the election before June 15, according to Section 16(b), line 6 on page 16. Presumably one of the purposes of the publication is to inform potential candidates of the opportunity to run for office. But in this case the June 15 publication will occur after the candidate filing deadline on June 10. This publication may need to be moved earlier, and possibly made to coincide with the other two publications required in Subsections (d) and (e) on page 16.

One suggestion would be to combine (e) with (b), then schedule the publications in (b) and (d) to be done before June.

5. In irrigation district elections, Section 26, line 5 on page 21 specifies a three-year term. This appears to be inconsistent with the four-year terms established in other areas of the bill.

- On line 28 on page 23, what are the conditions that dictate when "a primary is needed"?

- Line 2 on page 24 sets the candidate filing deadline 30 days before the election, which would be in early October. This date occurs after the August primary, if one is held. The filing deadline should be June 10 to be consistent with the rest of the bill.

If the committee wishes to consider amendments to House Bill 2126 as a result of the questions we have raised, we offer our assistance if needed.

Thank you for your consideration.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

Testimony before the
House Committee on Education
on
HB 2126

by
Jim Edwards, Assistant Executive Director for Operations
Kansas Association of School Boards

February 16, 2011

Mr. Chairman, Members of the Committee:

I appear in front of you today to oppose **HB 2126**, a measure which would change the elections for school boards, cities and counties from the current Spring cycle to the Fall cycle being used for state and federal elections.

Our position focuses on three main points:

1. Our membership believes that school board elections should remain non-partisan in nature.
2. Local elections should be the focal point of the election cycle and not be afterthoughts.
3. Ballots can become too lengthy.

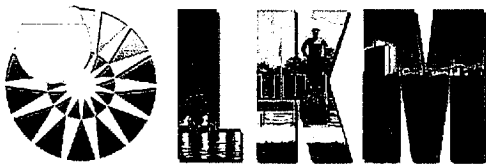
Our membership is made up of individuals from all political parties. However, that same membership believes that the school board races for which they ran and were successful in winning should be non-partisan. While some say that you could still have them run in the Fall on non-partisan tickets, it would be difficult to separate those elections out from those that are very partisan in nature.

Whenever there has been talk of changing the election dates, like **HB 2126** proposes, discussion finally comes down to the fact that focus is taken off those elections. In fact, that point was made this year by our Secretary of State.

Finally, past elections have shown when a ballot becomes too lengthy, interest can be reduced for important issues. My favorite example of that is for the classification amendment passed in 1986 that had a 6.3 percent drop-off while other issues had a much lower drop-off rate.

Thank you for your consideration. I would be happy to respond to questions.

HOUSE ELECTIONS
DATE: 2/16/11
ATTACHMENT: 3



TO: House Elections Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: February 15, 2011

RE: Opposition to HB 2126

Thank you for allowing the League of Kansas Municipalities to testify in opposition to HB 2126. This bill would change decades old laws and move city elections to August and November to coincide with state and federal elections. The League has some concerns regarding this proposed change.

First, city elections are non-partisan in nature. Moving city elections to coincide with other partisan primaries and general elections would be inappropriate and confusing to the public. Second, city elections would not get the coverage that other elections will receive. Local candidates and elections would be lost in the myriad of statewide and federal elections that are conducted at the same time. Additionally, while tying local elections to the state and federal elections may increase the total number of individuals who vote in city elections, it would likely diminish the information available about city elections and candidates, leading to less informed voters generally.

Many cities have both charter ordinances and regular ordinances that could be affected by this change. Thus, any city wishing to continue with their election practices would be compelled to bear the expense of doing new ordinances in those cases. While the bill, in New Section 3, purports to grant the authority for such ordinances to remain in effect, the statutes upon which some of those ordinances were based may be affected in this bill and further amendment would likely be needed to cure any conflict. Otherwise, the confusion that could exist would undoubtedly lead to litigation in some cases, unless the conflicts between the law and ordinances were resolved. On a related note, any city wanting to hold fall elections could do so now with a charter ordinance, and only one city has opted to move their elections, in that case only for the mayor. Finally, moving elections to the fall would have the effect of reducing the number of dates available for special question elections. Thus, cities would either have to schedule special elections or wait until fall to set special questions for elections. This would be inconvenient and likely add costs for some cities wanting to issue bonds, enact sales taxes, or perform other tasks for which an election is required.

For all of the above-cited reasons, the League of Kansas Municipalities opposes HB 2126 and urges the committee to not report the bill favorably.

HOUSE ELECTIONS
DATE: 2/16/11
ATTACHMENT: 4

To: Members of the House Elections Committee

**From: Darci Meese, Government Affairs Coordinator
Water District No. 1 Johnson County (WaterOne)**

Date: February 16th, 2011

RE: Testimony in Opposition to House Bill 2126

On behalf of WaterOne, I am here today to testify in opposition to House Bill 2126.

WaterOne is currently the only water utility created under K.S.A. 19-3501 et seq. Under present law, the 7 member governing body of WaterOne is elected in April of odd numbered years with staggered 4 year terms running from May through April 30. The proposed statute will change the term to December 1 through November 30 and elections will be held on the Tuesday after the first Monday in November, in evenly numbered years.

There seem to be some drafting issues with the HB 2126. As it stands, each of WaterOne's seven Board members' terms expire in odd numbered years. The provision of the bill that states "Elections shall be held on the first Tuesday following the first Monday in November [in of] each even-numbered year for the member positions whose terms expire in that year" effectively would never kick in since all Water District Board members' terms expire in odd years. The bill does not address how this would be handled.

The second unclear point is the modification to K.S.A. 19-3507(a) which strikes the language that addresses what process takes place when a Water District election is required in a precinct that has no other issues. Current law allows the county election officer to provide an alternative location for voting on the Water District issue. The change proposed in 2126 seems to eliminate this language, leaving a bit of an incomplete sentence.

The substantive concern with House Bill 2126 is the lumping of lower profile, yet equally important, municipal issues in with more highly publicized federal and state issues. Voters in April of odd numbered years are likely going to be more informed about local candidates than they otherwise would be if the municipal or water district election occurs along with a November Presidential election.

Darci Meese, Government Affairs Coordinator
Water District No. 1 of Johnson County, Kansas
913-895-5516 direct 913-579-9817 cell dmeese@waterone.org

HOUSE ELECTIONS
DATE: 2/16/11
ATTACHMENT:

5

**Testimony before the House Elections Committee
HB 2126 – Local Election Date Change
Jeff Glendening, Vice President of Political Affairs**

February 16th, 2011

Thank you Mr. Chairman and members of the committee for the opportunity to provide written testimony on behalf of the Kansas Chamber in support of HB 2126 changing the date of local primary and general elections to coincide with state and federal elections.

The Kansas Chamber supports HB 2126 because of the cost savings in streamlining the election process across all levels of government. As a side benefit, we believe this will allow for greater participation in local elections as well.

The Kansas Chamber supports efforts to streamline government and HB 2126 effectively makes government in Kansas more efficient. **We urge the Committee to support HB 2126.** Thank you for your consideration.

The Kansas Chamber, with headquarters in Topeka, Kansas, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to live and work. The Chamber represents small, medium, and large employers all across Kansas. Please contact me directly if you have any questions regarding this testimony.



835 SW Topeka Blvd. Topeka, KS 66612 785.357.6321

HOUSE ELECTIONS
DATE: 2/16/11
ATTACHMENT:

Testimony provided to the House Elections Committee
on HB 2126 – municipal elections
Provided by Don Grosdidier, Superintendent of Schools
Eudora Schools USD 491

To Chairman Scott Schwab and members of the committee:

Thank you for accepting our written testimony on HB 2126, which would move local school board and municipal elections to the general election in November. Members of the Eudora Board of Education discussed this proposal during their regular meeting last week. It was the consensus of the board that moving the school board elections to November would be a very undesirable change.

Before I discuss the reasons of our board, let me point out the fact that these elections are paid for by local agencies – not by the state. The costs to our district for school board elections are minimal. By contrast, the many advantages of electing a school board in April are great. Here are the factors associated with keeping local elections in April that were important to our board.

First, school board races are not partisan, which allows candidates to work on behalf of the schools and the community without regard to political affiliation. Moving school board elections to an otherwise partisan election in November would increase the likelihood that school board elections would be influenced by political party factors that truly have no bearing on the task of creating and maintaining excellent schools.

Second, adding school board elections to an already long November ballot adds one more realm that a voter must learn about in order to cast an educated vote. In high-profile, high-stakes state or federal elections, it is less likely that the average interested voter would have the time or resources to learn about yet another set of issues. This is not to say that voters don't desire to understand the race, or that they lack the intelligence to understand it. It is to say, simply, that the more issues and candidates there are, the more crowded the arena of public discussion. These factors make it more difficult for board of education candidates with extremely limited resources to educate voters about their opinions on local issues.

Finally, there is the logistical concern that a long ballot with highly publicized races at the beginning and local municipal elections at the end decreases the chance that a voter will even complete the ballot. It stands to reason that longer ballots make it less likely that all voters will cast a vote on every question. That is not a problem with the short ballot, focused only on local candidates and issues, in April.

If the goal of elections is to have educated voters who understand the issues and fully complete ballots, the best way to accomplish this for a school board race is to hold that election at a time other than the November general election.

Thank you for your consideration.

To: House Elections Committee
Representative Scott Schwab
Distinguished Members of the Committee

From: Trey Burton
President USD 450 School Board
Shawnee Heights, Tecumseh, KS

Re: House Bill # 2126

In Opposition

I have served on the Shawnee Heights USD 450 School Board since July 1, 2007, after being elected in April 2007. I am opposed to House Bill 2126 and its proposed elimination of April elections for the following reasons:

1. School Board participation is a non-partisan endeavor. Having separate elections helps preserve this important distinction.
2. Newly elected school board members should not begin their term in the middle of the school year. To do so would be inefficient and disruptive to the work of the Board. The July 1 start date enables districts to better manage a variety of functions, including school year budgets and teacher negotiations. It also increases the individual effectiveness of Board members by allowing them to complete orientation activities prior to the beginning of the school year. The school calendar lends itself perfectly to the July 1 date.

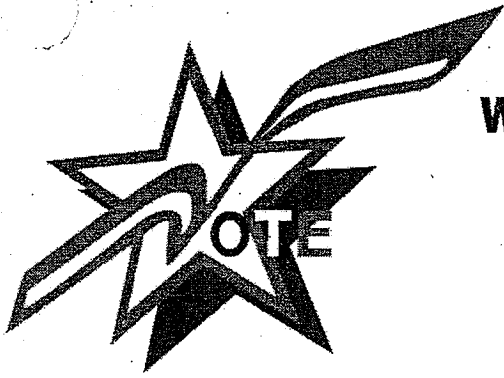
Please consider the relevancy of this analogy - keeping in mind the condensed time frame of a legislative session. Imagine the decrease in effectiveness of the Legislature if legislators were elected after the start of the session during the second week of January and took office on February 15, right in the middle of the session. The midstream change could be detrimental to the entire body as well as those served.

- 3 The potential for change in the composition of the Board during the middle of the school year and budget cycle would make it much more difficult to manage curriculum and reform efforts. Schools make or do not make Annual Yearly Progress (AYP) based on school year test scores. Initiatives and programming are based completely on the school year calendar. There is the potential for negative implications for students if Board members change during the middle of a school year.

Based on the reasons and others not listed here, I am opposed to House Bill 2126.

Thank you for the opportunity to submit this written testimony.

HOUSE ELECTIONS
DATE: 2/16/11
ATTACHMENT: 8



WYANDOTTE COUNTY ELECTION OFFICE

Bruce L. Newby, Election Commissioner
Frances D. Sheppard, Assistant Election Commissioner

HOUSE STANDING COMMITTEE ON ELECTIONS

Testimony on House Bill 2126

Wednesday, February 16, 2011

Thank you for the opportunity to offer written testimony concerning House Bill No. 2126.

This bill will fundamentally change the manner in which elections are conducted in Kansas. While this bill could be perceived as a simplification of elections, with all elections for all offices, partisan and nonpartisan, being conducted at the same time, such a concept will create some interesting challenges for conducting elections.

From an election official perspective, further reducing the frequency of elections from a minimum of two annually to just two elections, a primary and a general election, in even-numbered years could have a deleterious effect on maintaining the organizing and management skills of the core staff which conducts elections. While some think that elections are an occasional one-time event that can somehow be thrown together successfully in a matter of a few weeks, this is not accurate. Voter registrations occur multiple times every day. Maintaining the accuracy of the voter registration data is an ongoing and daily effort. Election officials maintain voting equipment with testing and calibration. Election officials gain, maintain and hone skills in using the voting machine programming software and the Election Voter Information System. Election officials create training methods and materials to more completely train all of the election workers necessary to conduct an election or to augment staff during election periods. Election officials validate signatures on all types of petitions. Election officials design ballots and determine the numbers of ballots to be ordered. Election officials create and manage budgets, respond to public information requests, provide information to candidates, and accomplish a myriad of other tasks. Elections involve a mountain of details, cohesively accomplished by a small core group of election professionals. Too much of the critical detail could be lost when there is too large a gap between elections.

From an election worker perspective, elections are generally considered successful because election workers do a good job. By having elections conducted twice annually, one primary and one general, we can successfully recruit and train a pool of election workers who possess sufficient familiarity with requirements that elections can be well run. However, creating a gap of two years between elections creates the challenge of recruiting election workers, of training election workers, and assigning election workers in sufficient number and with sufficient skills to successfully conduct any election. Recruiting, retention and training

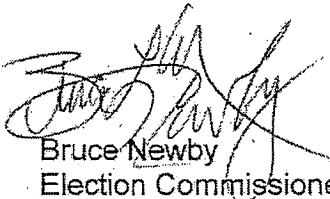
Wyandotte County Election Office
Written Testimony
House Bill 2126

are already a great challenge with nearly 15 months passing between the last odd-year Spring General election and the next even-year Primary election. But the experience gained in conducting four separate and distinct elections more thoroughly establishes the nucleus of well-qualified election workers necessary for consistently successful elections. A gap of a full two years between elections makes it that much more difficult to successfully recruit, train, and retain sufficient numbers of well-qualified election workers.

From the candidate's perspective, the consolidation of elections throws partisan and non-partisan races together onto the same ballot or set of ballots. That will most certainly cause voter confusion. There will be those who will insist that the party affiliation be shown for all candidates or, alternatively, for none of the candidates. In a hotly-contested national race, especially during Presidential election years, the campaigns of candidates for local office could become almost invisible. The competition for media coverage, already high and very expensive, could make it impossible for local candidates to gain any media coverage thus leaving the voter feeling overwhelmed by all of the choices and denied the critical information the voter needs to make an informed decision.

From the voter's perspective, placing all candidates for all offices on the same ballot or set of ballots could be problematic. We already have substantial instances where voters vote one race, and one race only, in Presidential election years. On the other hand a conscientious voter who is determined to make wise choices between the candidates for every office could be easily overwhelmed by the length and complexity of a ballot which could actually be several pages long. Voting a ballot could easily become a voting booth deliberation lasting several minutes. Voting places lack the capacity for handling large numbers of voters who may have already waited in line for a long time, but now must use several minutes to work their way through voting a multi-page ballot. Realistically, many voters might be tempted to vote the first page of the ballot and skip the rest.

I respectfully request that the legislature consider all of these concerns in their deliberations over House Bill No. 2126. I welcome any questions you may have of me.



Bruce Newby
Election Commissioner
Wyandotte County Election Office
850 State Avenue
Kansas City, KS 66101