

MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Terrie Huntington at 9:35 a.m. on March 17, 2011, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Ellen Martinez, Committee Assistant

Conferees appearing before the Committee:

Brad Bryant, Deputy Assistant Secretary of State Elections and Legislative Matters
Thomas Witt, Executive Director, Kansas Equality Coalition
Representative Steve Huebert, Kansas House of Representatives
Don Moler, Executive Director, League of Kansas Municipalities
Stuart Little, representing Shawnee Mission School District
John Bradford, Republican Party Chairman, Leavenworth County
Joanne Long, Bourbon County Clerk
Donald Pyle, Crawford County Clerk and Election Officer

Others attending:

See attached list.

The Chairman called the meeting to order and opened the floor for final action on **HB 2067 - Voter photographic identification requirements**, that continued from March 16, 2011. The Revisor distributed copies of the bill as amended by the House Committee with the amendments that the Ethics and Elections Committee passed previously. (Attachment 1)

The Committee amended the bill to require a county to assist with and transmit forms to the State Registrar's Office at no charge to any person applying for a birth certificate for the purposes of registering to vote. Motion by Senator Faust-Goudeau, seconded by Senator Brungardt. Senator Schmidt proposed a substitute amendment to delete language from the bill. Motion by Senator Faust-Goudeau, seconded by Senator Brungardt. Amended motion carried. (Attachment 2)

Thomas Witt, Executive Director, Kansas Equality Coalition, proposed a balloon amendment. He opposes the Secretary of State's amendment. The balloon amendment would provide a statutory means for physicians to certify gender transition at an earlier point in the transition process, thereby allowing birth records to be reconciled with current state-issued identification. Motion by Senator Kultala, seconded by Senator Reitz. (Attachment 3)

The Committee amended the bill to show that if evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted and the name and/or sex provided on the application for registration, allow an applicant for registration to submit an affidavit stating the reason for the inconsistency and swearing the applicant is the same individual as proposed by the Secretary of State. (Attachment 4)

Substitute motion to amend the bill with the Secretary of State's version by Senator Apple, seconded by Senator Petersen. Motion carried.

The Committee amended the bill to provide that proof of citizenship requirements would not become effective until January 1, 2013. Motion by Senator Huntington, seconded by Senator Faust-Goudeau. Motion carried. (Attachment 5)

Senator Schmidt moved, Senator Brungardt, the bill be passed favorably as amended. Motion carried.

The Chairman opened the hearing on **HB 2080 - Changing the candidate filing deadline for extension districts**. Staff explained that HB 2080 would make the filing deadlines more uniform, allowing ballots to be printed in a more timely manner.

CONTINUATION SHEET

The minutes of the Ethics and Elections Committee at 9:35 a.m. on March 17, 2011, in Room 159-S of the Capitol.

Brad Bryant, Deputy Assistant Secretary of State Elections and Legislative Matters, testified as a proponent. This bill would increase voter turn out and have a modest cost saving effect. ([Attachment 6](#))

Representative Steve Huebert, Kansas House of Representatives, testified as a proponent. This bill would save money for state and local governments and voter turn-out would increase. ([Attachment 7](#))

Don Moler, Executive Director, League of Kansas Municipalities, testified as an opponents. Moving the city elections to coincide with partisan primaries and general elections would be inappropriate. ([Attachment 8](#))

John Bradford, Republican Party Chairman, Leavenworth County, testified as an opponent. The ballot size would be too confusing for voters and the cost to the city or state would increase. ([Attachment 9](#))

Joanne Long, Bourbon County Clerk, testified as an opponent. The ballot would be too long for the time allowed in the voting booth. ([Attachment 10](#))

Stuart Little, representing Shawnee Mission School District, testified as an opponent. The school district felt that the important decisions regarding the district would be lost in the shuffle of all of the candidates on the ballot. ([Attachment 11](#))

Donald Pyle, Crawford County Clerk and Election Officer, testified as an opponent. He felt that **SB 2080** would cause elections to be very confusing and difficult to manage for election officials. ([Attachment 12](#))

Darci Meese, Government Affairs coordinator, Water District #1 Johnson County, an opponent, provided written testimony only. ([Attachment 13](#))

Sherrie Riebel, Allen County Clerk, an opponent, provided written testimony only. ([Attachment 14](#))

Laura McConwell, Mayor, City of Mission, Kansas, an opponent, provided written testimony only. ([Attachment 15](#))

Jim Edwards, Assistant Executive Director of Operations, Kansas Association of Schools, an opponent, provided written testimony only. ([Attachment 16](#))

Bruce Newby, Wyandotte County Clerk, Kansas Association of Schools, an opponent, provided written testimony only. ([Attachment 17](#))

Due to time constraints, the hearing was closed.

The next meeting is scheduled for adjournment of the Senate on March 13, 2011.

The meeting was adjourned at 10:38 a.m.

SENATE ETHICS AND ELECTIONS COMMITTEE

GUEST LIST

Date: March 17, 2011

[illegible]

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2067

By Representatives Kinzer, Arpke, Brown, Brunk, Burgess, Calloway, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hildabrand, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kleebl, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf and Worley

1-24

1 AN ACT concerning elections; ~~relating to voter identification~~; amending
2 K.S.A. 25-2203, 25-2352, ~~25-2411, 25-2416, 25-2423 and 25-2431~~
3 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124,
4 25-1128, 25-2309, [25-2320,] 25-2908, 25-3002 and 65-2418 and
5 repealing the existing sections.

25-208a

25-3203

, 25-3104, 25-3107

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2010 Supp. 8-1324 is hereby amended to read as
9 follows: 8-1324. (a) Any resident who does not hold a current valid
10 Kansas driver's license may make application to the division of vehicles
11 and be issued one identification card.

12 (b) For the purpose of obtaining an identification card, an applicant
13 shall submit, with the application, proof of age, proof of identity and
14 proof of lawful presence. An applicant shall submit with the application a
15 photo identity document, except that a non-photo identity document is
16 acceptable if it includes both the applicant's full legal name and date of
17 birth, and documentation showing the applicant's name, the applicant's
18 address of principal residence and the applicant's social security account
19 number. The applicant's social security number shall remain confidential
20 and shall not be disclosed, except as provided pursuant to K.S.A. 74-
21 2012, and amendments thereto. If the applicant does not have a social
22 security number, the applicant shall provide proof of lawful presence and
23 Kansas residency. The division shall assign a distinguishing number to
24 the identification card. Before issuing an identification card to a person,
25 the division shall make reasonable efforts to verify with the issuing
26 agency the issuance, validity and completeness of each document
27 required to be presented by the applicant to prove age, identity and lawful
28 presence.

Ethics and Elections Committee
Attachment 1
Date 3-17-11

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require payment of application or photo fees under this subsection for any person 18 years of age or older for purposes of meeting the voter registration requirements of K.S.A. 25-2309, and amendments thereto. Such person shall sign an affidavit to be

or accept

identification

25-2908

~~submitted to the secretary of revenue stating that such person plans to register to vote and that the person receives:~~

~~(A) Food assistance, general assistance, supplemental security income (SSI), temporary assistance for families, medicaid assistance, united tribes food distribution program, bureau of Indian affairs general assistance, tribally administered temporary assistance for needy families or meal assistance through the national school lunch program; or~~

~~(B) resides in a household whose income is 150% or less of the federal poverty level.~~

~~(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).~~

~~(4) Any person who signs an affidavit under paragraph (2) knowing the information is false shall be guilty of a class C misdemeanor.~~

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

- (1) The person owns, leases or rents a place of domicile in this state;
- (2) the person engages in a trade, business or profession in this state;
- (3) the person is registered to vote in this state;
- (4) the person enrolls the person's child in a school in this state; or
- (5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2010 Supp. 75-455, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county

: (A) swear under oath that he or she desires an identification card in order to vote in an election in Kansas and that he or she does not possess any of the forms of identification acceptable under K.S.A. 25-2908. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908.

(B) Such person shall also produce evidence that he or she is registered to vote in Kansas.

1 election officer where such person is a resident, or where such person is
2 authorized by law to vote as a former precinct resident, an application for
3 an advance voting ballot. The signed application shall be transmitted only
4 to the county election officer by personal delivery, mail, facsimile or as
5 otherwise provided by law.

6 (b) If the registered voter is applying for an advance voting ballot to
7 be transmitted in person, ~~and such voter is a first time voter,~~ such voter
8 shall provide *identification pursuant to K.S.A. 25-2908, and amendments*
9 *thereto.* ~~a form of valid identification such as a current and valid Kansas~~
10 ~~driver's license, nondriver's identification card, utility bill, bank~~
11 ~~statement, paycheck, government check or other government document~~
12 ~~containing the voter's current name and address as indicated on the~~
13 ~~registration book. Such voter shall not be required to provide~~
14 ~~identification if such voter has previously provided current and valid~~
15 ~~identification in the county where registered.~~

16 (c) If the registered voter is applying for an advance voting ballot to
17 be transmitted by mail, ~~and such voter is a first time voter,~~ such voter
18 shall provide ~~on~~with the application for an advance voting ballot the
19 voter's current and valid Kansas driver's license number, nondriver's
20 identification card number or *a photocopy of any other identification*
21 *provided by K.S.A. 25-2908, and amendments thereto.* ~~the last four digits~~
22 ~~of the voter's social security number, or shall provide with the application~~
23 ~~a copy of the voter's current and valid Kansas driver's license, nondriver's~~
24 ~~identification card, utility bill, bank statement, paycheck, government~~
25 ~~check or other government document containing the voter's current name~~
26 ~~and address as indicated on the registration book. Such voter shall not be~~
27 ~~required to provide identification if such voter has previously provided~~
28 ~~current and valid identification in the county where registered.~~

29 (d) ~~If a first time voter is unable or refuses to provide current and~~
30 ~~valid identification, or if the name and address do not match the voter's~~
31 ~~name and address on the registration book, the A voter may vote a~~
32 ~~provisional ballot according to K.S.A. 25-409, and amendments thereto,~~
33 ~~if:~~

34 (1) The voter is unable or refuses to provide current and valid
35 identification; or

36 (2) the name and address of the voter provided on the
37 application for an advance voting ballot do not match the voter's
38 name and address on the registration book. The voter shall provide a
39 valid form of identification as defined in ~~subsection (c) of K.S.A. 25-~~
40 ~~2908, and amendments thereto, this section~~ to the county election officer
41 in person or provide a copy by mail or electronic means before the
42 meeting of the county board of canvassers. At the meeting of the county
43 board of canvassers the county election officer shall present copies of

1 identification received from provisional voters and the corresponding
2 provisional ballots. If the county board of canvassers determines that a
3 voter's identification is valid and the provisional ballot was properly cast,
4 the ballot shall be counted.

5 (e) No county election officer shall provide an advance voting ballot
6 to a person who is requesting an advance voting ballot to be transmitted
7 by mail unless:

8 (1) The county election official verifies that the signature of the
9 person matches that on file in the county voter registration records.
10 Signature verification may occur by electronic device or by human
11 inspection. In the event that the signature of a person who is requesting
12 an advance voting ballot does not match that on file, the county election
13 officer shall attempt to contact the person and shall offer the person
14 another opportunity to ~~mail in~~ provide such person's signature for the
15 purposes of verifying the person's identity. If the county election officer
16 is unable to reach the person, the county election officer may transmit a
17 provisional ballot, however, such provisional ballot may not be counted
18 unless a signature is included therewith that can be verified; and

19 (2) the person provides such person's full Kansas driver's license
20 number, Kansas nondriver's identification card number issued by the
21 division of vehicles, or submits such person's application for an advance
22 voting ballot and a copy of identification provided by K.S.A. 25-2908,
23 and amendments thereto, to the county election officer for verification. If
24 a person applies for an advance voting ballot to be transmitted by mail
25 but fails to provide identification pursuant to this subsection or the
26 identification of such person cannot be verified by the county election
27 officer, the county election officer shall provide information to such
28 person regarding the voter rights provisions of subsection (d) and shall
29 provide such person an opportunity to provide identification pursuant to
30 this subsection. For the purposes of this act, Kansas state offices and
31 offices of any subdivision of the state will allow any person seeking to
32 vote by an advance voting ballot the use a photocopying device to make
33 one photocopy of an identification document at no cost.

34 (e)(f) Applications for advance voting ballots to be transmitted to the
35 voter by mail shall be filed only at the following times:

36 (1) For the primary election occurring on the first Tuesday in August
37 in even-numbered years, between April 1 of such year and the last
38 business day of the week preceding such primary election.

39 (2) For the general election occurring on the Tuesday succeeding the
40 first Monday in November in even-numbered years, between 90 days
41 prior to such election and the last business day of the week preceding
42 such general election.

43 (3) For the primary election held five weeks preceding the first

1 Tuesday in April, between January 1 of the year of such election and the
2 last business day of the week preceding such primary election.

3 (4) For the general election occurring on the first Tuesday in April,
4 between January 1 of the year of such election and the last business day
5 of the week preceding such general election.

6 (5) For question submitted elections occurring on the date of a
7 primary or general election, the same as is provided for ballots for
8 election of officers at such election.

9 (6) For question submitted elections not occurring on the date of a
10 primary or general election, between the time of the first published notice
11 thereof and the last business day of the week preceding such question
12 submitted election, except that if the question submitted election is held
13 on a day other than a Tuesday, the county election officer shall determine
14 the final date for mailing of advance voting ballots, but such date shall
15 not be more than three business days before such election.

16 (7) For any special election of officers, at such time as is specified
17 by the secretary of state.

18 (8) For the presidential preference primary, between January 1 of the
19 year in which such primary is held and the last business day of the week
20 preceding such primary election.

21 The county election officer of any county may receive applications
22 prior to the time specified in this subsection (e) and hold such
23 applications until the beginning of the prescribed application period. Such
24 applications shall be treated as filed on that date.

25 (f)(g) Unless an earlier date is designated by the county election
26 office, applications for advance voting ballots transmitted to the voter in
27 person in the office of the county election officer shall be filed on the
28 Tuesday next preceding the election and on each subsequent business day
29 until no later than 12:00 noon on the day preceding such election. If the
30 county election officer so provides, applications for advance voting
31 ballots transmitted to the voter in person in the office of the county
32 election officer also may be filed on the Saturday preceding the election.
33 Upon receipt of any such properly executed application, the county
34 election officer shall deliver to the voter such ballots and instructions as
35 are provided for in this act.

36 An application for an advance voting ballot filed by a voter who has a
37 temporary illness or disability or who is not proficient in reading the
38 English language or by a person rendering assistance to such voter may
39 be filed during the regular advance ballot application periods until the
40 close of the polls on election day.

41 The county election officer may designate places other than the central
42 county election office as satellite advance voting sites. At any satellite
43 advance voting site, a registered voter may obtain an application for

1 advance voting ballots. Such ballots and instructions shall be delivered to
2 the voter in the same manner and subject to the same limitations as
3 otherwise provided by this subsection.

4 ~~(g)~~(h) Any person having a permanent disability or an illness which
5 has been diagnosed as a permanent illness is hereby authorized to make
6 an application for permanent advance voting status. Applications for
7 permanent advance voting status shall be in the form and contain such
8 information as is required for application for advance voting ballots and
9 also shall contain information which establishes the voter's right to
10 permanent advance voting status.

11 ~~(h)~~(i) On receipt of any application filed under the provisions of this
12 section, the county election officer shall prepare and maintain in such
13 officer's office a list of the names of all persons who have filed such
14 applications, together with their correct post office address and the
15 precinct, ward, township or voting area in which such persons claim to be
16 registered voters or to be authorized by law to vote as former precinct
17 residents and the present resident address of each applicant. Such names
18 and addresses shall remain so listed until the day of such election. The
19 county election officer shall maintain a separate listing of the names and
20 addresses of persons qualifying for permanent advance voting status. All
21 such lists shall be available for inspection upon request in compliance
22 with this subsection by any registered voter during regular business
23 hours. The county election officer upon receipt of such applications shall
24 enter upon a record kept by such officer the name and address of each
25 applicant, which record shall conform to the list above required. Before
26 inspection of any advance voting ballot application list, the person
27 desiring to make such inspection shall provide to the county election
28 officer identification in the form of driver's license or other reliable
29 identification and shall sign a log book or application form maintained by
30 such officer stating such person's name and address and showing the date
31 and time of inspection. All records made by the county election officer
32 shall be subject to public inspection, except that the voter identification
33 information required by subsections (b) and (c) and the identifying
34 number on ballots and ballot envelopes and records of such numbers shall
35 not be made public.

36 ~~(i)~~(j) If a person on the permanent advance voting list fails to vote in
37 two consecutive general elections held on the Tuesday succeeding the
38 first Monday in November of each even-numbered year, the county
39 election officer may mail a notice to such voter. Such notice shall inform
40 the voter that the voter's name will be removed from the permanent
41 advance voting list unless the voter renews the application for permanent
42 advance voting status within 30 days after the notice is mailed. If the
43 voter fails to renew such application, the county election officer shall

1 remove the voter's name from the permanent advance voting list. Failure
 2 to renew the application for permanent advance voting status shall not
 3 result in removal of the voter's name from the voter registration list.

4 ~~(j) For the purposes of this section, "first time voter" means a~~
 5 ~~registered voter who has not previously voted in any election in the~~
 6 ~~county in which the voter desires to vote. First time voter includes a~~
 7 ~~person whose name was removed from the county registration list in~~
 8 ~~accordance with K.S.A. 25-2316c, and amendments thereto, and who has~~
 9 ~~re-registered.~~

10 (k) The secretary of state may adopt rules and regulations *in order to*
 11 *implement the provisions of this section and to define* ~~defining~~ valid
 12 forms of identification.

13 Sec. 3. K.S.A. 2010 Supp. 25-1122d is hereby amended to read as
 14 follows: 25-1122d. (a) The application for an advance voting ballot to be
 15 transmitted by mail shall be accompanied by an affirmation in substance
 16 as follows:

17 Affirmation of an Elector of the County of _____ and State
 18 of Kansas Desiring to Vote an Advance Voting Ballot

19 State of _____, County of _____, ss:

20 I,

21 _____
 22 _____
 23 (Please print name)
 24

25 do solemnly affirm under penalty of perjury that I am a qualified elector
 26 of the _____ precinct of the _____ ward, residing at number
 27 _____ on _____ street, city of _____, or in the township
 28 of _____, county of _____, and state of Kansas. My date of
 29 birth is _____ (month/day/year).

30 I understand that ~~if I have not previously voted in any election in this~~
 31 ~~county and I have not previously submitted valid identification, a current~~
 32 ~~and valid Kansas driver's license number or Kansas nondriver's~~
 33 ~~identification card number must be provided in order to receive a ballot.~~
 34 *If I do not have a current and valid Kansas driver's license number or*
 35 *Kansas nondriver's identification card number, I must provide one of the*
 36 *following forms of identification with this application in order to receive*
 37 *a ballot:*

38 (1) ~~A current and valid Kansas driver's license number or nondriver's~~
 39 ~~identification card number, or~~ *a copy of any one of the following types of*
 40 *photographic identification: a driver's license issued by Kansas or by*
 41 *another state or district of the United States, a state identification card*
 42 *issued by Kansas or by another state or district of the United States, a*
 43 *concealed carry of weapon handgun license issued by Kansas or a*

1 **concealed carry of handgun or weapon license issued by another state**
 2 **or district of the United States, a United States passport, an employee**
 3 **badge or identification document issued by a municipal, county, state, or**
 4 **federal government office or agency, a military identification document**
 5 **issued by the United States, a student identification card issued by a**
 6 **public an accredited post secondary institution of education in the state**
 7 **of Kansas, or a public assistance identification card issued by a**
 8 **municipal, county, state, or federal government office or agency; and.**

9 ~~(2) the last four digits of my social security number; or a copy of any~~
 10 ~~one of the following types of proof of current address: a utility bill, bank~~
 11 ~~statement, paycheck, government check, or other government document~~
 12 ~~that shows my name and address.~~

13 ~~(3) a copy of a current and valid Kansas driver's license or~~
 14 ~~nondriver's identification card, utility bill, bank statement, paycheck,~~
 15 ~~government check, or other government document that shows my name~~
 16 ~~and address.~~

17 I am entitled to vote an advance voting ballot and I have not voted and
 18 will not otherwise vote at the election to be held on _____ (date).
 19 My political party is _____ (to be filled in only when requesting
 20 primary election ballots). I desire my ballots to be sent to the following
 21 address:

22 _____
 23 _____
 24 Signature of voter.

25 Note: False statement on this affirmation is a severity level 9,
 26 nonperson felony.

27 (b) The application for an advance voting ballot to be transmitted in
 28 person shall be accompanied by an affirmation in substance as follows:

29 Affirmation of an Elector of the County of _____ and State
 30 of Kansas Desiring to Vote an Advance Voting Ballot

31 State of _____, County of _____, ss:

32 I, _____

33 (Please print name)

34 do solemnly affirm under penalty of perjury that I am a qualified
 35 elector of the _____ precinct of the _____ ward, residing at number
 36 _____ on _____ street, city of _____, or in the township
 37 of _____, county of _____, and state of Kansas. My date of birth
 38 is _____ (month/day/year).

39 I understand that if I have not previously voted in any election in this
 40 county and I have not previously submitted valid identification, a current
 41 and valid Kansas driver's license number or Kansas nondriver's
 42 identification card number must be provided in order to receive a ballot.
 43 If I do not have a current and valid Kansas driver's license number or

1 ~~Kansas nondriver's identification card number, I must provide one of the~~
2 ~~following forms of identification with this application in order to receive~~
3 ~~a ballot:~~

4 ~~(1) A current and valid Kansas driver's license number or nondriver's~~
5 ~~identification card utility bill, bank statement, paycheck, government~~
6 ~~check or other government document that shows my name and address. A~~
7 ~~copy of any one of the following types of photographic identification: a~~
8 ~~driver's license issued by Kansas or by another state or district of the~~
9 ~~United States, a state identification card issued by Kansas or by another~~
10 ~~state or district of the United States, a concealed carry of weapon license~~
11 ~~issued by Kansas or by another state or district of the United States, a~~
12 ~~United States passport, an employee badge or identification document~~
13 ~~issued by a municipal, county, state, or federal government office or~~
14 ~~agency, a military identification document issued by the United States, a~~
15 ~~student identification card issued by a public post secondary institution in~~
16 ~~the state of Kansas, or a public assistance identification card issued by a~~
17 ~~municipal, county, state, or federal government office or agency; and~~

18 ~~(2) a copy of any one of the following types of proof of current~~
19 ~~address: a utility bill, bank statement, paycheck, government check, or~~
20 ~~other government document that shows my name and address.~~

21 I am entitled to vote an advance voting ballot and I have not voted and
22 will not otherwise vote at the election to be held on _____ (date).
23 My political party is _____ (to be filled in only when requesting
24 primary election ballots).

25 _____
26 _____
27 _____
28 Signature of voter.
29

30 Note: False statement on this affirmation is a severity level 9,
31 nonperson felony.

32 (c) An application for permanent advance voting status shall be on a
33 form prescribed by the secretary of state for this purpose. Such
34 application shall contain an affirmation concerning substantially the same
35 information required in subsection (a) and in addition thereto a statement
36 regarding the permanent character of such illness or disability.

37 (d) Any application by a former precinct resident shall state both the
38 former and present residence, address, precinct and county of such former
39 precinct resident and the date of change of residence.

40 (e) *The secretary of state may adopt rules and regulations in order*
41 *to implement the provisions of this section.*

42 Sec. 4. K.S.A. 2010 Supp. 25-1123 is hereby amended to read as
43 follows: 25-1123. (a) When an application for an advance voting ballot

1 has been filed in accordance with K.S.A. 25-1122, and amendments
2 thereto, the county election officer shall transmit to the voter applying
3 therefor one each of the appropriate ballots. ~~Except as provided by~~
4 ~~subsection (b)~~ *Unless an advance voting ballot is transmitted in person*
5 *pursuant to this subsection*, the county election officer shall transmit the
6 advance voting ballots to the voter at one of the following addresses as
7 specified by the voter on such application: (1) The voter's residential
8 address or mailing address as indicated on the registration list; (2) the
9 voter's temporary residential address; or (3) a medical care facility as
10 defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,
11 hospice or adult care home where the voter resides. No advance voting
12 ballot shall be transmitted by the county election officer by any means
13 prior to the 20th day before the election for which an application for an
14 advance voting ballot has been received by such county election officer.
15 If the advance voting ballot is transmitted by mail, such ballot shall be
16 transmitted with printed instructions prescribed by the secretary of state
17 and a ballot envelope bearing upon the outside a printed form as
18 described in K.S.A. 25-1120, and amendments thereto, and the same
19 number as the number of the ballot. If the advance voting ballot is
20 transmitted to the applicant in person in the office of the county election
21 officer or at a satellite advance voting site, such advance voting ballot and
22 printed instructions shall be transmitted in an advance voting ballot
23 envelope bearing upon the outside a printed form as described in K.S.A.
24 25-1120, and amendments thereto, and the same number as the number of
25 the ballot unless the voter elects to deposit the advance voting ballot into
26 a locked ballot box without an envelope. All ballots shall be transmitted
27 to the advance voting voter not more than 20 days before the election but
28 within two business days of the receipt of such voter's application by the
29 election officer or the commencement of such 20-day period. In primary
30 elections required to be conducted on a partisan basis, the election officer
31 shall deliver to such voter the ballot of the political party of the applicant.

32 (b) The restrictions in subsection (a) relating to where a county
33 election officer may transmit an advance voting ballot shall not apply to
34 an advance voting ballot requested pursuant to an application for an
35 advance voting ballot filed by a voter who has a temporary illness or
36 disability or who is not proficient in reading the English language.

37 (c) The county election officer shall compare the driver's license
38 number, nondriver's identification card number, ~~social security number~~ or
39 copy of other valid identification provided by a ~~first-time~~ voter to the
40 voter registration list verified by the division of ~~motor~~ vehicles in
41 accordance with federal law. If no identification information was
42 provided by the ~~first-time~~ voter, or if such information does not match the
43 information on the voter registration list, the county election officer shall

1 ~~not transmit an~~ **transmit a provisional** advance voting ballot.

2 Sec. 5. K.S.A. 2010 Supp. 25-1124 is hereby amended to read as
3 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
4 shall cast such voter's vote as follows: The voter shall make a cross or
5 check mark in the square or parentheses opposite the name of each
6 candidate or question for whom the voter desires to vote. The voter shall
7 make no other mark, and shall allow no other person to make any mark,
8 upon such ballot. If the advance voting ballot was transmitted by mail, the
9 voter personally shall place the ballot in the ballot envelope bearing the
10 same number as the ballot and seal the envelope. The voter shall
11 complete the form on the ballot envelope and shall sign the same. Except
12 as provided by K.S.A. 25-2908, and amendments thereto, the ballot
13 envelope shall be mailed or otherwise transmitted to the county election
14 officer. If the advance voting ballot was transmitted to the voter in person
15 in the office of the county election officer or at a satellite advance voting
16 site, the voter may deposit such ballot into a locked ballot box without an
17 envelope.

18 (b) ~~Any sick, physically disabled or illiterate~~ voter who has an
19 *illness or physical disability or who is not proficient in reading the*
20 *English language* that is unable to apply for or mark or transmit an
21 advance voting ballot, may request assistance by a person who has signed
22 a statement required by subsection (d) in applying for or marking an
23 advance voting ballot.

24 (c) Any voted ballot may be transmitted to the county election
25 officer by the voter or by another person ~~upon request of~~ *designated in*
26 *writing* by the voter. Any such voted ballot shall be transmitted to the
27 county election officer before the close of the polls on election day.

28 (d) The county election officer shall allow a person to assist a ~~sick,~~
29 ~~physically disabled or illiterate~~ voter who has an *illness or physical*
30 *disability or who is not proficient in reading the English language* in
31 applying for or marking an application or advance voting ballot, provided
32 a written statement is signed by the person who renders assistance to the
33 ~~sick, physically disabled or illiterate~~ voter who has an *illness or physical*
34 *disability or who is not proficient in reading the English language* and
35 *such statement* is submitted to the county election officer with the
36 application or ballot. The statement shall be on a form prescribed by the
37 secretary of state and shall contain a statement from the person providing
38 assistance that the person has not exercised undue influence on the voting
39 decision of the ~~sick, physically disabled or illiterate~~ voter who has an
40 *illness or physical disability or who is not proficient in reading the*
41 *English language* and that the person providing assistance has completed
42 the application or marked the ballot as instructed by the ~~sick, physically~~
43 ~~disabled or illiterate~~ voter.

1 (e) Any person assisting a ~~sick, physically disabled or illiterate~~ voter
2 *who has an illness or physical disability or who is not proficient in*
3 *reading the English language* in applying for or marking an advance
4 voting ballot who knowingly ~~and willfully~~ fails to sign and submit the
5 statement required by this section or who exercises undue influence on
6 the voting decision of such voter shall be guilty of a severity level 9,
7 nonperson felony.

8 Sec. 6. K.S.A. 2010 Supp. 25-1128 is hereby amended to read as
9 follows: 25-1128. (a) No voter shall *knowingly* mark or transmit to the
10 county election officer more than one advance voting ballot, or set of one
11 of each kind of ballot, if the voter is entitled to vote more than one such
12 ballot at a particular election.

13 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
14 no person shall *knowingly* interfere with or delay the transmission of any
15 advance voting ballot application from a voter to the county election
16 officer, nor shall any person mail, fax or otherwise cause the application
17 to be sent to a place other than the county election office. Any person or
18 group engaged in the distribution of advance voting ballot applications
19 shall mail, fax or otherwise deliver any application signed by a voter to
20 the county election office within two days after such application is signed
21 by the applicant.

22 (c) Except as otherwise provided by law, no person other than the
23 voter, shall *knowingly* mark, sign or transmit to the county election officer
24 any advance voting ballot or advance voting ballot envelope.

25 (d) *Except as otherwise provided by law, no person shall knowingly*
26 *sign an application for an advance voting ballot for another person. This*
27 *provision shall not apply if a voter has a disability preventing the voter*
28 *from signing an application or if an immediate family member signs an*
29 *application on behalf of another immediate family member with proper*
30 *authorization being given.*

31 ~~(d)~~(e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
32 1124, and amendments thereto, shall *knowingly* intercept, interfere with,
33 or delay the transmission of advance voting ballots from the county
34 election officer to the voter.

35 (e)(f) No person shall *knowingly willfully* and falsely affirm, declare
36 or subscribe to any material fact in an affirmation form for an advance
37 voting ballot, or set of advance voting ballots. ~~if the voter is entitled to~~
38 ~~vote more than one kind of advance voting ballot at a particular election,~~
39 ~~or in a declaration form on an advance voting ballot envelope.~~

40 ~~(f) Nothing in this section shall be construed to prohibit any person~~
41 ~~from mailing, carrying or otherwise conveying advance voting ballots or~~
42 ~~sets of advance voting ballots to the county election officer upon request~~
43 ~~of advance voting voters.~~

(g) A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

~~(g) (h) Violation of any provision of this section is a class C misdemeanor, severity level 9, nonperson felony.~~

class C misdemeanor

Sec. 7. K.S.A. 25-2203 is hereby amended as follows: 25-2203. (a) There is hereby established the state election board, the members of which shall be the lieutenant governor, the secretary of state and the attorney general. The state election board shall meet on the call of the secretary of state.

(b) The state election board shall:

(1) Adopt rules and regulations for determination of apportionment of election expenses among the subdivisions of government. Such rules and regulations shall identify and define the election expenses which are direct and those which are indirect, or shall define sufficient means of making determination thereof;

(2) assess information provided by any applicant for voter registration as evidence of citizenship pursuant to K.S.A. 25-2309(m), and amendments thereto; and

(3) The state election board shall make such additional rules and regulations as it deems advisable relating to payment of election expenses.

~~Sec. 7. 8. K.S.A. 2010 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the national mail voter registration application prescribed by form the issued pursuant to federal law.~~
election commission. Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(b) Applications made under this section shall give voter eligibility

1 requirements and such information as is necessary to *prevent duplicative*
2 *voter registrations and enable the relevant election officer to assess the*
3 *eligibility of the applicant and to administer voter registration, identify*
4 ~~the applicant and to determine the qualifications of the applicant as an~~
5 ~~elector and the facts authorizing such person to be registered~~, including,
6 but not limited to, the following data *to be kept by the relevant election*
7 *officer as provided by law:*

- 8 (1) Name;
- 9 (2) place of residence, including specific address or location, and
10 mailing address if the residence address is not a permissible postal
11 address;
- 12 (3) date of birth;
- 13 (4) sex;
- 14 (5) the last four digits of the person's social security number or the
15 person's full driver's license or nondriver's identification card number;
- 16 (6) telephone number, if available;
- 17 (7) naturalization data (if applicable);
- 18 (8) if applicant has previously registered or voted elsewhere,
19 residence at time of last registration or voting;
- 20 (9) when present residence established;
- 21 (10) name under which applicant last registered or voted, if different
22 from present name;
- 23 (11) an attestation that the applicant meets each eligibility
24 requirement;
- 25 (12) a statement that the penalty for submission of a false voter
26 registration application is a maximum presumptive sentence of 17 months
27 in prison;
- 28 (13) a statement that, if an applicant declines to register to vote, the
29 fact that the applicant has declined to register will remain confidential
30 and will be used only for voter registration purposes;
- 31 (14) a statement that if an applicant does register to vote, the office
32 to which a voter registration application is submitted will remain
33 confidential and will be used only for voter registration purposes;
- 34 (15) boxes for the applicant to check to indicate whether the
35 applicant is or is not a citizen of the United States, together with the
36 question "Are you a citizen of the United States of America?";
- 37 (16) *boxes for the county election officer or chief state election*
38 *official to check to indicate whether the applicant has provided with the*
39 *application the information necessary to assess the eligibility of the*
40 *applicant, including such applicant's United States citizenship;*
- 41 (17) boxes for the applicant to check to indicate whether or not the
applicant will be 18 years of age or older on election day, together with
the question "Will you be 18 years of age on or before election day?";

1 ~~(17)~~ (18) in reference to paragraphs (15) and ~~(16)~~(17) the statement
2 "If you checked 'no' in response to either of these questions, do not
3 complete this form.";

4 ~~(18)~~ (19) a statement that the applicant ~~may~~shall be required to
5 provide identification when voting; and

6 ~~(19)~~ (20) political party affiliation declaration, if any. An applicant's
7 failure to make a declaration will result in the applicant being registered
8 as an unaffiliated voter.

9 If the application discloses any previous registration in any other
10 county or state, as indicated by paragraph (8) or (10), or otherwise, the
11 county election officer shall upon the registration of the applicant, give
12 notice to the election official of the place of former registration, notifying
13 such official of applicant's present residence and registration, and
14 authorizing cancellation of such former registration. *This section shall be*
15 *interpreted and applied in accordance with federal law. No eligible*
16 *applicant whose qualifications have been assessed shall be denied*
17 *registration.*

18 (c) Any person who applies for registration through a voter
19 registration agency shall be provided with, in addition to the application
20 under subsection (b), a form which includes:

21 (1) The question "If you are not registered to vote where you live
22 now, would you like to apply to register to vote here today?";

23 (2) a statement that if the applicant declines to register to vote, this
24 decision will remain confidential and be used only for voter registration
25 purposes;

26 (3) a statement that if the applicant does register to vote, information
27 regarding the office to which the application was submitted will remain
28 confidential and be used only for voter registration purposes; and

29 (4) if the agency provides public assistance, (i) the statement
30 "Applying to register or declining to register to vote will not affect the
31 amount of assistance that you will be provided by this agency.";

32 (ii) boxes for the applicant to check to indicate whether the applicant
33 would like to register or declines to register to vote, together with the
34 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
35 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE
36 AT THIS TIME.";

37 (iii) the statement "If you would like help in filling out the voter
38 registration application form, we will help you. The decision whether to
39 seek or accept help is yours. You may fill out the application form in
40 private."; and

41 (iv) the statement "If you believe that someone has interfered with
42 your right to register or to decline to register to vote, your right to privacy
43 in deciding whether to register or in applying to register to vote, or your

1-16

1 right to choose your own political party or other political preference, you
2 may file a complaint with the Kansas Secretary of State."

3 (d) If any person, in writing, declines to register to vote, the voter
4 registration agency shall maintain the form prescribed by subsection (c).

5 (e) A voter registration agency shall transmit the completed
6 registration application to the county election officer not later than five
7 days after the date of acceptance. Upon receipt of an application for
8 registration, the county election officer shall send, by nonforwardable
9 mail, a notice of disposition of the application to the applicant at the
10 postal delivery address shown on the application. If a notice of
11 disposition is returned as undeliverable, a confirmation mailing
12 prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.

13 (f) If an application is received while registration is closed, such
14 application shall be considered to have been received on the next
15 following day during which registration is open.

16 (g) A person who completes an application for voter registration
17 shall be considered a registered voter when the county election officer
18 adds the applicant's name to the county voter registration list.

19 (h) Any registered voter whose residence address is not a
20 permissible postal delivery address shall designate a postal address for
21 registration records. When a county election officer has reason to believe
22 that a voter's registration residence is not a permissible postal delivery
23 address, the county election officer shall attempt to determine a proper
24 mailing address for the voter.

25 (i) Any registered voter may request that such person's residence
26 address be concealed from public inspection on the voter registration list
27 and on the original voter registration application form. Such request shall
28 be made in writing to the county election officer, and shall specify a
29 clearly unwarranted invasion of personal privacy or a threat to the voter's
30 safety. Upon receipt of such a request, the county election officer shall
31 take appropriate steps to ensure that such person's residence address is not
32 publicly disclosed. Nothing in this subsection shall be construed as
33 requiring or authorizing the secretary of state to include on the voter
34 registration application form a space or other provision on the form that
35 would allow the applicant to request that such applicant's residence
36 address be concealed from public inspection.

37 (j) No application for voter registration shall be made available for
38 public inspection or copying unless the information required by
39 paragraph (5) of subsection (b) has been removed or otherwise rendered
40 unreadable.

41 (k) If an applicant fails to answer the question prescribed in
42 paragraph (15) of subsection (b), the county election officer shall send the
application to the applicant at the postal delivery address given on the

1 application, by nonforwardable mail, with a notice of incompleteness.
2 The notice shall specify a period of time during which the applicant may
3 complete the application in accordance with K.S.A. 25-2311, and
4 amendments thereto, and be eligible to vote in the next election.

5 (l) *The county election officer or secretary of state's office shall*
6 ~~reject any application for registration that is not accompanied by~~
7 ~~satisfactory evidence of United States citizenship~~ **accept any completed**
8 **application for registration, but an applicant shall not be registered**
9 **until the applicant has provided satisfactory evidence of United**
10 **States citizenship.** *Evidence of United States citizenship as required in*
11 *this section will be satisfied by presenting one of the documents listed in*
12 *paragraphs (1) through (6) (13) of subsection (l) in person at the time of*
13 *filing the application for registration or by including a photocopy of one*
14 *of the following documents with a mailed registration application. After a*
15 *person has submitted satisfactory evidence of citizenship, the county*
16 *election officer shall indicate this information in the person's permanent*
17 *voter file. Evidence of United States citizenship shall be satisfied by*
18 *providing one of the following, or a legible photocopy of one of the*
19 *following documents:*

20 (1) *The applicant's driver's license or nondriver's identification card*
21 ~~*originally issued after April 20, 2007, issued by the division of vehicles*~~
22 ~~*or the equivalent governmental agency of another state within the United*~~
23 ~~*States if the agency indicates on the applicant's driver's license or*~~
24 ~~*nondriver's identification card that the person has provided satisfactory*~~
25 ~~*proof of United States citizenship;*~~

26 (2) *the applicant's birth certificate that verifies United States*
27 *citizenship to the satisfaction of the county election officer or secretary of*
28 *state;*

29 (3) *pertinent pages of the applicant's United States valid or expired*
30 *passport identifying the applicant and the applicant's passport number,*
31 *or presentation to the county election officer of the applicant's United*
32 *States passport;*

33 (4) *the applicant's United States naturalization documents or the*
34 *number of the certificate of naturalization. If only the number of the*
35 *certificate of naturalization is provided, the applicant shall not be*
36 *included in the registration rolls until the number of the certificate of*
37 *naturalization is verified with the United States bureau of citizenship and*
38 *immigration services by the county election officer or the secretary of*
39 *state, pursuant to 8 U.S.C. § 1373(c);*

40 (5) *other documents or methods of proof of United States citizenship*
41 *issued by the federal government pursuant to the immigration and*
42 *nationality act of 1952, and amendments thereto; or*

43 (6) *the applicant's bureau of Indian affairs card number, tribal treaty*

1 *card number or tribal enrollment number;*

2 (7) the applicant's consular report of birth abroad of a citizen of
3 the United States of America;

4 (8) the applicant's certificate of citizenship issued by the United
5 States citizenship and immigration services;

6 (9) the applicant's certification of report of birth issued by the
7 United States department of state;

8 (10) the applicant's American Indian card, with KIC
9 classification, issued by the United States department of homeland
10 security;

11 (11) the applicant's final adoption decree showing the applicant's
12 name and United States birthplace;

13 (12) the applicant's official United States military record of
14 service showing the applicant's place of birth in the United States; or

15 (13) an extract from a United States hospital record of birth
16 created at the time of the applicant's birth indicating the applicant's
17 place of birth in the United States.

18 (m) If an applicant is a United States citizen but does not have
19 any of the documentation listed in this section as satisfactory
20 evidence of United States citizenship, such applicant may submit any
21 evidence that such applicant believes demonstrates the applicant's
22 United States citizenship.

23 (1) Any applicant seeking an assessment of evidence under this
24 subsection may directly contact the elections division of the secretary
25 of state by submitting a voter registration application or form as
26 described by this section and any supporting evidence of United
27 States citizenship. Upon receipt of this information, the secretary of
28 state shall notify the state election board, as established under K.S.A.
29 25-2203, and amendments thereto, that such application is pending.

30 (2) The state election board shall give the applicant an
31 opportunity for a hearing and an opportunity to present any
32 additional evidence to the state election board. Notice of such hearing
33 shall be given to the applicant at least five days prior to the hearing
34 date. An applicant shall have the opportunity to be represented by
35 counsel at such hearing.

36 (3) The state election board shall assess the evidence provided by
37 the applicant to determine whether the applicant has provided
38 satisfactory evidence of United States citizenship. A decision of the
39 state election board shall be determined by a majority vote of the
40 election board.

41 (4) If an applicant submits an application and any supporting
evidence prior to the close of registration for an election cycle, a
determination by the state election board shall be issued at least five

1 days before such election date.

2 (5) If the state election board finds that the evidence presented
3 by such applicant constitutes satisfactory evidence of United States
4 citizenship, such applicant will have met the requirements under this
5 section to provide satisfactory evidence of United States citizenship.

6 (6) If the state election board finds that the evidence presented
7 by an applicant does not constitute satisfactory evidence of United
8 States citizenship, such applicant shall have the right to appeal such
9 determination by the state election board by instituting an action
10 under 8 U.S.C. § 1503. Any negative assessment of an applicant's
11 eligibility by the state election board shall be reversed if the applicant
12 obtains a declaratory judgment pursuant to 8 U.S.C. § 1503,
13 demonstrating that such applicant is a national of the United States.

14 ~~(m)~~ (n) Any person who is registered in this state on the effective
15 date of this amendment to this section is deemed to have provided
16 satisfactory evidence of citizenship and shall not be required to resubmit
17 evidence of citizenship.

18 ~~(n)~~ (o) For purposes of this section, proof of voter registration from
19 another state is not satisfactory evidence of United States citizenship.

20 ~~(o)~~ (p) A registered Kansas voter who moves from one residence to
21 another within the state of Kansas or who modifies such voter's
22 registration records for any other reason shall not be required to submit
23 evidence of United States citizenship.

24 ~~(p)~~ (q) All documents submitted as evidence of citizenship shall be
25 kept confidential by the county election officer or the secretary of state
26 and maintained as provided by Kansas record retention laws. The
27 provisions of this subsection shall expire on July 1, 2016, unless the
28 legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,
29 and amendments thereto, prior to July 1, 2016.

30 ~~(q)~~ (r) The secretary of state may adopt rules and regulations to in
31 order to implement the provisions of this section.

32 (s) Nothing in this section shall prohibit an applicant from
33 providing, or the secretary of state or county election officer from
34 obtaining satisfactory evidence of United States citizenship, as
35 described in subsection (1), at a different time or in a different
36 manner than an application for registration is provided, as long as
37 the applicant's eligibility can be adequately assessed by the secretary
38 of state or county election officer as required by this section.

39 [Sec. 9. K.S.A. 2010 Supp. 25-2320 is hereby amended to read as
40 follows: 25-2320. (a) The county election officer shall allow access to
41 any person at any time during regular business hours, under
42 supervision of the county election officer for the purpose of
43 examining the voter registration books, active voter lists and other

1 lists of voters required to be kept. Any person may make a written
2 request for a copy of the registration books at any time except on any
3 election day. The election officer is hereby directed to provide one or
4 more copies which are accurate insofar as practicable of such books
5 to the person so requesting. The election officer shall provide such
6 copies to the person within 10 days following the request if so
7 requested. The expense of making such copies shall be paid by the
8 person requesting them. The cost of copies shall be established by the
9 county election officer at a price which is not more than the actual
10 cost and shall be set uniformly in order that the price therefor shall
11 be the same for all persons requesting identical copies.

12 (b) No voter registration record shall be made available for
13 public inspection or copying unless the individual's social security
14 number, *driver's license number, nondriver's identification card number*
15 or any part thereof, has been removed or otherwise been rendered
16 unreadable.]

17 Sec.—9, [10.] K.S.A. 25-2352 is hereby amended to read as
18 follows: 25-2352. (a) (1) Each Kansas division of motor vehicles
19 driver's license application and nondriver identification card
20 application (including any renewal application) submitted to a
21 division of motor vehicles office in Kansas shall serve as an
22 application for voter registration unless the applicant fails to sign the
23 voter registration application. An individual who completes the
24 application for voter registration and is otherwise eligible shall be
25 registered to vote in accordance with the information supplied by the
26 individual.

27 (2) An application for voter registration submitted under
28 subsection (a)(1) shall be considered as updating any previous voter
29 registration by the applicant.

30 (b) The voter registration section of the application:

31 (1) May require a second signature or other information that
32 duplicates, or is in addition to, information in the driver's license or
33 nondriver's identification card section of the application to prevent
34 duplicate voter registrations, and to enable Kansas election officials
35 to assess the eligibility of the applicant and to administer voter
36 registration and other parts of the election process;

37 (2) shall include a statement that specifies each eligibility
38 requirement for voting, contains an attestation that the applicant
39 meets each such requirement, including citizenship, and requires the
40 signature of the applicant, under penalty of perjury;

41 (3) shall include a statement that, if an applicant declines to
42 register to vote, the fact that the applicant has declined to register
will remain confidential and will be used only for voter registration

1 purposes;

2 (4) shall include a statement that if an applicant does register to
3 vote, the office at which the applicant submits a voter registration
4 application will remain confidential and will be used only for voter
5 registration purposes;

6 (5) shall be made available by the division of vehicles (as
7 submitted by the applicant, or in machine-readable or other format)
8 to the secretary of state and county election officers, as provided by
9 rules and regulations adopted by the secretary of state; and

10 (6) shall be transmitted to the county election officer not later
11 than five days after the date of acceptance.

12 (c) The motor vehicle driver's license and nondriver
13 identification card form used for change of residence address shall
14 also serve as a notification of change of residence address for voter
15 registration for elections, unless the registrant states on the form that
16 the change is not for voter registration purposes.

17 (d) The voter registration portion of the motor vehicle driver's
18 license and nondriver identification card applications and change of
19 address forms used shall be subject to approval by the secretary of
20 state for purposes of voter registration under this section.

21 (e) Following the line fixed for the signature of the applicant on
22 the application for voter registration, a statement shall be printed
23 stating that the penalty for submission of a false voter registration
24 application is a maximum presumptive sentence of 17 months in
25 prison.

26 (f) *The department of revenue or an employee of the department of*
27 *revenue acting within the scope of the employee's employment shall not*
28 *be liable for any damages resulting from any claim based on the*
29 *department of revenue's transfer of any motor vehicle record information*
30 *to the secretary of state that is required or permitted by law.*

31 (f) (g) The secretary of state is hereby authorized to adopt such
32 rules and regulations in the manner prescribed by law as may be
33 necessary for the administration of the provisions of this section.

34 ~~Sec. 8. 10. [11.] K.S.A. 25-2411 is hereby amended to read as~~
35 ~~follows: 25-2411. Election perjury is intentionally and knowingly falsely~~
36 ~~swearing, affirming, declaring or subscribing to any of the following: (a)~~
37 ~~Statements in answer to questions put to a person who has been~~
38 ~~challenged as unqualified to vote.~~

39 ~~(b) Statements in answer to questions put to a witness concerning the~~
40 ~~qualifications of any person to vote.~~

41 ~~(c) Statements contained in any affidavit or declaration which is~~
42 ~~prescribed by chapter 25 of the Kansas Statutes Annotated or any other~~
43 ~~election law of the state, or which is prescribed in any manner by the~~

~~secretary of state or any county election officer under the election laws of this state.~~

~~(d) Statements in answer to questions put by a county election officer or deputy county election officer relating to application for voter registration of any person.~~

~~(e) Statements in answer to questions put by an election board member to a person asking for voter assistance because of age, visual handicap, lack of proficiency in reading the English language or physical disability.~~

~~(f) Statements of any witness at an election contest.~~

~~Election perjury is a severity level 98, nonperson felony.~~

~~Sec. 9. 11. [12.] K.S.A. 25-2416 is hereby amended to read as follows: 25-2416. (a) Voting without being qualified is knowingly and willfully: (a)~~

~~(1) Voting or attempting to vote at in any election district when not a lawfully registered voter in such election district; or~~

~~(2) voting or attempting to vote at any election by a person who is not a citizen of the United States or who does not otherwise meet the qualifications of an elector.~~

~~(b) Voting or offering to vote more than once at the same election.~~

~~(c) Inducing or aiding any person to vote more than once at the same election.~~

~~(b) Voting without being qualified is a severity level 8, nonperson felony; class A misdemeanor.~~

~~Sec. 10. 12. [13.] K.S.A. 25-2423 is hereby amended to read as follows: 25-2423.~~

~~(a) Election tampering is, while being charged with no election duty, making or changing any election record.~~

~~(b) Election tampering is a severity level 87, nonperson felony.~~

~~Sec. 11. 13. [14.] K.S.A. 25-2431 is hereby amended to read as follows: 25-2431.~~

~~(a) False impersonation of a voter is representing oneself as another person whether real or fictitious and thereafter voting or attempting to vote.~~

~~(b) False impersonation of a voter is a severity level 98, nonperson felony.~~

~~Sec. 12. 14. [15.] K.S.A. 2010 Supp. 25-2908 is hereby amended to read as follows: 25-2908. (a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.~~

1 (b) A person desiring to vote shall provide to the election board: (1)
2 The voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's
3 signature on the registration or poll book; ~~and~~ (4) *a valid form of*
4 *identification listed in subsection (h)*. A signature may be made by mark,
5 initials, typewriter, print, stamp, symbol or any other manner if by placing
6 the signature on the document the person intends the signature to be
7 binding. A signature may be made by another person at the voter's
8 direction if the signature reflects such voter's intention.

9 (c) A member of the election board shall:

10 (1) Announce the voter's name in a loud and distinct tone of voice,
11 and, if the name is in the registration books, the member of the election
12 board having the registration record shall repeat the name;

13 (2) request the voter's signature on the registration or poll book;

14 (3) provide the required signature at the request of and on behalf of
15 any voter who is unable to personally affix a signature by reason of
16 temporary illness or disability, or lack of proficiency in reading the
17 English language;

18 (4) ~~if the voter is a first-time voter as described in subsection (h) of~~
19 ~~this section, request valid identification from the voter unless such voter~~
20 ~~has previously submitted current and valid identification in the county~~
21 ~~where registered; request a valid form of identification from the voter. If~~
22 ~~the member of the election board is satisfied that the voter is the person~~
23 ~~depicted in the identification and that the identification provided is one of~~
24 ~~the valid forms of identification listed in subsection (h), the member of~~
25 ~~the election board shall place such member's initials in the space~~
26 ~~provided and allow the voter to vote;~~

27 (5) give the voter one ballot, on the upper right-hand corner of which
28 shall be written the number corresponding to the voter's number in the
29 registration book or poll book; and

30 (6) mark the voter's name in the registration book and party
31 affiliation list.

32 ~~(d) A first-time voter shall provide to the election board a form of~~
33 ~~valid identification such as a current and valid Kansas driver's license,~~
34 ~~nondriver's identification card, utility bill, bank statement, paycheck,~~
35 ~~government check or other government document unless such voter has~~
36 ~~previously submitted current and valid identification in the county where~~
37 ~~registered. The document provided in accordance with this section shall~~
38 ~~contain the voter's current name and address as indicated on the~~
39 ~~registration book or poll book.~~

40 ~~(e)(d)~~ If a first-time voter is unable or refuses to provide current and
41 valid identification at the polling place, ~~or if the,~~ the voter may vote a
42 provisional ballot pursuant to K.S.A. 25-409, and amendments
43 thereto. If the voter's name and address do not match the voter's name

1 and address on the registration book or poll book, the voter may vote a
2 provisional ballot according to K.S.A. 25-409, and amendments thereto.
3 The voter shall provide a valid form of identification as defined in
4 subsection ~~(d)~~(h) of this section to the county election officer in person or
5 provide a copy by mail or electronic means before the meeting of the
6 county board of canvassers. At the meeting of the county board of
7 canvassers the county election officer shall present copies of
8 identification received from provisional voters and the corresponding
9 provisional ballots. If the county board of canvassers determines that a
10 voter's identification is valid and the provisional ballot was properly cast,
11 the ballot shall be counted.

12 ~~(f)~~(e) If the name of any person desiring to vote at an election is not
13 in the registration books, an election board member shall print the name
14 and address of the person appearing to vote in the registration book or
15 poll book. The person appearing to vote shall add such person's signature
16 to the registration book or poll book beside such person's printed name, as
17 listed in the registration book or poll book, and the election board judge
18 shall challenge such person's vote pursuant to K.S.A. 25-414, and
19 amendments thereto. During the pendency of a challenge other voters
20 shall be given ballots and be permitted to vote.

21 ~~(g)~~ (f) A voter who has received an advance voting ballot may vote a
22 provisional ballot on election day at the precinct polling place where the
23 voter resides. If the voter returns the advance voting ballot to a judge or
24 clerk at the precinct polling place, the judge or clerk shall void such
25 advance voting ballot. Any such provisional ballot shall be counted only
26 if the county board of canvassers determines that the provisional ballot
27 was properly cast and the voter has not otherwise voted at such election.

28 ~~(h) For the purposes of this section, "first-time voter" means a~~
29 ~~registered voter who has not previously voted in any election in the~~
30 ~~county in which the voter desires to vote. First-time voter includes a~~
31 ~~person whose name was removed from the county registration list in~~
32 ~~accordance with K.S.A. 25-2316e, and amendments thereto, and has re-~~
33 ~~registered.~~

34 ~~(i)~~ (g) The secretary of state may adopt rules and regulations in
35 order to implement the provisions of this section and ~~defined~~ defining valid
36 forms of identification with greater specificity, however the requirement
37 that a voter must provide a form of identification that complies with the
38 subsection (h) may not be altered.

39 (h) (1) The following forms of identification shall be valid if the
40 identification contains the name and photograph of the ~~applicant~~ voter
41 and has not expired. Expired documents shall be valid if the bearer of the
document is 65 years of age or older:

(A) A driver's license issued by Kansas or by another state or

1 district of the United States;

2 (B) a state identification card issued by Kansas or by another state
3 or district of the United States;

4 (C) a concealed carry of handgun license issued by Kansas or a
5 **concealed carry of handgun or weapon license issued by another state**
6 or district of the United States;

7 (D) a United States passport;

8 (E) an employee badge or identification document issued by a
9 municipal, county, state, or federal government office or agency;

10 (F) a military identification document issued by the United States;

11 (G) a student identification card issued by a ~~public~~ **an accredited**
12 **postsecondary institution of education** in the state of Kansas; or

13 (H) a public assistance identification card issued by a municipal,
14 county, state, or federal government office or agency.

15 ~~(2) If the address on the submitted form of identification is not~~
16 ~~current, the person may submit any one of the following documents in~~
17 ~~addition to the identification above to establish the person's current~~
18 ~~address: a utility bill, bank statement, paycheck, government check or~~
19 ~~other government document. Documents provided in accordance with this~~
20 ~~section shall contain the voter's current name and address as indicated on~~
21 ~~the registration book or poll book.~~

22 ~~(3)~~ (2) If the person fails to furnish the identification required by this
23 subsection, the person shall be allowed to vote a provisional ballot. The
24 canvassing board shall determine the validity of the ballot pursuant to
25 K.S.A. 25-3002, and amendments thereto.

26 (i) The following persons are exempt from the photographic
27 identification document requirements of this section:

28 (1) Persons with a permanent physical disability that makes it
29 impossible for such persons to travel to a county or state office to obtain
30 a qualifying form of identification and ~~are~~ **have** qualified for permanent
31 advance voting status under K.S.A. 25-1124, and amendments thereto;

32 (2) members of the uniformed service on active duty who, by reason
33 of such active duty, are absent from the county on election day;

34 (3) members of the merchant marine who, by reason of service in
35 the merchant marine, are absent from the county on election day;

36 (4) the spouse or dependent of a member referred to in paragraph
37 (2) or (3), who, by reason of the active duty or service of the member, is
38 absent from the county on election day; and

39 (5) any voter whose religious beliefs prohibit photographic
40 identification. Any person seeking an exemption under this provision
41 must complete and transmit a declaration concerning such religious
42 beliefs to the county election officer or the Kansas secretary of state. The
43 declaration form shall be available on the official website of the Kansas

1 *secretary of state.*

2 ~~Sec. 13-15. [16.]~~ K.S.A. 2010 Supp. 25-3002 is hereby amended to
3 read as follows: 25-3002. (a) The rules prescribed in this section shall
4 apply to:

- 5 (1) The original canvass by election boards.
- 6 (2) Intermediate and final canvasses by county boards of canvassers.
- 7 (3) Final canvass by the state board of canvassers.
- 8 (4) All election contests.
- 9 (5) All other officers canvassing or having a part in the canvass of
10 any election.

11 (b) Rules for canvassers:

12 (1) No ballot, or any portion thereof, shall be invalidated by any
13 technical error unless it is impossible to determine the voter's intention.
14 Determination of the voter's intention shall rest in the discretion of the
15 board canvassing in the case of a canvass and in the election court in the
16 case of an election contest.

17 (2) The occurrences listed in this subpart (2) shall not invalidate the
18 whole ballot but shall invalidate that portion, and that portion only, in
19 which the occurrence appears. The votes on such portion of the ballot
20 shall not be counted for any candidate listed or written in such portion,
21 but the remainder of the votes in other portions of the ballot shall be
22 counted. The occurrences to which this subpart (2) shall apply are:

23 (A) Whenever a voting mark shall be made in the square at the left
24 of the name of more than one candidate for the same office, except when
25 the ballot instructs that more than one candidate is to be voted.

26 (B) Whenever a voting mark is placed in the square at the left of a
27 space where no candidate is listed.

28 (3) When a registered voter has cast a provisional ballot intended for
29 a precinct other than the precinct in which the voter resides but located
30 within the same county, the canvassers shall count the votes for those
31 offices or issues which are identical in both precincts. The canvassers
32 shall not count the votes for those offices or issues which differ from the
33 offices or issues appearing on the ballot used in the precinct in which the
34 voter resides.

35 (4) A write-in vote for those candidates for the offices of governor
36 and lieutenant governor shall not be counted unless the pair of candidates
37 have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and
38 amendments thereto, and:

39 (A) Both candidates' names are written on the ballot; or

40 (B) only the name of the candidate for governor is written on the
41 ballot.

42 (5) A write-in vote for those candidates for the offices of president
and vice-president shall not be counted unless the pair of candidates have

1 filed an affidavit of candidacy pursuant to K.S.A. 25-305, and
2 amendments thereto, and:

3 (A) Both candidates' names are written on the ballot; or

4 (B) only the name of the candidate for president is written on the
5 ballot.

6 (6) A write-in vote for candidates for state offices elected on a
7 statewide basis other than offices subject to paragraph (4) shall not be
8 counted unless the candidate has filed an affidavit of candidacy pursuant
9 to K.S.A. 25-305, and amendments thereto.

10 (7) Any advance voting or mail ballot whose envelope containing
11 the voter's written declaration is unsigned, shall be wholly void and no
12 vote thereon shall be counted.

13 (8) No ballot cast by a first-time voter as defined by K.S.A. 25-1122,
14 and amendments thereto, or K.S.A. 25-2908, and amendments thereto,
15 shall be counted if the voter fails to provide valid identification as
16 defined by K.S.A. 25-2908, and amendments thereto.

17 Sec. 14-16. [17.] K.S.A. 2010 Supp. 65-2418 is hereby amended to
18 read as follows: 65-2418. (a) (1) The secretary shall fix and charge by
19 rules and regulations the fees to be paid for certified copies or abstracts of
20 certificates or for search of the files for birth, death, fetal death, marriage
21 or divorce records when no certified copy or abstract is made. Except as
22 otherwise provided in this section, the secretary shall remit all moneys
23 received by or for the secretary from fees, charges or penalties, under the
24 uniform vital statistics act, and amendments thereto, to the state treasurer
25 in accordance with the provisions of K.S.A. 75-4215, and amendments
26 thereto. Upon receipt of each such remittance, the state treasurer shall
27 deposit the entire amount in the state treasury to the credit of the civil
28 registration and health statistics fee fund created by K.S.A. 2010 Supp.
29 65-2418e, and amendments thereto.

30 (2) The secretary shall not charge any fee for a certified copy of a
31 certificate or abstract or for a search of the files or records if the
32 certificate, abstract or search is requested by a person who exhibits
33 correspondence from the United States department of veterans affairs or
34 the Kansas commission on veterans' affairs which indicates that the
35 person is applying for benefits from the United States department of
36 veterans affairs and that such person needs the requested information to
37 obtain such benefits, except that, for a second or subsequent certified
38 copy of a certificate, abstract or search of the files requested by the
39 person, the usual fee shall be charged. The secretary may provide by rules
40 and regulations for exemptions from such fees.

41 (3) *The secretary shall not charge any fee for a certified copy of a*
42 *birth certificate if the certificate is requested by any person who is 18*
43 *years of age or older for purposes of meeting the voter registration*

13

or accept

1-28

1 requirements of K.S.A. 25-2309, and amendments thereto. Such person
 2 shall ~~sign an affidavit to be submitted to the secretary stating that such~~
 3 ~~person plans to register to vote and that the person receives:~~

4 ~~(A) Food assistance, general assistance, supplemental security~~
 5 ~~income (SSI), temporary assistance for families, medicaid assistance,~~
 6 ~~united tribes food distribution program, bureau of Indian affairs general~~
 7 ~~assistance, tribally administered temporary assistance for needy families~~
 8 ~~or meal assistance through the national school lunch program; or~~

9 ~~(B) resides in a household whose income is 150% or less of the~~
 10 ~~federal poverty level.~~

11 ~~(C) The secretary shall adopt rules and regulations in order to~~
 12 ~~implement the provisions of this subsection.~~

13 ~~(D) Any person who signs an affidavit provided in this subsection~~
 14 ~~knowing the information is false shall be guilty of a class C misdemeanor.~~

15 (3)(4) Upon receipt of any such remittance of a fee for a certified
 16 copy of a birth certificate or abstract, \$3 of each such fee for the first
 17 copy of a birth certificate or abstract and \$1 of each such fee for each
 18 additional copy of the same birth certificate or abstract requested at the
 19 same time shall be remitted to the state treasurer in accordance with the
 20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
 21 each such remittance, the state treasurer shall deposit the entire amount in
 22 the state treasury to the credit of the permanent families account of the
 23 family and children investment fund created by K.S.A. 38-1808, and
 24 amendments thereto. The balance of the money received for a fee for a
 25 certified copy of a birth certificate or abstract shall be remitted to the state
 26 treasurer in accordance with the provisions of K.S.A. 75-4215, and
 27 amendments thereto. Upon receipt of each such remittance, the state
 28 treasurer shall deposit the entire amount in the state treasury to the credit
 29 of the civil registration and health statistics fee fund created under this
 30 act.

31 (4)(5) Upon receipt of any such remittance of a fee for a certified
 32 copy of a death certificate or abstract, \$4 of each such fee for the first
 33 certified copy of a death certificate or abstract and \$2 of each such fee for
 34 each additional copy of the same death certificate or abstract requested at
 35 the same time shall be remitted to the state treasurer in accordance with
 36 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 37 of each such remittance, the state treasurer shall deposit the entire amount
 38 in the state treasury to the credit of the district coroners fund created by
 39 K.S.A. 22a-245, and amendments thereto. The balance of the money
 40 received for a fee for a certified copy of a death certificate or abstract
 41 shall be remitted to the state treasurer in accordance with the provisions
 42 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
 remittance, the state treasurer shall deposit the entire amount in the state

swear under oath: (1) that he or she plans to register to vote in Kansas; and (2) that he or she does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l). The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l)

1 treasury to the credit of the civil registration and health statistics fee fund
2 created by K.S.A. 2010 Supp. 65-2418e, and amendments thereto.

3 (b) Subject to K.S.A. 65-2415, and amendments thereto, the national
4 office of vital statistics may be furnished copies or data it requires for
5 national statistics. The state shall be reimbursed for the cost of furnishing
6 the data. The data shall not be used for other than statistical purposes by
7 the national office of vital statistics unless so authorized by the state
8 registrar of vital statistics.

9 ~~New Sec. 15. 17. (a) The duty and independent authority to appear~~
10 ~~in any court having jurisdiction within the state of Kansas and prosecute~~
11 ~~or defend on behalf of the people all actions and proceedings, civil or~~
12 ~~criminal, which involve an election crime, attempted election crime or~~
13 ~~violation related to any election law shall be vested in:~~

14 ~~(1) The district or county attorney of the county where such~~
15 ~~violations occurred;~~

16 ~~(2) the Kansas attorney general; or~~

17 ~~(3) the Kansas secretary of state.~~

18 ~~(b) If one of the officers listed in section (a) has commenced an~~
19 ~~action a prosecution or proceeding which involves an election crime,~~
20 ~~attempted election crime or violation related to any election law, the other~~
21 ~~officers listed in section (a) may provide assistance to the prosecuting~~
22 ~~officer but may not commence a separate prosecution or proceeding.~~

23 ~~New Sec. 16. 17. [18.] (a) Voting more than once is knowingly:~~

24 ~~(1) Voting or offering to vote more than once at the same election; or~~

25 ~~(2) inducing or aiding any person to vote more than once at the same~~
26 ~~election.~~

27 ~~(b) Voting more than once is a severity level 8, nonperson felony.~~

28 ~~Sec. 17. 18. [19.] If any provision of this act is held to be~~
29 ~~unconstitutional under the United States or Kansas constitutions, that~~
30 ~~provision shall be severed from the act, and the other provisions of this~~
31 ~~act shall remain valid and in effect.~~

32 ~~Sec. 18. 19. [20.] K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-~~
33 ~~2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d,~~
34 ~~25-1123, 25-1124, 25-1128, 25-2309, [25-2320,] 25-2908, 25-3002, and~~
35 ~~65-2418 are hereby repealed.~~

36 ~~Sec. 19. 20. [21.] This act shall take effect and be in force from and~~
37 ~~after January 1, 2012, and its publication in the statute book.~~

New Sec. 14. The secretary of state shall provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirements for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the secretary of state and governor.

See insert

25-208a

and 25-3203

, 25-3104, 25-3107

1 INSERT:

2 Sec. 15. K.S.A. 25-208a is hereby amended to read as follows: 25-
3 208a. (a) Within 10 days, ~~Saturdays, Sundays and holidays not included,~~
4 from the date of the filing of nomination petitions or a declaration of
5 intention to become a candidate for United States senator or
6 representative or for state office, the secretary of state shall determine the
7 validity of such petitions or declaration.

8 The secretary of state shall send a copy of all petitions to the county
9 election officer of the county of the district in which the nomination
10 petition was passed. The county election officer shall check the petitions
11 only for valid signatures and certify the results of such check to the
12 secretary of state within 10 days, ~~Saturdays, Sundays and holidays not~~
13 ~~included,~~ of the date the petitions were filed with the secretary. The
14 secretary of state upon receipt of the validated petition from the county
15 election officer shall notify the candidate of the validity of the petition.

16 (b) Within three days from the date of the filing of nomination
17 petitions or a declaration of intention to become a candidate for county or
18 township office or for precinct committeeman or committeewoman, the
19 county election officer shall determine the validity of such petitions or
20 declaration.

21 (c) If any nomination petitions or declarations are found to be
22 invalid, the secretary of state or the county election officer, as the case
23 may be, shall notify the candidate on whose behalf the petitions or
24 declaration was filed that such nomination petitions or declaration have
25 been found to be invalid and the reason for the finding. Such candidate
26 may make objection to the finding of invalidity by the secretary of state
27 or the county election officer in accordance with K.S.A. 25-308 and
28 amendments thereto.

29 Sec. 16. K.S.A. 25-3203 is hereby amended to read as follows: 25-
30 3203. If the secretary of state fails to receive the final abstract of the
31 intermediate canvass of any national or state election from any county by
32 the second Tuesday next after any election, the secretary shall dispatch a
33 special messenger to obtain a copy of the same, and the county election
34 officer shall immediately, on demand of such messenger, make out and
35 deliver to such messenger the copy required. Thereupon, the messenger
36 shall deliver such copy to the secretary of state without delay. The
37 expenses of such messenger shall be paid by the secretary of state, and
38 the secretary of state shall be reimbursed therefor by such county.

39 Any county conducting a recount pursuant to K.S.A. 25-3107 shall
40 notify the secretary of state of the recount and shall set a date, subject to
41 approval by the secretary of state, when the county election officer shall
42 submit the intermediate abstract of the county to the secretary of state.

1 Sec. 17. K.S.A. 2010 Supp. 25-3104 is hereby amended to read
2 as follows: 25-3104. The original canvass of every election shall be
3 performed by the election boards at the voting places. The county election
4 officer shall present the original returns, together with the ballots, books
5 and any other records of the election, for the purpose of canvass, to the
6 county board of canvassers at any time between 8:00 ~~8~~ a.m. And ~~10:00~~ 10
7 a.m. on the ~~Friday~~ Monday next following any election held on a
8 Tuesday, except that the county election officer may move the canvass to
9 the ~~Monday next~~ second Thursday following the election if notice is
10 published prior to the canvass in a newspaper with general circulation in
11 the county. For elections not held on a Tuesday, the canvass by the county
12 board of canvassers shall be held on a day and hour designated by it, and
13 not later than the fifth day following the day of such election.

14 Sec. 18. K.S.A. 2010 Supp. 25-3107 is hereby amended to read as
15 follows: 25-3107. (a) At the time of commencement of any canvass by
16 the county board of canvassers the county election officer shall present to
17 the county board of canvassers the preliminary abstracts of election
18 returns, together with the ballots and records returned by the election
19 boards. The county board of canvassers shall inspect and check the
20 records presented by the county election officer and shall hear any
21 questions which the county election officer believes appropriate for
22 determination of the board. The county board of canvassers shall do what
23 is necessary to obtain an accurate and just canvass of the election and
24 shall finalize the preliminary abstract of election returns by making any
25 needed changes, and certifying its authenticity and accuracy. The
26 certification of the county board of canvassers shall be attested by the
27 county election officer. Neither the county board of canvassers nor the
28 county election officer shall open or unseal sacks or envelopes of ballots,
29 except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and
30 amendments thereto, or other specific provision of law or as is authorized
31 to carry out a recount under subsection (b).

32 (b) If a majority of the members of the county board of canvassers
33 shall determine that there are manifest errors appearing on the face of the
34 poll books of any election board, which might make a difference in the
35 result of any election, or if any candidate shall request the recount of the
36 ballots cast in all or in only specified voting areas for the office for which
37 such person is a candidate, or if any registered elector who cast a ballot in
38 a question submitted election requests a recount in all or only specified
39 voting areas to determine the result of the election, the county board of
40 canvassers shall cause a special election board appointed by the county
41 election officer to meet under the supervision of the county election
2 officer and recount the ballots with respect to any office or question
3 submitted specified by the county board of canvassers or requested by

1 such candidate or elector. If a recount is required in a county that uses
2 optical scanning systems as defined in K.S.A. 25-4601 et seq., and
3 amendments thereto, or electronic or electromechanical voting systems,
4 as defined in K.S.A. 25-4401, and amendments thereto, the method of
5 conducting the recount shall be at the discretion of the person requesting
6 such recount. The county election officer shall not be a member of such
7 special election board. Before the special election board meets to recount
8 the ballots upon a properly filed request, the party who makes the request
9 shall file with the county election officer a bond, with security to be
10 approved by the county or district attorney, conditioned to pay all costs
11 incurred by the county in making such recount. In the event that the
12 candidate requesting the recount is declared the winner of the election as
13 a result of the recount, or if as a result of the recount a question submitted
14 is overturned, no action shall be taken on the person's bond and the
15 county shall bear the costs incurred for the recount. Any recount must be
16 requested in writing and filed with the county election officer not later
17 than 12:00 noon on the Monday following the election or, if the canvass
18 is held on Monday, not later than 5:00 p.m. on the Tuesday next following
19 the election 5:00 p.m. on the day following the meeting of the county
20 board of canvassers. The request shall specify which voting areas are to
21 be recounted. The county election officer shall immediately notify any
22 candidate involved in the election for which such recount is requested, or
23 shall notify the county chairperson of each candidate's party. Any such
24 recount shall be initiated not later than the following day and shall be
25 completed not later than 5:00 p.m. on Friday of such week or, if the
26 recount request is made on the Tuesday after the election because of a
27 Monday canvass, not later than 5:00 p.m. the next following Monday the
28 fifth day following the filing of the request for a recount, including
29 Saturdays, Sundays and holidays. Upon completion of any recount under
30 this subsection, the election board shall package and reseal the ballots as
31 provided by law and the county board of canvassers shall complete its
32 canvass. The members of the special election board shall be paid as
33 prescribed in K.S.A. 25-2811 and amendments thereto for time actually
34 spent making the recount.

35 (c) (1) The provisions of this subsection shall apply to candidates
36 at any election for:

- 37 (A) Any state or national office elected on a statewide basis;
- 38 (B) the office of president or vice president of the United States;
- 39 (C) the office of members of United States house of
40 representatives;
- 41 (D) office of members of state senate or house of representative
42 whose district is located in two or more counties; and
- 43 (E) office of members of state board of education.

(2) Any candidate may request a recount in one or more counties. Any such recount must be requested in writing and filed with the secretary of state not later than ~~12:00 noon on the Monday following the election or, if the canvass in one or more counties in the district is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election~~ 5:00 p.m. on the second Friday following the election. The request shall specify which counties are to be recounted. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601, and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. Except as provided by this subsection and subsection (d), the person requesting the recount shall file with the secretary of state a bond, with security to be approved by the secretary of state, conditioned to pay all costs incurred by the counties and the secretary of state in making such recount. The amount of the bond shall be determined by the secretary of state. A candidate described in paragraphs (D) and (E) of subsection (c)(1) may post a bond as provided by subsection (b) in lieu of the bond required by this subsection. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, no action shall be taken on the candidate's bond and the counties shall bear the costs incurred for the recount.

(3) The secretary of state immediately shall notify each county election officer affected by the recount and any candidate involved in the election for which such recount is requested. If the candidate cannot be reached, then the secretary of state shall notify the state chairperson of such candidate's party. Any such recount shall be conducted under the supervision of the county election officers at the direction of the secretary of state, and shall be initiated not later than the following day and shall be completed not later than 5:00 p.m. on ~~Friday of such week or, if the request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. on the next following Monday~~ the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays. Each county election officer involved in the recount shall appoint a special election board to recount the ballots. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811 and amendments thereto for time actually spent making the recount. Upon completion of any recount under this subsection, the special election board in each county shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The county election officer in each county immediately shall certify the results of the recount to the secretary of state.

1 (d) (1) The provisions of this subsection shall apply to candidates
2 at general elections for:

3 (A) Any state or national office elected on a statewide basis;

4 (B) the office of president or vice president of the United States;

5 (C) the office of members of United States house of
6 representatives;

7 (D) office of members of state senate or house of representative;
8 and

9 (E) office of members of state board of education.

10 (2) Whenever the election returns reflect that a candidate for office
11 was defeated by one-half of one percent or less of the total number of
12 votes cast and if such candidate requests a recount in one or more
13 counties of the ballots, the state shall bear the cost of any recount
14 performed using the method by which such ballots were counted
15 originally.

16 (3) Not later than 60 days following a recount conducted pursuant
17 to this subsection, the board of county commissioners of each county in
18 which the recount occurred shall certify to the secretary of state the
19 amount of all necessary direct expenses incurred by the county. Payment
20 for such expenses shall be made to the county treasurer of the county
21 upon warrants of the director of accounts and reports pursuant to
22 vouchers approved by the secretary of state. Upon receipt of such
23 payment and reimbursements, the county treasurer shall deposit the entire
24 amount thereof in the county election fund, if there is one and if there is
25 not then to the county general fund.

26 (4) The secretary of state, with the advice of the director of accounts
27 and reports, shall determine the correctness of each amount certified
28 under this section and adjust any discrepancies discovered before
29 approving vouchers for payment to any county.
30

County health departments shall provide assistance at no charge to any person applying for a birth certificate from the state registrar of vital statistics for the purpose of registering to vote. Such county departments shall transmit the necessary forms to the state registrar's office at no cost to the person applying for the birth certificate.

Ethics and Elections Committee

Attachment 2

Date 3-17-11



Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

Briefing Paper for Proposed Balloon Amendment to HB2067
Regarding Amendment of Gender on Kansas Birth Certificates
Senate Committee on Ethics and Elections
March 17, 2011

Kansas Administrative Regulations currently provide a framework for amending the sex marker on a Kansas birth certificate in K.A.R. 28-17-20(b)(1)(A)(i):

"The items recording the registrant's sex may be amended if the amendment is substantiated with the applicant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded, or with a medical certificate substantiating that a physiological or anatomical change occurred."

This regulation is interpreted to mean that transgender persons may amend their birth certificates only after their physician certifies their medical transition is complete. Medically-supervised transition is a process that can take several years, and official identification documents, such as driver's licenses, must be changed early in the transition process. The inconsistency between state-issued ID's and birth certificates will create a situation where transgender Kansans will face insurmountable barriers to registering to vote.

Kansas Equality Coalition's proposed balloon will provide a statutory means for physicians to certify gender transition at an earlier point in the transition process, thereby allowing birth records to be reconciled with current state-issued identification:

"The items recording the registrant's sex may be amended if the amendment is substantiated with the applicant's affidavit, or a parent's affidavit if the registrant is under the age of 18, that the sex was incorrectly recorded, or with a medical certificate or with a licensed physician's affidavit substantiating surgical, hormonal, or other treatment appropriate for the applicant for the purpose of gender transition occurred."

This balloon does not represent a major shift in public policy in the State of Kansas; rather, it clarifies when, and under what circumstances, the sex marker on a Kansas birth certificate may be amended. While providing an opportunity for transgender Kansans to amend their birth certificates earlier in their transition, it continues to require that a licensed physician certify that transition has occurred.

The Secretary of State's office forwarded an alternative balloon to Kansas Equality Coalition late in the day on March 16. Their proposed language would require a transgender registrant to provide an affidavit to their local election officer describing the reason for the inconsistency in documents. Requiring transgender voters to reveal their medical status and treatment in such a way will expose them to discrimination, placing their jobs, housing, and even safety at risk. As such, we believe this will create a nearly insurmountable barrier to registration and voting by transgender Kansans, and we oppose this approach.

For more information, please call Thomas Witt, Kansas Equality Coalition
email Chair@KansasEqualityCoalition.org.

Ethics and Elections Committee
Attachment 3

1 shall notify the state election board, as established under K.S.A. 25-
2 2203, and amendments thereto, that such application is pending.

3 (2) The state election board shall give the applicant an
4 opportunity for a hearing and an opportunity to present any
5 additional evidence to the state election board. Notice of such hearing
6 shall be given to the applicant at least five days prior to the hearing
7 date. An applicant shall have the opportunity to be represented by
8 counsel at such hearing.

9 (3) The state election board shall assess the evidence provided by
10 the applicant to determine whether the applicant has provided
11 satisfactory evidence of United States citizenship. A decision of the
12 state election board shall be determined by a majority vote of the
13 election board.

14 (4) If an applicant submits an application and any supporting
15 evidence prior to the close of registration for an election cycle, a
16 determination by the state election board shall be issued at least five
17 days before such election date.

18 (5) If the state election board finds that the evidence presented by
19 such applicant constitutes satisfactory evidence of United States
20 citizenship, such applicant will have met the requirements under this
21 section to provide satisfactory evidence of United States citizenship.

22 (6) If the state election board finds that the evidence presented by
23 an applicant does not constitute satisfactory evidence of United States
24 citizenship, such applicant shall have the right to appeal such
25 determination by the state election board by instituting an action
26 under 8 U.S.C. § 1503. Any negative assessment of an applicant's
27 eligibility by the state election board shall be reversed if the applicant
28 obtains a declaratory judgment pursuant to 8 U.S.C. § 1503,
29 demonstrating that such applicant is a national of the United States.

30 ~~(m)~~ (n) *Any person who is registered in this state on the effective date*
31 *of this amendment to this section is deemed to have provided satisfactory*
32 *evidence of citizenship and shall not be required to resubmit evidence of*
33 *citizenship.*

34 ~~(n)~~ (o) *For purposes of this section, proof of voter registration from*
35 *another state is not satisfactory evidence of United States citizenship.*

36 ~~(o)~~ (p) *A registered Kansas voter who moves from one residence to*
37 *another within the state of Kansas or who modifies such voter's*
38 *registration records for any other reason shall not be required to submit*
39 *evidence of United States citizenship.*

40 ~~(p)~~ (q) *All documents submitted as evidence of citizenship shall be*
41 *kept confidential by the county election officer or the secretary of state*
42 *and maintained as provided by Kansas record retention laws. The*
43 *provisions of this subsection shall expire on July 1, 2016, unless the*
44 *legislature reviews and reenacts this provision pursuant to K.S.A. 45-229,*

If evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence of citizenship and the name and/or sex provided on the application for registration, such applicant may sign an affidavit (1) stating the inconsistency or inconsistencies related to the name and/or sex, and the reason therefor, and (2) swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. Notwithstanding, however, that there shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election officer or secretary of state shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.

New
Paragraph
(q)

and amendments thereto, prior to July 1, 2016.

(q) (r) The secretary of state may adopt rules and regulations to in order to implement the provisions of this section.

(s) Nothing in this section shall prohibit an applicant from providing, or the secretary of state or county election officer from obtaining satisfactory evidence of United States citizenship, as described in subsection (1), at a different time or in a different manner than an application for registration is provided, as long as the applicant's eligibility can be adequately assessed by the secretary of state or county election officer as required by this section.

[Sec. 9. K.S.A. 2010 Supp. 25-2320 is hereby amended to read as follows: 25-2320. (a) The county election officer shall allow access to any person at any time during regular business hours, under supervision of the county election officer for the purpose of examining the voter registration books, active voter lists and other lists of voters required to be kept. Any person may make a written request for a copy of the registration books at any time except on any election day. The election officer is hereby directed to provide one or more copies which are accurate insofar as practicable of such books to the person so requesting. The election officer shall provide such copies to the person within 10 days following the request if so requested. The expense of making such copies shall be paid by the person requesting them. The cost of copies shall be established by the county election officer at a price which is not more than the actual cost and shall be set uniformly in order that the price therefor shall be the same for all persons requesting identical copies.

Sec. 9. [10.] K.S.A. 25-2352 is hereby amended to read as follows: 25-2352. (a) (1) Each Kansas division of motor vehicles driver's license application and nondriver identification card application (including any renewal application) submitted to a division of motor vehicles office in Kansas shall serve as an application for voter registration unless the applicant fails to sign the voter registration application. An individual who completes the application for voter registration and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual.

(t) The proof of citizenship requirements of this section shall not become effective until January 1, 2013.

KRIS W. KOBACH
Secretary of State



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

STATE OF KANSAS

Senate Committee on Ethics and Elections

Testimony on Senate Bill 2080

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

March 17, 2011

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2080. Originally, House Bill 2080 was proposed to move the candidate filing deadline for extension council districts, held in the spring of odd-numbered years, to coincide with filing deadlines for other concurrent elections, such as cities, local school boards, and community college boards of trustees. The earlier filing deadline would have simplified the election process and allowed more time for county election officers to prepare ballots for the April general election. The Kansas County Clerks and Election Officials Association and the Kansas State University Research and Extension supported the bill.

House Bill 2080 was amended on the floor of the House of Representatives, where the original language of the bill was removed and two other bills, House Bill 2126 and Senate Bill 130, were added. We supported both of these bills in the House, and we offer our support once again.

Original House Bill 2126 Sections 1 through 28 of House Bill 2080

This bill would move the elections for local nonpartisan offices currently held in the spring of odd-numbered years to coincide with the elections held in the fall of even-numbered years. The Secretary of State supports this move because it would result in a dramatic increase in turnout for local elections. We also anticipate some modest cost savings for local units of government. However, we wish to raise some questions about the bill as detailed on the attached page. If the committee decides to work this bill, we recommend consideration of our questions and possible amendments to the bill.

Original Senate Bill 130 Section 29 of House Bill 2080

This bill was proposed by the Secretary of State to alter the special candidate filing deadlines in years in which the Legislature draws new district lines.

Under current law, if the Legislature completes the redistricting process on or before June 10, the candidate filing deadline is on June 24 instead of the normal date of June 10. If redistricting is completed on or after June 11, the filing deadline is July 12.

Senate Bill 130 proposes to move the filing deadline to June 10 in the first instance and to June 18 in the second instance. The reason for this proposal is to allow county election officers time to comply with federal laws requiring ballots to be distributed to military and overseas voters beginning the 45th day before the election.

Consider the following dates in 2012, which is the next redistricting year:

General election	Tuesday, November 6
Primary election	Tuesday, August 7
Ballot distribution deadline	Saturday, June 23
Earliest candidate filing deadline (current)	Monday, June 25
Earliest candidate filing deadline (proposed)	Monday, June 11
Latest candidate filing deadline (current)	Thursday, July 12
Latest candidate filing deadline (proposed)	Monday, June 18

Note: In 2012, the June 10 deadline is moved to June 11 and the June 24 deadline is moved to June 25 because the dates land on Sundays.

Under both redistricting scenarios, the candidate filing deadlines are after the deadline to begin mailing ballots. This puts the county election offices automatically out of compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment (MOVE) Act. The U. S. Department of Justice has enforcement authority over federal voting laws, and the state of Kansas faces a federal lawsuit if we do not comply. As election officers, we feel we must propose a solution to allow us to comply with federal law.

The deadlines proposed in Senate Bill 130 are June 10 and June 18. These deadlines will allow time for potential candidates to make their decisions about whether to file for office, and they will allow more time to prepare and distribute military and overseas ballots.

Possible amendment to Senate Bill 130

This bill was proposed separately from Senate Bill 125, which was proposed by the Kansas County Clerks and Election Officials Association to move the candidate filing deadline from June 10 to June 1. If the committee wishes to amend Senate Bill 130 to agree with Senate Bill 125, it could amend SB 130 on page 35, line 14, by striking "10" and inserting "1".

We ask the committee to consider our support for House Bill 2080 and to consider the questions we have raised. Thank you.

Questions on House Bill 2126 (Sections 1-28 of House Bill 2080)

1. New Section 1, page 2, lines 2-6

Does this require a primary election in local nonpartisan jurisdictions that currently do not have primaries? (extension councils, irrigation districts, water districts, and drainage districts)

The sponsors of HB 2126 in the House of Representatives specified that the intent was not to require primaries in jurisdictions that have not had them in the past. We recommend insertion of language in New Section 1 (c) to clarify that local jurisdictions are not required to have primaries; that the specific laws governing elections in those jurisdictions should remain in place.

2. New Section 1, page 2, lines 2-6

This language specifying the conditions that trigger primaries in local jurisdictions does not agree with legislation passed in 2008 setting conditions for primaries in school districts (K.S.A. 25-2021), cities (K.S.A. 25-2108a and Section 19 of House Bill 2080) and community colleges (K.S.A. 71-1415). We recommend resolving these contradictions by deleting all of lines 3 through 6 on page 2 and replacing it with the following: "there are more than three candidates for each position. The names of the two candidates receiving the greatest number of votes for any position at the primary election shall appear on the ballot at the general election. If there are three or fewer qualified candidates for any member position there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election."

After passage of the 2008 law, it was discovered that the new law contained some contradictory and confusion language, which prompted introduction of Senate Bill 127 this year. The Senate passed Senate Bill 127 on February 23 as a Substitute Bill, and we recommend that language be used.

3. Section 5, page 6, lines 32-34 and page 7, line 1, regarding extension councils

Do these references to April general elections needs to be deleted if elections will now be held in November of even-numbered years?

4. Section 5, page 6, line 39 and page 7, line 1, regarding extension councils

This sets the candidate filing deadline ten weeks preceding the general election. This appears to conflict with New Section 1, page 2, lines 7-9, which set the filing deadline in June.

5. Section 7, page 10, line 4, regarding water districts

This section states that there are no primary elections in water districts. This appears to contradict New Section 1 (a) on page 1 and (e) on page 2. Is it the intent of the bill to impose primary elections on jurisdictions that have traditionally not had them?

We recommend adoption of our proposal in Item 1 above, which will resolve this issue.

6. Section 16, page 18, line 30, regarding school boards

A June 15 publication of notice of the school board election is after the June candidate filing deadline. One purpose of the publication is to inform potential candidates of the

opportunity to run for office. We suggest moving this publication deadline earlier, such as "not less than April 1."

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

7. Section 23, page 22, lines 5-7, regarding the close of voter registration before elections.

Subsection (5) may be unnecessary because it has the same meaning as subsection (3) on lines 1-2.

8. Section 26, page 27, lines 27-28, regarding irrigation districts

Should this reference to the primary election be deleted? Irrigation districts have not held primaries in the past.

We recommend adoption of our proposal in Item 1 above, which will resolve this issue.

9. Section 26, page 28, lines 6-7, regarding irrigation districts

This section sets a candidate filing deadline 30 days before the election. This appears to contradict New Section 1 which sets the filing deadline in June, in accordance with K.S.A. 25-205.

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: LOCAL GOVERNMENT
VICE-CHAIRMAN: EDUCATION
MEMBER: FEDERAL AND STATE AFFAIRS
LEGISLATIVE EDUCATION
PLANNING COMMITTEE (LEPC)
JOINT COMMITTEE ON RULES AND
REGULATIONS
JOINT COMMITTEE ON PENSIONS,
INVESTMENTS AND BENEFITS
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE

March 17, 2011

Senate Committee on Ethics and Elections

The Honorable Terrie Huntington, Chair
The Honorable Vicki Schmidt, Vice-Chair
The Honorable Oletha Faust-Goudeau, Ranking Minority Member

RE: HB 2080

House Bill 2080 is an improved version of HB 2654, which I introduced last year as chairman of the House Committee on Elections.

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 among 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.

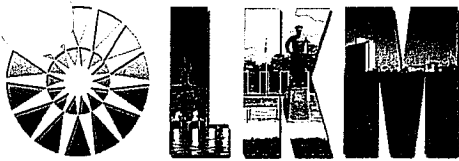
There are several benefits to the proposed changes in HB 2080:

- 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 2080 should save money and increase participation as we work together to improve our great state.

Representative Steve Huebert
District 90
House of Representatives

Ethics and Elections Committee
Attachment 7
Date 3-17-11



To: Senate Ethics and Elections Committee
From: Don Moler, Executive Director
Date: March 17, 2011
Re: Opposition to HB 2080

Thank you for the opportunity to offer comments on behalf of the League of Kansas Municipalities (LKM) and our member cities. LKM opposes the portion of HB 2080 that was inserted as an amendment on the House floor. This amendment would move all city elections to the Fall. Our membership strongly opposes this change for the following reasons:

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

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

For these reasons, we respectfully request that you do not forward HB 2080 for passage as written. I would be happy to stand for questions at the appropriate time.

Ethics and Elections Committee
Attachment 8
Date 3-17-11

Testimony: **IN OPPOSITION TO SB 2080**

John Bradford, 125 Rock Creek Loop, Lansing, KS 66043 (913) 683-0871, JBradford@kc.rr.com

Good Morning/Afternoon. I am John Bradford. I am the Republican Party Chairman for Leavenworth County and I stand in opposition to the basic proposal in this bill to move the April (Off- Cycle Elections) to the November election cycle. The rationale for my position is that this action does not and will not solve the identified problems.

The problems, as I understand them to be, and the end result that the proponents of the bill hope to achieve are as follow:

- Voter Turn-out is very low in the off-cycle elections.
- Conservative candidates do not file to run for elected office in the off-cycle elections due to the low voter turn-out where they feel Republicans will not turn out to vote in sufficient numbers to ensure their electability. Because of this assumption on their part, these individuals are willing to concede the off-cycle elections to the Democrat Party, thereby conceding most school board and city commission/council seats to the Democrat Party.
- Many supporters of SB-2080 have stated that if we can just move the date of the elections to the date when more prominent and well known offices are up for election, that the increased voter turn-out will ensure better electability for the Republican candidates. As a County Chairman, I have discussed this issue with several people including my County Election Officers and I totally disagree with this assumption. With the exception of the Presidential election in 2008, voter turn-out by Party has not notably increased by significant percentages unless a massive voter drive, such as was conducted in 2010, and it was also an election the opposition party had nothing to gain by huge expenditures in trying to turn out their voters. The State and National momentum of voter frustration with the current administration in power played largely in deciding the 2010 election results.
- Supporters will also point to cost savings (which are undetermined) as a result of changing election dates. Again, as I will discuss, this is a myth and could actually end up costing more.

Ethics and Elections Committee

Attachment 9

Date 3-17-11

I will now discuss each of my above points and explain why I hold the position that I do:

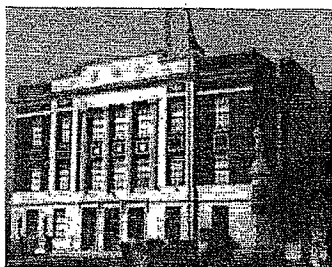
- Low Voter Turn-Out. Voter turnout is a direct responsibility of the Political Party. Each county within the State of Kansas has an organized party structure. If the turnout in their county is very good, or if it is very bad, it is a direct reflection upon the political party (be it Republican or Democrat). Who else's fault could it be?
- Candidates not filing for office for fear of not winning based on perceived voter turnout. This is an absurd argument. Again, if this is perceived to be a valid assumption, then it goes back to the political party within the county. It is the responsibility of the party leadership to find good candidates and to encourage them to seek office. Once a candidate files for office, the party leadership has a responsibility to assist these candidates in obtaining the training, financial assistance, and grass roots support to help them in the conduct of their campaigns.
- Effects of Changing the Election Dates.
 - Size of the Ballot.
 - The 2008 Ballot was approximately 5-6 screen pages on the voting machines. The 2009 ballot was roughly 4-5 pages. Combine these two and we get a 10 page ballot for the combined elections. How many voters will vote the entire ballot? Many now do not complete the entire ballot.
 - Which candidates will be on the bottom of the ballot and thus not receive any votes?)
 - How much additional time will be required for a person to vote the entire ballot?
 - Many voters will not stand in line for the long periods of time while others wade their way trying to vote the 10 plus page ballot.
 - The Leavenworth County ballot for an off-year election cycle consists of approximately 42 separate and distinct ballots due to the fact that school board boundaries cross over county lines and ballots must be coordinated in the case of Leavenworth with 4 additional counties, and the same for the 4 affected counties. Add the normal November election cycle on top of this and you have a logistical nightmare for the county election workers.

- Additional voting Machines will be required.
 - The additional time required to vote the ballot will necessitate the purchase of additional machines.
 - Additional machines will require additional election workers to be trained and to be paid for their efforts.
 - Additional workers and additional machines will require addition space requirements and may force relocation of voting sites into larger facilities and or combining sites, thus imposing more constraints and hardship upon the voter.
 - Thus, where is the cost savings that we intended to achieve?
- Campaign Yard Signs.
 - Yard sign clutter is bad enough in a normal election year. Combine the two with double the candidates and yard sign clutter becomes a nuisance.
 - Within the Johnson County, Home Owners Associations (HOAs), yard signs are limited to three (3) signs per residence – *any guess as to which candidates will not get yard signs displayed?* This may be applicable to other cities around the state as well.
- Political Forums / Debates.
 - With major candidates vying for advertising, air-time, public ventures to get their message out, who would be interested in the bottom rung candidates?
 - Forums/Debates would only feature the top rung candidates (National and State level) based strictly on availability of time.
 - All Candidates from National down to City and School Boards will be competing for the same pot of campaign funds from the electorate. Once again, the bottom rung candidates will be the ones left out.

After a couple of elections cycles under this concept, City Governments and School Boards will be clamoring to once again return to the system where-in they received a fair shake.

BOTTOM LINE IS:

- **The System is not broke. - Some politicians may be upset that their political structure is not performing up to expectations; however there is no reason to attempt to fix what is not broken.**
- **What is broken is the basic political party operation at the local level - not the timing of the Election Cycle.**



BOURBON COUNTY CLERK

JOANNE LONG

Courthouse
210 S. National
Fort Scott, Kansas 66701-1304
(620) 223-3800

March 17, 2011

To: Senate Elections Committee

Re: Oral Testimony on House Bill 2080

From: Joanne Long, Bourbon County Clerk/Election Official
and Kansas County Clerks' and Election Officials' Association Secretary

Honorable Chair and Members of the Committee:

Thank you for the opportunity to present testimony today in opposition of House Bill 2080. The Kansas County Clerks' and Election Officials' Association no longer supports it in its current form.

If you move Spring City/School Elections to the fall of even numbered years, you will be increasing the information that goes onto the ballot, along with the number of ballot styles required, to accommodate for the different cities, school, hospital, drainage and extension districts. I have examples of a November 2010 ballot and an April 2011 ballot. With the number of races, constitutional and special questions, in addition to the city/school candidates/issues, you will be increasing the ballot length to more than one page per voter, which will increase the possibility of errors.

Also, current law only allows a voter 10 minutes in the voting booth. With the additional races/questions added to the ballot, it will be nearly impossible for a voter to vote his ballot in the allotted time. This will make lines longer and will cause frustration and will result in voters giving up before they reach the end of the ballot, where the city/school races will be relegated. Therefore, I don't believe it will increase voter turn-out, as predicted. Also, in Presidential years, the local races will be lost in the shuffle, as many people only vote for Presidential Electors.

I also believe there will be no cost savings, as the ballot styles will not be reduced. In fact, if there is a Primary, there will need to be three ballot styles: Democratic, Republican and Non-Affiliated, for those Libertarian and Reform voters who wish to vote on the City/School Primary information, who, otherwise would not be voting in Partisan Primaries.

Therefore, I and the Kansas County Clerks' and Election Officials' Association urge you to vote against House Bill 2080.

Sincerely,

Joanne Long
Bourbon County Clerk/Election Official & KCC&EOA Secretary

Ethics and Elections Committee

Attachment 10

Date 3-17-11

OFFICIAL BALLOT

GENERAL ELECTION

A	BOURBON COUNTY	B	STATE OF KANSAS	C	NOVEMBER 2, 2010
INSTRUCTIONS TO VOTER 1. To vote you must darken the oval () completely. 2. Use black ink only.				STATE	
NOTICE If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot.		STATE		MEMBER, STATE BOARD OF EDUCATION, DIST 9 Vote for One	
To vote for persons for governor and lieutenant governor whose names are printed on the ballot, darken the oval to the left of the pair of names. To vote for persons for governor and lieutenant governor whose names are not printed on the ballot, write the names of such persons in the blank space provided and darken the oval to the left.		GOVERNOR/LIEUTENANT GOVERNOR Vote for One Pair		Robert E. Medford Pittsburg Democratic Jana Shaver Independence Republican	
To vote for a person (except governor and lieutenant governor) whose name is printed on the ballot, darken the oval to the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space provided and darken the oval to the left.		Sam Brownback Topeka Jeff Colyer Overland Park Republican Kenneth (Ken) W. Cannon Andover Daniel (Dan) J. Faubion Overland Park Reform Andrew P. Gray Topeka Stacey Davis Auburn Libertarian Tom Holland Baldwin City Kelly Kultala Kansas City Democratic		COUNTY	
		SECRETARY OF STATE Vote for One		COUNTY COMMISSION District 1 Vote for One	
NATIONAL		Chris Biggs Junction City Democratic Kris Kobach Republican Derek Langseth Valley Center Reform Phillip Horatio Lucas El Dorado Libertarian		Allen Warren Republican Clint Walker Democratic	
US SENATE Vote for One		ATTORNEY GENERAL Vote for One		TOWNSHIP	
Joseph (Joe) K. Bellis Reform Michael Wm. Dann Libertarian Lisa Johnston Democratic Jerry Moran Republican		Dennis Hawver Ozawkie Libertarian Derek Schmidt Independence Republican Steve Six Lawrence Democratic		TOWNSHIP CLERK Marion Vote for One	
US REPRESENTATIVE 2ND DISTRICT Vote for One		STATE TREASURER Vote for One		To vote for a Justice of the Supreme Court, Judge of the Court of Appeals, District Court Judge or Magistrate Judge being retained in office, darken the oval to the left of the word "Yes." To vote against a Justice of the Supreme Court, Judge of the Court of Appeals, District Court Judge or Magistrate Judge being retained in office, darken the oval to the left of the word "No."	
Robert Garrard Libertarian Cheryl Hudspeth Democratic Lynn Jenkins Republican		Ron Estes Wichita Republican Dennis McKinney Greensburg Democratic		STATE JUDICIAL	
		COMMISSIONER OF INSURANCE Vote for One		Shall CAROL A. BEIER, Topeka, Position No. 1, Kansas Supreme Court, be retained in office?	
		Sandy Praeger Lawrence Republican		<input type="radio"/> YES <input type="radio"/> NO	
		STATE HOUSE OF REPRESENTATIVES 4TH DISTRICT Vote for One		Shall DAN BILES, Shawnee, Position No. 2, Kansas Supreme Court, be retained in office?	
		Shirley J. Palmer Fort Scott Democratic Caryn Tyson Parker Republican		<input type="radio"/> YES <input type="radio"/> NO	
				Shall LAWTON R. NUSS, Salina, Position No. 3, Kansas Supreme Court, be retained in office?	
				<input type="radio"/> YES <input type="radio"/> NO	
VOTE BOTH SIDES OF BALLOT		W. Marion		Typ:01 Seq:0012 Spl:01	

D	BOURBON COUNTY	E	STATE OF KANSAS	F	NOVEMBER 2, 2010
Shall MARLA J. LUCKERT, Topeka, Position No. 5, Kansas Supreme Court, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		JUDICIAL RETENTION		are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power. <input type="radio"/> YES <input type="radio"/> NO	
		Shall AMY L. HARTH, Paola, District Judge, District 6, Division 1, be retained in office? <input type="radio"/> YES <input type="radio"/> NO			
STATE JUDICIAL					
Shall STEPHEN D. HILL, Topeka, Position 1, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		Shall RICHARD M. SMITH, Mound City, District Judge, District 6, Division 2, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		Constitutional Amendment Question No. 2 Vote Yes or No Explanatory statement. This amendment would repeal the authority of the legislature to exclude persons with mental illness from voting. A vote for this amendment would ensure that the right to vote for persons with mental illness cannot be taken away by the legislature. A vote against this amendment would continue the current authority of the legislature to take away the right to vote for persons with mental illness. Shall the following be adopted? § 2. Disqualification to vote. The legislature may, by law, exclude persons from voting because of mental illness or commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote. <input type="radio"/> YES <input type="radio"/> NO	
Shall PATRICK D. McANANY, Topeka, Position No. 4, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		Shall REBECCA R. STEPHAN, Fort Scott, District Magistrate Judge, District 6, be retained in office? <input type="radio"/> YES <input type="radio"/> NO			
Shall NANCY L. CAPLINGER, Topeka, Position No. 6, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		To vote in favor of any question submitted upon this ballot, darken the oval to the left of the word "Yes"; to vote against it, darken the oval to the left of the word "No".			
Shall HENRY W. GREEN JR., Leavenworth, Position No. 7, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		QUESTION SUBMITTED			
Shall TOM MALONE, Wichita, Position No. 11, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO		Constitutional Amendment Question No. 1 Vote Yes or No Explanatory statement. The purpose of this amendment is to preserve constitutionally the right of a person to keep and bear arms for the defense of self, family, home and state, and for all other lawful purposes, including hunting and recreation. A vote for this amendment would constitutionally preserve the right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose. A vote against this amendment would provide for no constitutional right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose. Shall the following be adopted? § 4. Individual right to bear arms; armies. The people have the right to bear arms for their defense and security. A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace,			
Shall MICHAEL B. BUSER, Overland Park, Position No. 12, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO					
Shall MELISSA TAYLOR STANDRIDGE, Overland Park, Position No. 13, Kansas Court of Appeals, be retained in office? <input type="radio"/> YES <input type="radio"/> NO					
				VOTE BOTH SIDES OF BALLOT	

GENERAL ELECTION

7.4.2.0 / 012503-14 © Election Systems & Software, Inc. 1981, 2002

STUART J. LITTLE, Ph.D.
Little Government Relations, LLC

**Senate Ethics and Elections Committee
Testimony on House Bill 2080**

March 17, 2011

Chairwoman Huntington and Members of the Committee,

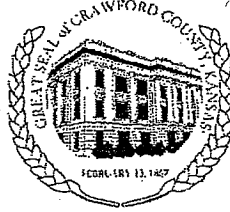
I am Stuart Little, lobbyist for the Shawnee Mission School District, located in Johnson County. I appear today in support of House Bill 2015. Shawnee Mission is the state's third largest school district with 27,827 students enrolled in 2010-11. I am appearing in opposition to the provision of House Bill 2080 concerning moving school board elections.

Our main concern is that moving school board elections to the fall ballot means those important decisions effectively will be lost in the shuffle of all the candidates for other offices. It is very important to note that school boards are not partisan, so they do not fit the November mold of races. We do not want partisanship to be a part of the make-up of school board elections. Our fiscal year-end is June 30 and new board members are seated as of July 1. If school board elections were held in the fall, newly elected board members would have to wait over six months to take their position on the board. The 3-month gap between the April election and taking their seat on the board is just about the right amount of time to digest the reams of information that comes their way as a new board member. The April election process needs to be retained for non-partisan races.

We would urge you to remove the movement of school board elections to the fall election cycle.

I would be happy to stand for questions at the appropriate time.

Donald P. Pyle
PO Box 249
111 E. Forest St.
Girard, Kansas 66743



620-724-6115
Fax 620-724-6007
www.crawfordcountykansas.com
countyclerk@ckt.net

Office of the Crawford County Clerk

March 16, 2011

Honorable Kansas State Senator Terrie Huntington
Chairman, Senate Ethics and Elections Committee
and Distinguished Members of the Committee

Re: House Bill Number 2080, Changing Candidate Filing Deadline for Extension Districts

Chairman Huntington and Distinguished Committee Members,

In my capacity as Crawford County Election Officer, I do not support House Bill Number 2080. This bill will move the non-partisan elections for City and School Districts from April of odd numbered years to coincide with the partisan elections of state and federal candidates in August and November of even numbered years. I feel that this move will cause the elections in even numbered years to be very confusing and difficult to manage.

By having all of these elections at the same time, we will create an election that will include non-partisan primaries with primaries for partisan races. Primary elections already have as many as 20 different ballot styles at one polling place and this could now be increased to 30 ballot styles. Our offices will spend much more for ballots and printing in even numbered years than we do now. This change will create significant problems in staffing as we prepare for elections in even-numbered years that will require more manpower than we currently use and we will then have no elections at all in odd numbered years. The cost savings will be minimal at best and with the length of ballots for the general elections, I am sure many voters will not vote on many of the races. I believe that the legislature would produce much more meaningful election reform if they work with election officials on these issues.

The Kansas County Clerks and Election Officials work hard to make sure that Kansas Elections are administered in a professional manner. This bill will cause some severe problems in the administration of elections and I urge you to not support it. Thank you for your time and we very much appreciate your support in this matter.

Sincerely,

Donald P. Pyle
Crawford County Clerk and Election Officer
countyclerk@ckt.net

Ethics and Elections Committee
Attachment 12
Date 3-17-11

Water District No. 1 of Johnson County

**To: Chair, Senator Terrie Huntington
Members of the Senate Ethics and Elections Committee**

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

Date: March 17, 2011

RE: Testimony in Opposition to Amendments to House Bill 2080

On behalf of WaterOne, I am submitting testimony in opposition to the amendment to House Bill 2080 intended to eliminate spring municipal elections. My comments are in opposition to the amendment to 2080 only. WaterOne has no position on the original language of HB 2080.

The amendment to 2080 added the language of House Bill 2126, despite the fact that 2126 failed in House Elections after hearings. As it relates to WaterOne, the amendment proposes to modify K.S.A. 19-3505 and K.S.A. 19-3507, which deal with the election of board members. WaterOne is currently the only water utility in the State of Kansas that these statutory provisions impact. 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.

The amendment to 2080 has been touted as being a "simple" cost savings measure, however the Bill in front of you and the fiscal note do not support that contention. The Bill is not simple—it is a comprehensive overhaul of how important local issues and candidates are voted upon by the public. There are errors in the drafting of the Bill and questions left un-answered on how the mechanics of the Bill will work. The fiscal note does not support a significant cost savings to the State and points out the additional cost that will be incurred in adding local issues to the already crowded November ballot.

We would urge the Committee to remove the amendment to 2080 that would eliminate spring elections. In this case, we believe quality not quantity is the key. Voters in April, though fewer, are likely going to be more informed about local candidates and topics than the masses voting in a November Presidential election. Important local issues deserve that focused attention.

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

Ethics and Elections Committee
Attachment 13
Date 3-17-11

ALLEN COUNTY COURTHOUSE

Sherrie L. Riebel
COUNTY CLERK

1 N. Washington
Iola, KS 66749

620-365-1407
Fax: 365-1441
Email: coclerk@allencounty.org

March 17, 2011

To: Ethics and Elections Committee

Re: Testimony on House Bill 2080

From: Sherrie L. Riebel, Allen County Clerk/Election Official
and Kansas County Clerks & Election Officials Election Committee Chair

Honorable Chair and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2080. Kansas County Clerks and Election Officials Association no longer supports this legislation. The intent of the original bill was a simple request to move the deadline for extension district filings to the same as City/School candidate so that Election Officials would not have to wait to work on ballot programming if they do not have a Spring Primary. Since the House has taken that request totally out of the bill, we do not support House Bill 2080 unless the original intent is added back in.

Extension Districts are a growing item due to funding. More and more county extension offices are merging their services to save monies and utilize their agents to be more specialized. This is causing more and more City/School Elections to have extension district candidates on the ballot as well.

Currently the extension district candidates have until the day before a primary election date to file for extension board. However, if the County does not have a primary election we have to wait to finalize our General Election ballot. This causes time problems with programming and printing when you have 105 counties wanting programming and printing done so that the ballots can be mailed out in a timely manner. Example: In 2009 we had primary election day Tuesday, March 3, 2009; the canvass was on Friday, March 5, 2009. Advanced voting for the Tuesday, April 6, 2009 General Election started on Wednesday, March 17, 2009. This leaves one week and two days for our ballots to be programmed and printed to go into the mail on the 17th or available if people come into our office to vote. My point is, the City/School Elections are so tightly scheduled that if the Election Officials are fortunate not to have a Primary Election, they could get their General Election ballots done as long as they don't have to wait on an Extension District filing date. This would have allowed the Election Officials that have Primary Elections to get their programming and ballots in a timely manner because the ones without primaries would be finished and out of their way.

KCC&EOA urge the committee to recognize that we do not support House Bill 2080. Thank you for your consideration.

Sincerely,
Sherrie L. Riebel
Allen County Clerk/Election Official
& KCC&EOA Election Committee Chair

Ethics and Elections Committee
Attachment 14
Date 3-17-11

Senate Ethics and Election Committee

Testimony regarding HB 2080

Testimony of Laura McConwell, Mayor, City of Mission, Kansas

HB 2080 under consideration would require that municipal elections be moved from the current Spring (February / April) cycle to the Fall (August / November) cycle. While there is certainly merit in considering such a change, I believe that this issue is too important to rush into law. The financial issues that face us at all levels of government require us to rethink how we manage and pay for government. I can't help but think that this has played a hand in the consideration and house vote on HB 2080. But, will we recognize real savings? What's the "price" of that savings?

I see four fundamental problems that I would like to share with you.

First, under current Kansas State law local budgets have to be certified to County Clerk's Office by August 25, 2011. This would put our budgets, the single most important policy process that we attend to, right in the middle of an election. If you take a step back, what would the State of Kansas budget process look like if it went to a calendar year basis (which is what local governments follow) with General Elections held in November. I am guessing this would be a very difficult and almost impossible process to manage. Please don't make our budget processes anymore difficult than they already are.

Second, by holding our elections separate of the State and Federal elections our issues and the issues of the community get the sole attention of the voters. I truly believe it is the local issues that most affect our citizens' lives, and we should do everything we can to allow the light to shine on our local issues.

Third, I have a concern that an already lengthy ballot in the November general elections will only get longer if you add on a whole new set of local candidates. The unfortunate result would likely be long lines in the presidential election years, longer time in processing the ballots, increases disgruntlement among the electorate, and a further decay in peoples' willingness to vote. I don't think that is what we want.

Fourth, we've prided ourselves in Kansas as being the state that helped give birth to professional local government based on non-partisan elections. It would be impossible to untangle partisanship from the November ballots. This would likely lead to a decay in the Kansas Approach to local governance which says, "parties aren't important, ideas are."

I believe that before HB 2080 receives final action there needs to be very thorough and

Ethics and Elections Committee

Attachment 15

Date 3-17-11

rigorous debate that includes all local levels of government. Elections and their role in building responsive local governance is too important to rush to an answer. Thank you for your time and consideration of my testimony.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



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

Testimony before the
Senate Ethics and Elections Committee
on
Testimony on **HB 2080**

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

March 17, 2011

Madam Chair, Members of the Committee,

Thank you for the opportunity to speak to you today on behalf of the Kansas Association of School Boards. I appear today as a neutral conferee on the base bill **HB 2080** which would change the candidate filing deadline for extension districts. I do appear as an opponent to the language that was added on the House floor to move the elections for local government and school boards from the Spring to the Fall. We would suggest that a simple amendment to strike this language from the bill and allow it to return to its original state would be appropriate.

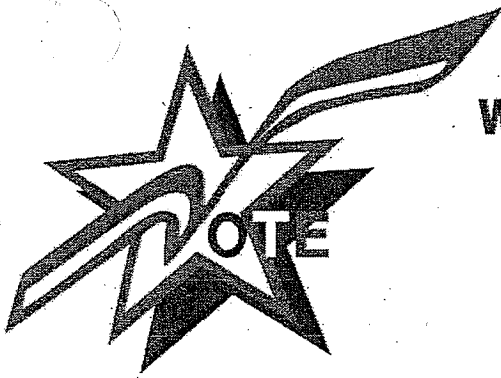
KASB's position on this issue focuses on three main points:

1. Our membership believes 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 during general elections.

We therefore oppose the language added on the House floor to **HB 2080**, which would change the existing time for electing local officials.

Thank you for your consideration and I would stand for questions.

Ethics and Elections Committee
Attachment 16
Date 3-17-11



WYANDOTTE COUNTY ELECTION OFFICE

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

SENATE STANDING COMMITTEE ON ETHICS AND ELECTIONS

Testimony on House Bill 2080

Thursday, March 17, 2011

Thank you for the opportunity to offer written testimony concerning House Bill No. 2080.

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 and potentially overwhelming 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. National/state elections possess their own unique complexities because of the role played by the political parties and candidate party affiliations. Local elections, which are nonpartisan, possess a whole different set of complexities with candidates filing for office locally, and the addition of jurisdiction races which include the Unified Government of Wyandotte County and Kansas City, Kansas, the cities of Bonner Springs and Edwardsville, a community college, four school districts, the Board of Public Utilities, Delaware Township, and three drainage districts. Combining elections creates a monstrous set of competing and conflicting priorities. It has the potential of turning nonpartisan elections into de facto partisan elections. The lead time necessary to adequately prepare for a consolidated election is potentially doubled. Rather than saving resources, greater resources may be necessary to ensure that all the disparate elements of such a comprehensive election can be adequately addressed.

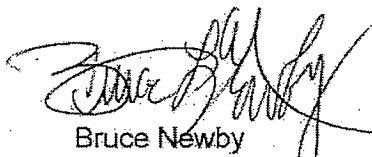
From an election worker perspective, elections are generally considered successful because election workers do a good job. By having elections conducted twice annually, one primary and one general, we can successfully recruit and train a pool of election workers who possess sufficient familiarity with 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

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 major 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 voters 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 with no way to gain the critical information the voter needs to make an informed choice.

From the voter's perspective, placing all candidates for all offices on the same ballot or set of ballots may 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, and will be in this county, 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 may be tempted to vote the first page of the ballot and skip the rest. So, while actual voter turnout may be higher, the level of real voter participation in all races on the ballot could remain the same or even suffer.

I respectfully request that the legislature consider all of these concerns in their deliberations over House Bill No. 2080. I welcome any questions you may have of me.



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