

Testimony on HB 2456: Preventing Default Proxy Voting

House Energy & Utilities Committee

January 24, 2012

Thomas Sloan, Chairman
Douglas County Rural Water District #1
5101 W. 6th Street
Lawrence, KS 66049

Mr. Chairman, Members of the Committee: The issue raised in HB 2456 concerns who legally votes in organization elections and whether voting actually matters. The bill would prohibit the practice of an organization counting non-cast ballots as being supportive of the organization's management position. It requires an active affirmative action by the organization's members to cast a ballot.

My fellow Board Members and I support the bill for philosophical and practical reasons:

- a) Rural Water District meetings generally are held monthly, but may be over a longer time period because of circumstances (e.g., weather, illness). If notice of a ballot issue arrives at the water office the day after a Board meeting, it will be four weeks or more before voting actions can be debated and decided. Permitting the lack of a response to be counted may not reflect the realities of Board members' views.
- b) Board members may decide in a timely manner how to vote on the matters submitted, but if the person responsible for conveying that vote (e.g., President, Office Manager) is taken ill, then the ballot may not be cast in a timely manner. The Board decision might have been in opposition to the organization's management position, so counting it "for" management would be contrary to the member Board's desires.
- c) No publicly traded corporation, of which any Board member is aware, counts non-cast ballots as anything except non-cast ballots.
- d) Political incumbents may not count non-cast ballots as supportive of the incumbent.
- e) Philosophically, democracy requires the affirmative action by voters – vote for or against a proposal. The "get out the vote" efforts by both major political parties reflect the belief and reality that non-voters "do not count" in determining the results. Elections in Kansas are won by a plurality of those casting ballots; if non-voters could be counted as supportive of incumbents we would undermine the Founding Fathers' principles.
- f) One Call membership is mandated by State statute. If non-cast ballot proxy voting is permitted, the State of Kansas is in effect supporting the potential theft of voter intentions.

Thank you for considering the thoughts of Douglas County Rural Water District #1's Board of Directors members. I look forward to responding to your questions.