

MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE:

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on March 7, 2001 in Room 521-S of the Capitol.

All members were present except: Representative Gwen Welshimer, Excused
Representative Carlos Mayans, Excused
Representative Cindy Hermes, Excused
Representative John Toplikar, Excused

Committee staff present: Dennis Hodgins, Kansas Legislative Research Department
Shirley Weideman, Committee Secretary

Conferees appearing before the committee:

HB 2197 - Proponent: Representative Frank Miller

Opponent: Brad Bryant, Deputy Assistant Secretary of State

SB 126 - Proponents: Brad Bryant, Deputy Assistant Secretary of State
Natalie Haag, Governor's Representative

SB 127 - Proponent: Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Chairman Powell opened the hearing on **HB 2197 - Elections; removal from voter registration list.**

Representative Frank Miller appeared before the committee as a proponent for **HB 2197**. He said that this is a bill concerning elections and the removal of voters names from the voter registration list. Representative Miller said he visited approximately 1000 homes and was surprised to discover that so many people listed on his copy of the voter registration list were no longer at the same address. He proposes adding a paragraph to K.S.A. 25-2316 (c) to state that the county elections officials remove a name from the voter registration list if they have not voted in the last two consecutive elections. Representative Miller answered question asked by committee members.

Brad Bryant, Deputy Assistant Secretary of State gave testimony in opposition to **HB 2197**. He said that the Voter Registration Act of 1993 prohibits the cancellation of a voter's registration for failure to vote, so that **HB 2197** would violate Section 8(b)(2) of Public Law 103-31. In 1996, the Kansas Legislature passed **HB 2079** to comply with the VRA of 1993. Mr. Bryant answered questions asked by committee members. He said that most states do not want to have one set of laws for federal elections and another set for state elections, so they have adopted the federal restrictions on removing voters names. He also answered that there may be a chance to put names in an inactive file, rather than complete removal. Mr. Bryant said that we would need criteria for an inactive list as it normally covers address changes. Anyone on the inactive list can still vote if they show up at the polls. He indicated that it would be helpful to have a statewide system of active/inactive voter lists. (attachment #1)

Hearing was closed on **HB 2197**.

The hearing was opened on **SB 126**.

Natalie Haag, Governor's Representative, appeared before the committee in support of **SB 126**. She said that changes recommended by the Secretary of State are necessary to facilitate election recounts for those officials elected on a statewide basis as well as those elected to Congress. She proposed a balloon amendment to **SB 126** which states that when a general election's returns are within one half of one percent or less of the total votes cast, the state will pay for the cost of the recount. This amendment will avoid the financial burden placed on one candidate when election results are extremely close. Ms. Haag said that this is not an automatic recount.

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Recounts would be done in the same manner as they were counted the first time and the state would pay. She said that if a candidate wanted a hand recount, the candidate would pay for it. Ms. Haag estimates that a whole state recount would cost between \$80,000 and \$100,000. She stood for questions from the committee. (attachment #2)

Brad Bryant, Deputy Assistant Secretary of State, gave testimony in support of **SB 126**. He said that this bill would simplify the procedure for a candidate that requests a statewide recount. The request would be filed with the Secretary of State, who would direct the county election officers to conduct the recount and report the results. The person making the request would designate which counties to recount, the method of the recount and would post a bond to cover the costs of the recount if the election results are not reversed. He said that the major difference proposed by this bill is that the person making the request may make a single request rather than individual requests to each of the counties where they are requesting recounts. Mr. Bryant responded to questions asked by the committee. (attachment #3)

There being no further discussion, Chairman Powell closed the hearing on **SB 126**.

Chair Powell opened the hearing on **SB 127**.

The committees' attention was drawn to the written testimony of Representative Don Myers in favor of **SB 127**. (attachment #4)

Brad Bryant, Deputy Assistant Secretary of State, appeared before the committee in support of **SB 127**. He said that Sections 1,2,3,7,8,9 and 10 would reduce the qualifications of petition circulators and bring the state laws into compliance with the U.S. Supreme Court decision in 1999. He also said that petition circulators would be required to be residents of the state and possess the constitutional qualifications of a voter. To make all seven sections consistent, he offers amendments to accomplish the following: 1)section 4 of the bill would establish a procedure for county election officers to remove the names of persons who do not mark and return the ballots they are automatically mailed each election from the permanent advance voter list, 2)section 5 would allow an individual registered voter to make a written request for the county election officer to conceal the voter's address on the registration list if that request specified an invasion of privacy or a threat to that person's safety, and 3)section 6 would allow the use of the Social Security Administration's list of deceased persons to identify voter's names who should be deleted from the list. Mr. Bryant answered questions asked by committee members. (attachment #5)

There being no further discussion, hearing was closed on **SB 127**.

The meeting was adjourned at 4:35 p.m. Next scheduled meeting is March 12.