

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 p.m. on March 10, 2004 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Legislative Research Department
Dennis Hodgins Legislative Research Department
Ken Wilke, Office of Revisor of Statutes
Shirley Weideman, Committee Secretary

Conferees appearing before the committee: None

Others attending: See Attached List.

Chairman said the committee would work **SB 479 - Elections; changes to comply with the Help America Vote Act of 2002.**

Representative Huff moved that the committee take SB 166 and gut and go with the amendments to SB 479. Representative Miller seconded the motion.

The committee discussed amending the bill before passage or to pass it cleanly and then amend it with a substitute bill. Ken Wilke revisor, explained that when you have two amendments to the same statute and if the two are in different places, and if there is no obvious conflict between the two of them, then you can do them all together in one amendment. He also advised that if they overlap or have different policy outcomes, then the legislature has to make the decision, sometimes resulting in a statute on the books with a little 'a' and a little 'b', which means it was amended twice in 2 different bills and couldn't be reconciled.

After discussion, Representative Powers moved a substitute motion to move SB 479 favorable from committee. Representative Huebert seconded the motion. With the count of 8 'aye' and 8 'nay' votes, Chairman Myers broke the tie with an 'aye' vote. The motion passed.

The committee wanted to build a substitute bill based on the amendments that exist in **SB 479**, but further amend it to include proposed amendments requested by the Kansas Advocacy & Protective Services group. Ken Wilke, revisor, told the committee the amendments include putting in two additional sections. He said it would change the language relative to the signature, updating the language to include signatures in respect to people who are disabled to *'a signature by reason of temporary illness, disability or lack of proficiency in reading the English language'*. Ken also said that the substitute bill affects the language that deals with accessibility at the polling places. Ken indicated that in the bill there would be the definition of disability taken from statute K.S.A. 44-1002 and it also would take the definition of 'first-time voter' back to where it is in federal law. He said that the term would be defined in one section and that definitional section would apply in all sections where 'first time voter' appears.

Representative Yonally made a motion to gut and go SB 166 and substitute the provisions from the Kansas Advocacy & Protective Services amendments into SB 166, as recommended by Mr. Donnelly. Representative Powers seconded the motion. The motion carried.

Also, Representative Sawyer moved and Representative Yonally seconded the motion to put "such voter shall not be required to provide identification if such voter has previously provided the current valid identification in the county where the voter is registered" into Sub SB 166. The motion passed.

The meeting was adjourned at 4:20 p.m. The next scheduled meeting is March 15.