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January 27, 2017

Honorable Kansas State Representative Keith Esau
Chairman, House Committee on Elections
and Distinguished Members of the Committee

Re: House Bill 2013, Concerning Write-in Candidates in Primary Elections

Chairman Esau and Distinguished Committee Members,

As Harvey County Clerk and Election Officer, I thank you for your time in allowing me to testify on this bill. I would like to share with you an example of why this bill is necessary. I am testifying as a proponent of this bill, but would like to suggest a few amendments to its current form.

Below are the details of an instance that occurred in 2014 that I sent to the SOS office prior to the 2015 changes to KSA 25-306b that made it almost impossible for a candidate to withdraw unless he or she died.

In the August 2014 Primary election;

1. There was not a candidate running on the Republican ballot for township clerk in Darlington Township. There was an incumbent on the Democratic ballot.
2. 3 voters did a write-in vote for the same individual. His name is Loren Entz.
3. I sent a certificate of nomination to the individual after the canvass
4. The individual called the office, thinking it might be a joke
5. I explained that it was not a joke and that it only takes 3 write-in votes to be a candidate on the General election ballot
6. The individual explained that he absolutely did not want to run for or become the township clerk and that it would be a real problem running against the long-time incumbent Democrat in the General, as the incumbent had helped his family thru some issues.
7. I also explained that statute KSA 25-306b states that we needed a letter stating that he was incapable of fulfilling the office within 10 days of the county canvass.
8. He sent the letter and his name was not placed on the General election ballot.

This issue was not addressed in the 2015 legislation.

In the 2016 elections the same individual from above was nominated by write-in for Darlington Township Treasurer.

In the August 2016 Primary election;

1. There was not a candidate running on the Republican ballot for township treasurer in Darlington Township. There was an incumbent on the Democratic ballot (Steve Koerner who has served for more than 12 years as treasurer).
2. 4 voters cast a write-in vote for the same individual. His name is Loren Entz (the same individual that was written in for clerk 2 years earlier).
3. I sent a certificate of nomination to Loren after the canvass
4. He knew that the law had changed and that he could not withdraw unless he died so he did not try to get his name off the ballot even though he was not interested in being a township officer.
5. His name was printed on the General Election ballot as the Republican candidate for Darlington Township Treasurer.

In the November 2016 General Election:

1. Loren received 185 votes and defeated the incumbent Democratic candidate who received 108 votes.
2. I sent a certificate of election to Loren after the canvass and he completed his oath of office in the required time frame.
3. He took office on January 9.
4. He resigned the position on January 17 one day after attending his first township meeting.
5. On January 23 the remaining two Darlington township officers attended the county commission meeting and recommended appointing Steve Koerner who had previously served as township treasurer, but was defeated in the November Election.
6. On January 23 the Harvey County Commission appointed Steve Koerner as Darlington Township Treasurer.

In Harvey County we are on a township road system so we have 15 active townships, with 3 officers each, and the townships are responsible for maintaining their roads. Loren Entz who been nominated by write-in twice in the last four years lives in Darlington Township but his farm is on a county road, not a township road. I have had multiple conversations with him and he has told me that he is very busy with his farm and family so he really does not have extra time to be a township officer. He did consider serving for a short time after he took office in January, but could not commit to serving the entire 4 year term, and he would have tried to serve if the Steve had not agreed to be re-appointed.

I support passing HB 2013, but I agree with the consensus of most of the County Clerks & Election Officials in Kansas that candidates nominated by write-in should be allowed to opt-out instead of being required to opt-in and changing the deadline to 10 days after the canvass date or Certificate of Nomination date instead of the election date.

In our 2016 Primary there were seven candidates nominated by write-in vote, six of them were either incumbents who forgot to file before June 1 or planned to run for the office but did not file prior to June 1 (Attachment A). The bill in its current form would require all of six who wanted to be on the General Election ballot to formally agree to be on the ballot instead of allowing the one who did not want to run to decline the nomination. I would suggest that a declination form (Attachment B) be sent along with the Certificate of Nomination to those candidates nominated by write-in vote that they could return to decline the nomination if so desired. I would also suggest that the deadline to decline or accept the nomination be tied to the canvass date or Certificate of Nomination date instead of the election date. In Harvey County write-in names are not compiled until sometime between closing the polls and the canvass. We normally conduct our canvass on the Monday following the election which is 6 days after the election which would only allow 4 days for candidates to accept or withdraw their nomination.

Thank you for allowing me to testify on this issue.

Sincerely,



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Primary Election - August 2, 2016
Write-in Vote Detail - Contests decided by write-in vote

Write-in votes are counted per contest without regard to the write-in name and are reported on the website as total "WRITE-INS" only. In the Primary Election the write-in option was only available on contests in which no candidate filed for the office (except precinct offices). The actual tally for the specific write-in candidates for contests that were decided by write-in vote are shown below. Example: 100 write-in votes may be all for 1 person or 1 each for 100 persons.

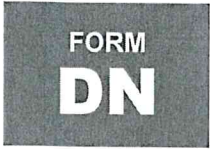
Township Contests - 3 votes minimum required for nomination

Nominated candidates will be placed on the ballot for the General Election in November

Township contests with no candidate filed that have 3 or more total write-in votes but are not listed below did not have one single name with 3 or more votes, but had multiple names with less than 3 votes each.

	Votes	Percent
TWP TRUSTEE-R EMMA TOWNSHIP		
Republican - Vote for 1		
(WITH 1 OF 1 PRECINCTS COUNTED)		
Ballot Style = 26R		
WRITE-IN.		
Preston Neufeld <i>4yr Incumbent</i>	8	50.00%
Unqualified candidates & Other names with less than 3 votes each	8	50.00%
Total	16	
TWP TRUSTEE-R NEWTON TOWNSHIP		
Republican - Vote for 1		
(WITH 3 OF 3 PRECINCTS COUNTED)		
Ballot Style = 19R, 33R & 34R		
WRITE-IN.		
Mark Klaassen <i>agreed to serve - did not file</i>	3	16.67%
Unqualified candidates & Other names with less than 3 votes each	15	83.33%
Total	18	
TOWNSHIP TREASURER DARLINGTON TOWNSHIP		
Republican - Vote for 1		
(WITH 2 OF 2 PRECINCTS COUNTED)		
Ballot Style = 24R & 25R		
WRITE-IN.		
Loren Entz	4	18.18%
Unqualified candidates & Other names with less than 3 votes each	18	81.82%
Total	22	
TOWNSHIP TREASURER EMMA TOWNSHIP		
Republican - Vote for 1		
(WITH 1 OF 1 PRECINCTS COUNTED)		
Ballot Style = 26R		
WRITE-IN.		
Terry Knott <i>20 yr Incumbent</i>	9	52.94%
Unqualified candidates & Other names with less than 3 votes each	8	47.06%
Total	17	
TOWNSHIP TREASURER GARDEN TOWNSHIP		
Republican - Vote for 1		
(WITH 1 OF 1 PRECINCTS COUNTED)		
Ballot Style = 27R		
WRITE-IN.		
Raymond Neufeld <i>agreed to serve - did not file</i>	7	70.00%
Unqualified candidates & Other names with less than 3 votes each	3	30.00%
Total	10	
TOWNSHIP TREASURER HALSTEAD TOWNSHIP		
Republican - Vote for 1		
(WITH 1 OF 1 PRECINCTS COUNTED)		
Ballot Style = 28R		
WRITE-IN.		
Walter Clark <i>28 yr Incumbent</i>	4	44.44%
Unqualified candidates & Other names with less than 3 votes each	5	55.56%
Total	9	
TOWNSHIP TREASURER NEWTON TOWNSHIP		
Republican - Vote for 1		
(WITH 3 OF 3 PRECINCTS COUNTED)		
Ballot Style = 19R, 33R & 34R		
WRITE-IN.		
Rodean Duerksen <i>agreed to serve - did not file</i>	4	22.22%
Unqualified candidates & Other names with less than 3 votes each	14	77.78%
Total	18	

Decline Nomination by Write-in Vote



STATE OF KANSAS }
_____ COUNTY } ss.

I, _____

Do hereby **DECLINE** the nomination by write-in vote to be the _____ party candidate for
the office of _____

My name should not be printed on the ballot for the General Election as candidate for this office.

Date: _____

Signed: _____

Nominee