

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 5, 2024, 2:30 p.m.

The Senate was called to order by President Ty Masterson.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Pursuing God's Wisdom Over Human Wisdom
1 Corinthians 2:1-16, Proverbs 1: 7, James 1:5

Heavenly Father, we need wisdom to do an appropriate job when addressing life's concerns, and not the worldly human wisdom, as defined in the second chapter of 1 Corinthians. The difficulties we face require a wisdom that is higher than ours. Our issues are so complex that, as humans, the best we can do would equate to putting band aids on terminal problems.

Lord, we need Your wisdom, Your wisdom to address our concerns. And in Proverbs 1:7, we learn that the wisdom which comes from You is given to those who revere You. So Lord, by Your Holy Spirit, confront us and open our eyes to see how much You want us to look to You. Keep us mindful of Your promise

Lord, in James 1:5, if we just ask You for Your wisdom, You will graciously and liberally give it to us. Lord, I thank You that You don't leave us to try and figure things out on our own. I thank You for the counsel You provide and for how You guide us through the turmoil in Jesus' Name, Amen.

The Pledge of Allegiance was led by President Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 535, AN ACT concerning gaming; relating to certification of gaming suppliers by the Kansas racing and gaming commission; exempting certain suppliers from such certification requirements; amending K.S.A. 2023 Supp. 74-8751 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2543**, **HB 2608**.

Commerce: **HB 2790**.

Federal and State Affairs: **HB 2358**.

Judiciary: **SB 534**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 365, AN ACT concerning elections; prohibiting the use of remote ballot boxes; requiring the return of advance voting ballots by 7:00 p.m. on the day of the election; requiring the hand counting of ballots; prohibiting the use of electronic or electromechanical voting systems and electronic poll books; providing for the public reporting of vote counts during vote canvassing; requiring a provisional ballot when a voter's identification information does not match the voter's registration; requiring removal of duplicate voter registrations from voter registration lists; amending K.S.A. 25-1132, 25-3001 and 25-3006 and K.S.A. 2023 Supp. 25-2316c, 25-2908, 25-2912, 25-3107, 25-4402, 25-4403, 25-4404, 25-4405, 25-4407, 25-4408, 25-4411, 25-4414, 25-4415, 25-4610 and 25-4613 and repealing the existing sections, was considered on final action.

Upon the showing of five hands, a Call of the Senate was requested

On roll call, the vote was: Yeas 18; Nays 22; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Billinger, Blasi, Claeys, Erickson, Fagg, Kerschen, Kloos, Masterson, Olson, Peck, Petersen, Pyle, Shallenburger, Steffen, Straub, Thompson, Tyson.

Nays: Alley, Bowers, Corson, Dietrich, Doll, Faust-Goudeau, Francisco, Gossage, Haley, Holland, Holscher, Longbine, McGinn, O'Shea, Pettey, Pittman, Reddi, Ryckman, Sykes, Ware, Warren, Wilborn.

The Call was lifted.

A constitutional majority having failed to vote in favor of the bill, **SB 365** did not pass.

EXPLANATION OF VOTE

I vote "NO" on **Senate Bill 365**. Currently Election Days have a 7pm deadline for ballots to be submitted to the election officer whether by advance vote, mailing an advance ballot, dropping in a dropbox, or voting in person. The majority of ballots are counted on Election Day evening; additional time is needed for the canvassing board to verify provisional ballots and staff to check signatures on advance ballots that arrived by mail on Election Day. Eliminating remote drop boxes could increase reliance on U.S. Mail; eliminating the three-day grace period could mean some ballots mailed before the deadline might not be counted however does nothing to make reporting of the final results come any earlier. I think those three days can and should be used to make as many legitimate votes as possible count. The requirement to hand count ballots, added in an amendment, would make the process more complicated, likely less accurate, and add considerably more time to get preliminary results. Kansas has a process for auditing election machine counts in each county that has shown them to be accurate. Let's defend, not undermine, a system that is working well for our constituents.—MARCI FRANCISCO

Senators Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 365**.

I vote "YES" on **SB 365** because election integrity is a bipartisan issue that strikes to the very heart of our nation and great state. The pursuit towards safe and secure elections never rests and never ends. That fact is the essence of how success is achieved

and held. Elections are not easy or convenient. The pursuit of election integrity is not easy or convenient but it is necessary.—MARK STEFFEN

Trust is earned. Everyday I strive to retain the trust of not only the Kansas voter, but also the Kansas taxpayer. Election integrity is of the utmost importance in retaining that trust. I vote aye on **SB 365**.—ALICIA STRAUB

I support the underlying bill that emerged from committee that would have restored the previous law regarding the deadline for advance ballots to be returned. It has been passed by this Senate before and I support it. However, yesterday, a 20-page amendment was added that made broad changes to election law that deserve extensive scrutiny via the legislative process. While I understand those items can be fixed, I have to vote on the bill before me. As it stands now, as someone who believes we must thoroughly examine the impact of the laws we pass, I must vote No on **SB 365**.—KELLIE WARREN

Senator Gossage requests the record to show she concurs with the "Explanation of Vote" offered by Senator Warren on **SB 365**.

REPORTS OF STANDING COMMITTEES

Your Committee on **Assessment and Taxation** begs leave to submit the following reports: The following appointments were referred to and considered by the committee, and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Member, State Board of Tax Appeals: K.S.A. 74-2433

Devin Sprecker, to fill a term expiring on January 15, 2028

Member, State Board of Tax Appeals: K.S.A. 74-2433

Virginia Powell, to fill a term expiring on January 15, 2028

On motion of Senator Alley, the Senate adjourned until 2:30 p.m., Wednesday, March 6, 2024.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

