



THE LEAGUE OF WOMEN VOTERS
OF TOPEKA/SHAWNEE COUNTY

VOTER

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October 2004

5 *Tuesday Topics - Lunch 11:30 am*

Speaker: **Ernie Mosher**, Retired Director of the League of Kansas Municipalities
“Shawnee County in the 21st Century”

Our meal is Quiche, tossed salad, rolls, cookie, water and tea.

12 *LWVT/SC Board Meeting - Members welcome*

5:30 pm, O’Dooley’s, 1930 Westport Dr. (north of Petsmart on Westport Dr.)

(VOTER information is due for **Nov. VOTER**. Send materials to **Carol Yoho:cyoho@cox.net**)

21 *Joint VOICE Meetings - McFarland’s Restaurant (Dinner from 5:30 PM, Dutch treat; meeting begins at 6:15 PM) Subject is Juvenile Corrections.*

November 2004

2 *Tuesday Topics - Lunch 11:30 am*

Panel Discussion on “**Annexation**” - Panel to be announced.

Our meal is Soup, tossed salad, rolls, cookie, water and tea.

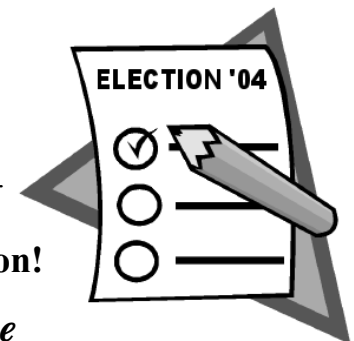
Remember: VOTE today in the Presidential Election!

9 *LWVT/SC Board Meeting - Members welcome*

5:30 pm, O’Dooley’s, 1930 Westport Dr. (north of Petsmart on Westport Dr.)

(VOTER information is due for **Dec. VOTER**. Send materials to **Carol Yoho:cyoho@cox.net**)

17 *Governmental Issues Dinner - Details in November VOTER.*



Tuesday Topics

October & November Tuesday Topics will be held in room **JCM 101B**, across from the Millennium Cafe at the Topeka-Shawnee County Public Library. Meals are available to the first twenty-five arriving, @ \$8.25/ea.
If you need a ride to any League event, contact Betsy Rohleder.



PreZ SeZ...

October 2004

This League is amazing and every day I am reminded of it! When things need to be done, someone steps forward and they get done. In this Voter I want to highlight and commend **Sue Gaither**, chair for the 2004-2005 Nominating Committee. She has a huge challenge this year and agreed to gather her committee early in order to find the best folks for the Board next year. I like her style...this committee tackled the highest priority first and stuck with it until they found a Treasurer to take the reins until April of 2005. I am pleased to announce that **Sybil Weigman** has agreed to learn the jobs related to Treasurer and I will be meeting with her soon to share the work that Vivian so well organized for us. *Thanks Sue, committee, and Sybil.*

For those of you wondering if we need YOU, the answer is “of course!” We need committee persons, we need committee chairs, we need Board members, we need volunteers for individual events, we need experienced League members to train new members, and we need contributors to our fund raising efforts. So, whether you prefer to “work at home” or you like “selling the League” (or, anything in between!) we can get you involved! Just let us know why you joined League and what your interests are and we'll try to match you with the best of League!

Better yet... call Sue Gaither and ask what types of skills and interests the committee is focusing on for 2005.

While we are speaking of member volunteers, please call or email **Nancy Garfield** or **Mary Ann Bradford** if you can help with Voter Registration. We have MANY opportunities in this Election Year. We need every member who is interested in Voter Education or Voter Service to put yourself on this committee—that way calls can be made to you when organizations ask us to register attendees or employees. Remember that this is OUR League—we all make it what it is. Our “step for-

ward” attitude is commendable but we can make it even better! Please help where you can.

Kudos, also, to the Membership committee (**Pressman, Prochaska, Decker, Gaither, Moler, Rousey, Kindling**) for the wonderful event in August. We welcome six new members from August—**Jeanne Roberts, Carol Jory, Harriet Grant, Fran Lee, Beth Hiller, and Joyce Black**. Each of them has different interests and experiences and reasons for joining our League. Reach out and get to know them!

And lastly, your Board authorized me to attend the Inter City visit with the Chamber of Commerce this year. The trip will be to Omaha and Lincoln on Sept 30 and Oct 1. This trip is designed to take community leaders from here on a planned visit to other communities in order to learn from both public and private leaders about their successes. Omaha has decided to pursue city and county unification. We will learn what led to that decision and what benefits they envision should this be accomplished. With our interest in unification of government and annexation, I am proud to be your representative on this trip and will bring you lots of information in October!

— *Betsy Rohleder*

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Tuesday Topics Report: September 7, 2004

report and photo by Carol Yoho

Elizabeth Ensley

“The Upcoming General Election”

Elizabeth Ensley was first appointed as Shawnee County Election Commissioner in 1992 by Gov. Bill Graves to fill an unexpired term. Since that time she has won re-election, taking pride in her part in changing the system by which the poll books are handled for Shawnee County.



Elizabeth Ensley, Shawnee County Election Commissioner

The August primary election saw 42% voter turnout, with almost double that percentage expected to vote in the general election. High voting numbers in the primary were a challenge because of legislation affecting first time voters—who had to provide personal identification as a step in registering and voting. The election office tried to forewarn potential voters, and only 27 failed to provide some form of i.d. on primary election day. (Acceptable forms of identification include: a Kansas driver's license, a Kansas non-driver's i.d., a government check or statement such as Medicare in the voter's name, or a utility bill with the voter's name and address.) Individuals were given the opportunity to vote on primary election day, but their votes became provisional and were later not approved by the election board, because of the i.d. verification ruling.

The federally legislated Help America Vote Act calls for more handicapped accessibility to polling places. Before our recent primary election, the Shawnee County election office had always checked with polling places and took the word of local pollsters as to handicapped accessibility at their sites. This time each polling site was visited and judgement made concerning accessibility. Staff found a need for specific modifications in access to some polling sites, such as wheelchair ramps, special door handles, or choice of a lower table surface. Some sites were modified. In eight townships, polling locations were moved, and two of the eight had to be moved slightly outside of township borders to find more handicapped accessible locations.

Further accommodations to voters will include use of touch screen voting machines for those visually impaired and surge protectors/battery back up to assure voting despite the possibility of power failures.

A court case, concerning party affiliation affecting who can vote, was not decided until just before the primary election. Polling volunteers received last-minute instruction, based on judgement in that case.

Ms. Ensley announced that a new Puffy Train has been painted with election motifs and will be used as a mobile registration station. The Puffy has registration cards, pens, and a slot for leaving registrations. It should be highly visible at various area locations until the Nov. 2nd election.

The election board will need about 600 volunteers to help with the general election this fall and another 550 volunteers to help with the spring election. They are in search of non-partisan groups to offer rides to the polls for non-drivers. Ms. Ensley also mourned the loss of the League's Voter's Guide in the local newspaper.

League member Mary Ann Bradford explained that *Topeka Capital-Journal* management had informed the League that they were no longer interested in printing the Voter's Guide. Mary Ann suggested letters to the editor in support of future Voter's Guide publishing. She also announced a willingness of the owner of the *Metro News* to publish such a guide in the future.

Ms. Ensley voiced personal approval for the county's current paper ballot scanning software system, citing its high rate of accuracy in recent voting recounts. One advantage of the system is that the voter has a chance to revote on site if the machine for some technical reason rejects a ballot. Also, paper ballots can be manually recounted when necessary. ♡

Annexation in Topeka & Shawnee County

—report by Allyn Lockner

Part 2: Kansas Annexation Procedures

Purpose

“Part 1: Overview of Annexation” is the first article that appeared in the September edition of the Voter. It lays the foundation for this second article which has four purposes. First, it summarizes Topeka's annexation goals and objectives. Second, it summarizes the major steps of three annexation procedures. Third, this article analyzes the annexation procedures against the "Principles of Annexation" contained in “Part 1: Overview of Annexation.” Fourth, this article contains key questions which are intended to aid members of the League of Women Voters of Topeka and Shawnee County (the local League) in developing, reviewing and discussing concurrence questions, and in concurring or nonconcurring with a proposed position on annexation in Topeka and Shawnee County.

Topeka's Annexation Goals and Objectives

Annexation goals and objectives are pursued and hopefully achieved through the use of annexation procedures. In other words, in order to determine Topeka's aims in using the Kansas annexation procedures, annexation goals and objectives have to be known.

The Topeka Land Use and Growth Management Plan - 2025 contains annexation principles, goals and objectives. The Topeka Planning Department prepared the Plan, and the Topeka City Council approved it on February 24, 2004.

After stating some annexation principles and other topics related to annexation, the Plan contains the following annexation goals and objectives:

- Goal 1:** “Pursue annexation of developed areas adjacent to the City of Topeka, either through adoption of annexation ordinances for consent properties, unilateral annexation or through petition to Shawnee County as provided by state law.”
- Goal 2:** “Plan for and work toward annexing properties on the periphery of the City of Topeka prior to actual development.”
 - Objective 1:** “Pursue annexation of those properties that have given consent to annexation as soon as practicable.”
 - Objective 2:** “Identify those areas that 'qualify' for annexation by virtue of being part of the urbanized fringe area surrounding the City of Topeka or that are utilizing city services, and develop a specific plan for the regular and systematic annexation of those properties in a timely manner.”
 - Objective 3:** “Develop and maintain a long-range plan that identifies properties that are yet to develop but are located in areas 'prime' for development and take steps to annex those properties prior to actual development.”
 - Objective 4:** “Enhance the efforts of the City of Topeka to explain the benefits of annexation and the value to everyone by having the urbanized properties within the corporate limits of the city.”

Regarding current and future events regarding annexation, the City of Topeka has employed a consultant to undertake a comprehensive annexation study which is to examine all perimeter areas that can be annexed by the city under current state law, and identify the five top areas. The Topeka Planning Department expects the first draft of the annexation report from the consultant "any day," and the final draft by December 31, 2004. The draft and final reports will be submitted to the Topeka City Council for approval or for submission to the Topeka Planning Commission which will review it and submit its comments to the council before the council acts on it.

Topeka's goals and objectives are to be achieved by it using three types of annexation procedures. These procedures are mostly found in Kansas Statutes Annotated (KSA) 12-520 and the sections that follow. These procedures are summarized below by describing the major steps of the unilateral, island and county-approved procedures.

Unilateral Annexation Procedure

Unilateral annexation of contiguous land, with area limitations, may occur with or without landowner consent. The following procedure applies when the land the city intends to annex is contiguous to the city boundary and landowners in the area do not consent to the proposed annexation. All steps are statutory, except Step 1 which is a practice of Topeka City.

Step 1: City mayor or council member informally asks city staff to investigate possible annexation of land.

Step 2: Before the city adopts the resolution (see below), city prepares a plan for extension of municipal services to the area to be annexed; the plan is to be a bona fide plan and not solely as a pretext for obtaining annexation of the land; the report setting forth the plan includes:

- A. Sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:
 1. Present and proposed boundaries of the city affected by such proposed annexation.
 2. Present streets, water mains, sewers and other city utility lines, and the proposed extension thereof.
 3. General land use pattern in the areas to be annexed.
- B. Statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area proposed to be annexed at the time of annexation and the estimated cost of providing such services.
- C. Estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed.
- D. Method by which the city plans to finance the extension of such services to the area.
- E. Timetable of the plans for extending each major municipal service to the area.
- F. Means by which the services currently provided by a township or special district in the area shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation.
- G. Services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

Step 3: City adopts resolution which indicates it is considering the annexation of the property involved and which indicates the city's proposed action and marks the formal beginning of the annexation proceeding.

- A. Resolution provides notice that a public hearing, along with the time, date and place of the hearing, and boundaries of area to be annexed.
- B. Resolution informs the public that the city's plan for extension of services to the area (see above) to be annexed will be available for review in the city clerk's office.
- C. Hearing is set for a convenient time and place between 60 and 70 days following adoption of the resolution.

Step 4: City within 10 days following resolution adoption sends by certified mail a copy of the resolution and a sketch of area to be annexed to each landowner.

- A. Official city newspaper publishes a notice and a sketch of the area not less than one week and not more than two weeks prior to date of the hearing.
- B. Within 10 days of adoption of resolution, city sends copies of resolution to:
 1. The board of county commissioners.
 2. The governing body of the township where the land to be annexed is located.
 3. Any special assessment district or other governmental unit that provides any type of municipal services to the area (such as sewer, water or fire districts).
 4. Any utilities with facilities in the area.
 5. The governing body of any school district in the area.
 6. Any city, county, township, or joint planning commission with authority over the area.
 7. Any other political or taxing subdivision located in the area.
- C. Before annexation can occur, city sends resolution to any city, county, township or joint planning commission having authority of the area. Within 10 days of adoption, [the city] sends resolution to appropriate planning commission even though the role of the planning commission is "strictly advisory."

Step 5: City presents at the hearing its plan for annexation, including the proposed extension of municipal services to the area.

Step 6: Any interested person has the opportunity to speak regarding the proposed annexation.

Step 7: If area is part of a fire district, city determines the advisability of the annexation in light of:

- A. Response time of the city and fire district to the area.
- B. Impact on the fire district from the decrease in the tax base if annexation is approved.
- C. mpact on the city's provision of fire service if annexation is approved.
- D. Impact on the residents of the area if the annexation is approved.
- E. Impact on the remainder of the fire district if the annexation is approved.

Step 8: Planning commissions review proposed annexation and issue a finding whether the annexation is compatible with adopted land uses or any comprehensive plan that applies to the area or to the city seeking to annex the land; planning commission sends a copy of the findings to the city seeking the annexation and is placed on file in the city clerk's office. Lack of a planning commission report is not fatal to annexation.

Step 9: City adopts and publishes an annexation ordinance.

Step 10: Aggrieved landowner has 30 days following publication of the unilateral annexation ordinance to file an action in district court to challenge the annexation.

Island Annexation Procedure

Island annexations involve property that is not contiguous to the city but whose owners wish to be part of the city. Because the rights of adjacent landowners or nearby cities may be implicated, the county commission determines whether the proposed annexation would hinder or prevent the proper growth of the area or of any city within the county. All steps are statutory, except Step 1 which is a practice of Topeka City.

Step 1: City mayor or council member informally asks city staff to investigate possible annexation of land.

Step 2: City adopts a resolution requesting the county commission to make a statutory finding as to whether the proposed annexation would or would not hinder or prevent the proper growth or development of the area or any other city. A certified copy of the resolution is filed with the county commission, which has 30 days to notify the city of its findings.

Step 3: Commission makes findings, considering the proposed use, or reason for, the annexation, as that may have bearing on the future growth or development of the area.

[Note: Robert W. Parnacott, in the article entitled "Annexation in Kansas," Kansas Bar Journal, November/December 2001, on pages 32 and 33 makes the following statement: "The statute does not require a public hearing, nor does it require actual notice, either by mail or publication, to adjacent landowners or to other cities within the county. However, the city or county may want to consider providing some sort of notice, either formal or informal, to any possibly interested parties, e.g. nearby cities or special districts. The city is not required to prepare a service plan."]

Step 4: Any landowner or city aggrieved by county commission's findings has 30 days to appeal findings in district court.

City cannot utilize the annexed area as a base for future unilateral annexation until the area between the city limits and the annexed island has been annexed through intervening annexations.

County-Approved Annexation Procedure

When the governing body of the city wants to annex land which is not permitted to be annexed under the Unilateral Annexation Procedure, for example because of area limitations, or if the governing body is permitted to annex land under this procedure but deems it advisable not to annex under this procedure, the governing body may annex land under the County-Approved Annexation Procedure. All steps are statutory, except Step 1 which is a practice of Topeka City.

Step 1: City mayor or council member informally asks city staff to investigate possible annexation of land.

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- Step 2:** City authorizes a petition to be filed with the board of county commissioners.
- A. Petition contains the legal description of the land to be annexed.
 - B. Petition requests the commission to hold a public hearing on the advisability of the proposed annexation.
 - C. City files with the petition a report that includes a plan for extending services to the area to be annexed. (See above for the contents of the report.)
- Step 3:** County commission sets date for the hearing between 60 and 70 days of the date the petition is presented to the county.
- Step 4:** County commission, within 10 days of the presentation of petition, sends notice of the time and place of the hearing by certified mail to each landowner involved, with a sketch of the area to be annexed.
- Step 5:** County commission publishes the notice in a paper of general circulation for the city, at least one week but no more than two weeks prior to the date of the hearing; the notice includes a list of the landowners of the area to be annexed, and the sketch of the area showing the proposed annexation.
- Step 6:** Governing body of the city submits petition to any planning commission with jurisdiction over the area within 20 days after presentation of the petition to county commission.
- Step 7:** Planning commission provides findings for a county-approved annexation to the county commission no later than 20 days prior to public hearing. Lack of findings is not fatal to the annexation.
- Step 8:** Planning commission sends a copy of the findings directly to the city. The findings are available for public inspection in the city clerk's office.
- Step 9:** City presents its proposal for annexation, including the planned extension of services, at the hearing before the county commission which sits as a quasi-judicial body; commission also hears any other testimony regarding the advisability of the proposed annexation.
- Step 10:** County commission, utilizing “broad discretion” evaluates the evidence presented at the hearing.
- A. Commission bases its findings on the preponderance of evidence presented to the commission.
 - B. Commission must consider annexation's effect on the orderly growth and development of the entire community involved, including the city proposing the annexation and the area to be annexed.
 - C. Commission approves the annexation in whole, or only to a part of the area proposed to be annexed, or denies the annexation in whole.
- Step 11:** County commission makes specific written findings and conclusions regarding whether the proposed annexation, or annexation of a lesser area approved by the commission, will cause manifest injury either to the landowners of the area to be annexed, or to any landowners of property adjacent to or nearby the proposed annexation.
- A. If the annexation is to be denied, the commission determines whether the denial will cause manifest injury to the city.
 - B. “Specific written findings” does not mean the findings must be “detailed.”
 - C. Regarding landowners, “manifest injury” is “imposition of material or substantial burdens on the landowners without accompanying material or substantial compensating benefits.”
 - D. “Manifest injury” to landowners is evidenced where the services to be received by the area to be annexed are, in fact, inferior to the services received before the proposed annexation. [Note: In the second line after “are”, the Topeka Department of Public Works deleted the statement “either the same as those received prior to annexation, or are,”. The Department's staff states that its attorney “... points out the law says services must be the same or better than current services after annexation, but not in reference to ‘manifest injury’”. The definition of manifest injury above states [in the earlier language] that if the services are the same, then manifest injury occurs. (The Department's staff and attorney) disagree with that statement.” For this reason, the statement is deleted.]
 - E. “Manifest injury” to adjacent landowners may be found where removing a significant part of the tax base of a township or special district might severely impact the ability of that entity to continue to provide services to the remaining unincorporated area.
 - F. “Manifest injury” to a city is more problematic, without any corresponding clear definition of what it means to a city.
- Step 12:** Commission makes decision regarding the grant or denial of the annexation, in whole or in part, within 7 days of the close
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of the public hearing.

- A. If the commission issues an order of denial of the petition for annexation, in whole or in part, the commission sends the order to the city by certified mail.
- B. Once an appeal is filed with the district court, the commission cannot reconsider or modify its order.

Step 13: If commission grants annexation, city adopts and publishes an annexation ordinance.

- A. A certified copy of the ordinance is filed with the county clerk, the register of deeds, and the county election commissioner in the county in which the city is located.
- B. Ordinance takes effect on publication.

Step 14: Aggrieved landowner or the city seeking annexation has 30 days to appeal the county commission's decisions to district court.

Analysis of Procedures

The “Principles of Annexation” in the article entitled “Part 1: Overview of Annexation” in the September edition of the Voter are the benchmarks or standards for analyzing the unilateral, island and county-approved annexation procedures. In order for those annexation principles to be embedded in annexation practices, the procedures should or must allow, encourage, expect or require the exchange of information and ideas among stakeholders in the very early steps of the procedures so that they can begin to participate in the decision making very early and continue to participate throughout the procedures. In order for stakeholder participation to be meaningful, significant and constructive, stakeholders among themselves need:

- to communicate by asking questions, and sharing candidly ideas, information, and perceptions.
- to cooperate by learning from one another, helping one another, and working together.
- to coordinate by harmonizing and balancing different facts, perceptions, interests, and effects.
- to collaborate by pooling resources, acting as a team, achieving consensus, and accomplishing objectives.

Stakeholders need to engage in the “four Cs” in order to achieve consensus on the proposed annexation — that is, they agree with the proposed annexation and will actively support it or, if stakeholders do not agree, they will not oppose the annexation in an active or passive manner. While practicing the “four Cs” will not guarantee stakeholder consensus on annexations, they will increase the likelihood that consensus will be achieved

A review of the procedures indicates that, with exception of formal hearings and documents, there are no opportunities for stakeholders to meet one another and to engage in the “four Cs.” Each procedure begins with the same non-statutory Step 1: City mayor or council member informally asks city staff to investigate possible annexation of land. Step 2 of each procedure is statutory and different. However, at Step 2 of each procedure already some key features of the proposed annexation have been decided, or can be perceived to have already been decided by stakeholders, without input or consensus from them. On complex and difficult annexations, the lack of stakeholder participation before Step 2 is likely to encourage stakeholder apathy or anger toward other stakeholders, or active or passive opposition to the annexation and other stakeholders. As the stakeholders progress beyond Step 2 to the end of the procedures they testify at formal public hearings which do not usually allow the most useful dialogue and discussion among them, but only with the public officials conducting the hearings. The hearings provide little or no opportunity for negotiation among stakeholders. Also, as the steps unfold an increasing number of the elements of the proposed annexation are “set in concrete” and become difficult, expensive, if not impossible to change in order to achieve stakeholder consensus on the proposed annexation.

As indicated by Step 10 of the unilateral procedure, the aggrieved landowner can go to district court to challenge the annexation. In Step 4 of the island annexation procedure, any landowner or the aggrieved city can go to court. In Step 14 of the county-approved annexation procedure, the aggrieved landowner or the city can go to court. This is legal due process at work, but it is often late in each procedure for an expression of stakeholder interests and annexation effects. Also, going to court can be costly in terms of time, energy and money expended by stakeholders. Under these circumstances, annexation will occur and generate anger among some stakeholders, some crucial proposed annexations will not occur angering other stakeholders, or annexations will not be proposed at all because of expected opposition from key stakeholders. If the annexation is crucial to growth and development in the city, county or metropolitan region, it can also have significant long-term costs and negative intangible effects on the people residing in these areas.

A review of the annexation procedures reveals the absence of missing key steps. For example, there is no early step or pre-step in

any of the procedures which requires or even encourages:

- the identification and notification of all potential stakeholders who might be interested in and/or affected by the possible annexation.
- the request to stakeholders to state their interests in the annexation and/or its effects on them so that these interests and effects can be addressed early in the annexation procedures.
- the preparation of a written document early in the procedures which states how stakeholder interests and/or effects will be addressed.
- the preparation of a written document, signed by stakeholders, which enables them to approve how their interests and/or effects are addressed in the proposed annexation.
- the use of skilled people to negotiate differences among stakeholders during the decision-making process on complex and difficult annexations.
- the use of the techniques of alternative annexation dispute resolution which can prevent future and manage existing disputes during the procedures and reduce the likelihood of stakeholders going to district court.

If the procedures did possess these characteristics, the stakeholders would have opportunities to participate early in the proposed annexation, the information needed for an annexation would be obtained early during the procedures, consensus would likely be achieved among stakeholders, and the information would be collected and included in an approved and signed document. Stakeholder approval would signify their commitment to be bound by the provisions of the document. All stakeholders would be better informed early and their opposition to the annexation would less likely occur. Collecting information early on stakeholder interests and annexation effects on them would minimize subsequent opposition. If disputes are likely to occur, alternative techniques can prevent or reduce them. If disputes do occur, these techniques increase the likelihood that they will be resolved successfully and the annexation becomes a reality. These features would complement the annexation procedures. In so doing, they would tend to facilitate the annexation of needed tracts of land, increase the number and size of needed annexations and reduce the "rush to court" to stop proposed annexations. But these features cannot guarantee that needed annexations will occur.

Questions

The section entitled "Principles of Annexation" in the article entitled "Part 1: Overview of Annexation" in the September edition of the Voter provides the foundation for asking and answering questions about annexation procedures in Topeka and Shawnee County. Also, the section entitled "Analysis of Annexation Procedures" in the article entitled "Part 2: Kansas Annexation Procedures" in the October edition of the Voter contains information pertaining to these procedures. These discussions suggest questions. For example:

- What are the connections between annexation goals and objective, and annexation procedures?
- What are the strengths of the procedures?
- What are the weaknesses of the procedures?
- What are the effects of the procedures on annexation stakeholders?
- What are the effects of the procedures on Topeka City, Shawnee County and the metropolitan region?

Answers of League members to these questions will help them to ask, review and discuss their own questions and answers, and to prepare them to vote for concurrence or nonconcurrence with a local public policy position proposed by the local League's Annexation Study Committee and its Board of Directors.

Next Topic

With the identification of the weaknesses of the annexation procedures, attention turns to what might be done to correct them. The November-December edition of the Voter will contain an article entitled "Part 3: Potential Improvements of Annexation Operational Practices."



Washington, DC – Forty national organizations call on the chief election officials of each of the fifty states to take steps to guard the election process for the November 2004 election.

“There is a growing chorus of concern over how this election will be run. Specific steps can be taken now to protect the right to vote, and we ask election directors to carefully consider our suggestions,” said Kay J. Maxwell, president of the League of Women Voters. “These are common-sense, operational and management measures that can be put in place for this election,” she said.

In their letter to each state’s chief election official, the organizations pointed to “Top Five Risks to Eligible Voters in 2004,” (<http://www.lwv.org/join/elections/TopFiveRisks.pdf>) released earlier by the League and the Leadership Conference on Civil Rights, and suggested specific procedures that could protect against these risks:

1) Voter registration problems.

Ensure timely transmittal from DMV and other agencies to registration authorities.
Accept all registration forms with adequate eligibility information.

2) Erroneous purging.

Do not purge voter rolls close to Election Day (after the close of registration).
Check for accuracy before using any list of potentially ineligible voters.

3) Problems with new ID requirements.

Educate voters on the ID they should bring to the polling place.
Recruit and train bilingual poll workers to assist limited English-proficient voters.

4) Difficulties with voting systems.

Educate voters on how to operate their voting

machines.
Institute management safeguards and testing of all machines.

5) Failure to count provisional ballots.

Ensure that eligibility to vote in the federal election is the test for counting provisional ballots in federal contests.

Set a statewide, uniform, nondiscriminatory process for issuing and counting provisional ballots.

“Our research tells us that voter registration is shaping up to be a critical problem in this election,” according to Maxwell. Too often, voter registration applications are being rejected because of technicalities,” she said. “People of all political persuasions are deeply concerned about this election and want to participate. Numerous voter registration drives are underway,” she said. “We urge election directors to make sure that eligible voters are properly registered, rather than being unfairly rejected,” Maxwell concluded.

“Early signs indicate that provisional ballots cast by eligible voters in many states will not be counted, undermining this important new voter safeguard,” said Wade Henderson, Executive Director of the Leadership Conference on Civil Rights. “The right to cast a ballot is meaningless if those ballots are never counted,” he said. “We need fair processes to guarantee that all eligible voters will have their provisional ballots counted,” Henderson said.

“Momentum to ensure a fair election is growing,” said Maxwell. “The civil rights community believes steps must be taken now to ensure an open and democratic election system for all,” said Henderson.



“Vote Drives Gain Avid Attention of Youth in '04”

Edited from 9/15/2004 *New York Times*:

By TIMOTHY EGAN

After dismal turnout by young voters in 2000, surveys this year show that interest in the election among the young is near the highest level it has reached at any time since 18- to 20-year-olds were given the vote in 1972.

The pool of potential young voters is substantial - about 40.6 million Americans ages 18 to 29, or one in five eligible voters, according to the Center for Information and Research on Civic Learning and Engagement, or Circle, a nonprofit research group that has concentrated on the youth vote.

Helped by outside groups that are spending millions of dollars in young-voter registration drives, Democrats say the pool of new young voters is swinging their way. But Republicans are doing their own drives through college Republicans, and they say the youth vote is up for grabs.

Over 30 years, there has been a steady decline

in youth turnout, with one big uptick, in 1992. The last presidential election featured a particularly low showing for those 18 to 24—just 37 percent voted, compared with 64 percent for those 25 or older, surveys of voters leaving the polls say.

Campaigns have started talking about concerns of young voters as that the issues have come around to topics that this group cares about. Education—particularly the rising cost of college—is consistently listed at the top, followed by war and terrorism.

“I have friends and relatives fighting in Iraq, and trying to go to school,” Ms. Reyes said. “These things made me think seriously about my future.”

“Both the major parties are nervous about this group,” said Ivan Frishberg, a spokesman for the New Voters Project.” And you can see why. They are the biggest pool of untapped potential voters, and they are easy to influence.”

LWVK Updates

Since the State Board decided to focus on DNet this year, rather than print a Voter's Guide for state-wide distribution, as has been done in the past, one way we can help local Leagues who still wish to print a Voter's Guide is to help defray their costs. If you are planning to print a Voter's Guide, please let me know, and we will pay about 50% of your printing costs.

DNet updates - Doris and the DNet squad were pleased to report to LWVUS that we had about 30% of the candidates participating in DNet prior to the primary election. Capital Advantage is going to provide additional assistance to Leagues prior to the general election. They will undertake some outreach efforts for races that Leagues are not covering. This effort will move into high gear on October 1. They will be contacting candidates directly, and they will do some "cut and pasting" from candidate websites for those candidate who haven't responded. This should greatly increase participation and help local Leagues as well.

I will be submitting a letter to Senator Brownback, offering the support of LWVK to repeal the drug pro-

vision section in the Higher Education Act, enacted in 1998. This federal law denies college financial aid—loans, grants, even work-study programs—to students with past drug convictions, even though they have already complied with the sanctions applied. The effort to repeal the drug provision has been underway for a few years, and LWVUS has been a supporter of the effort. Sen. Brownback will be introducing legislation this fall, entitled “Second Chance Act of 2004” which seeks to improve formerly incarcerated individuals' reintegration into society and reduce recidivism. The hope is for Sen. Brownback to fully repeal the Drug Provision in his version of the bill. I have additional information on the topic if you would like it, and perhaps you would be willing to contact Sen. Brownback on behalf of your League. Please let me know.

Our next State Board meeting is scheduled for Saturday Oct. 2, beginning at 10 am in the State League office in Topeka. All League members are welcome to attend Board meetings. “Principles of Annexation”

—Janis McMillen --LWVK President

June 17, 2004

Major issue today dealt with a needed access to the Hickory Ridge Estates on NW 35 St., which does not meet federal transportation safety standards. It is a township road. The township said they did not have the money to bring it up to standards. The county commission does not want to pay for the needed improvements either. Therefore, the builder and the home owners will have to pay the county (in specials) to have the steep grade on 35th reduced so the builder can put in an exit road out onto 35th. This raises the question regarding how many township roads in Shawnee County do not meet federal safety standards???

June 24, 2004

Major issue: attachment of lands to Rural Water District No. 1 in Jackson County. The water district cannot accommodate these people so the contractor will construct lines within 6 months which will meet city codes, because they will contract with the city for the water. It will cost each family \$10,000 but they are willing to pay because their wells are going dry. They cannot use the water for human consumption. Future plans include putting in sewers. People hooking onto the city water have to agree not to fight annexation by the city. The city now has to agree with this plan.

July 1, 2004

Considered a resolution to allow the sheriff to ticket untagged vehicles parked on public right of ways. Residents of Montara requested this issue.

Considered a \$56,000 request from the Shawnee County Extension Council to purchase a new van, liability insurance and a 5% increase in salaries.

July 15, 2004

Approved the resolution to ticket vehicles within the unincorporated areas of Shawnee County that do not display license plates.

Commissioner Kane suggested that the County Extension Council needed to update their mission and lower their costs. The increase for their employees was reduced to 4%. There appears to be

no uniform policy for all county departments on salary increases.

Considered a request for funds from the Diversion fund to pay for a truancy presentation to school personnel and other interested entities involved with youth. The D.A. wants to adopt a Wyandotte County truancy program to Shawnee County. Wyandotte County reduced truancy 7% in this four year old program.

Approved levying an emergency telephone tax of \$.75.

July 22, 2004

Discussed the NW 70th St. Bridge. This 40-year-old bridge is now unsafe for garbage trucks, school buses, ambulances and fire trucks. The township has no money for repair. The residents who must use this bridge to access their homes are very concerned that if they had an emergency, emergency vehicles could not get to them by using the bridge.

July 29, 2004

Curbside recycling is being recommended in the Solid Waster Management Plan Five-year Update, but there is no plan to implement it. It will be "somewhere in the future."

Commissioners Miller and Ensley appointed a new Bond Counsel for the county without issuing RFPs. Jonathan Small, the old Bond Council, recommended Robert Parry in his letter of resignation so Commissioners Miller and Ensley appointed him. Commissioner Kane voted "No" due to lack of research of all qualified candidates (4) available.

August 5, 2004

This was a three hour discussion/testimony regarding the building of a Nextel tower on property at NE 46th St. and NE Kincaid Rd. The tower is within current height restrictions, however there is no Shawnee County zoning for air space and "air obstacles" are not defined. Two private airstrip owners in this area were very opposed to the tower. Commissioners Kane and Ensley passed it, and Miller voted "No." (It is in Miller's district and the residents don't want it.)

July 6, 2004

Mayor McClinton outlined his 2005 budget where he said more money was needed to meet the city's debts. His proposal gave the Council a choice; raise property taxes or raise franchise fees for utilities. He said a 4-mill property tax increase for 2005 budget would cost homeowners about \$46 a year on a \$100,000 house. It was estimated that the average utility bill would increase around \$26 a year if the franchise fees are raised.. This would amount to about \$2.40 per month.

If the council were to adopt the proposed budget without change, the city's property tax would rise by 4.015 mills, to 37.239 from 33.224. That would mean annual city property taxes on a \$100,000 house would rise to about \$428 from about \$382. A tax increase could be avoided by approving increases in franchise fees on electric and natural gas utilities, development services fees and business fees that are being considered.

City Council members plan July 20 to consider a measure that would raise franchise fees for Westar Energy from 3 percent to 5 percent. Mayor McClinton said he didn't think it was prudent to include revenue from potential franchise fee increases in the budget outlined Tuesday evening. The Mayor's main concern is having sound fiscal management, keeping a smooth operation and supplying necessary services, but still keeping our bond rating strong. He emphasized this concern several times during the discussion. During the next few weeks, council members will discuss the budget in a series of meetings.

Sept. 7, 2004

This was an exciting meeting due to the controversy of whether a third Wal-Mart store could be built in Topeka. The council chamber was filled with people who approved, and those who objected. It seemed to be a fifty-fifty issue. Opponents were very concerned about traffic problems and choking the life out of current businesses located in that area. The store location is on NW Rochester Road near US-24 highway. The proponents felt it would create hundreds of jobs, and attract shoppers

from other nearby counties. All of the council members said they had received many e-mails and phone calls about this issue. After many hearings, the council voted 5-3 to rezone. The council members voting in favor were John Alcala, Lover Chanler, Bill Haynes, John Nave and Duane Pomeroy. The members voting against were Clark Duffy, Lisa Stubbs and Jeff Preisner. A Topeka attorney, Vern Jarboe, representing Wal-Mart, submitted 1,500 signatures to the council members that he said were collected at Topeka Wal-Mart's over a four-day period from people supporting rezoning.

A proposal to create a curfew for teenagers 17 and younger was defeated when the council voted 4-4. The proposal was submitted by council members John Nave, Jeff Preisner and Lisa Stubbs and former Councilman Gary Price. Councilman Price left August 25 to accept a job in Cincinnati, causing the lack of a 5-4 vote to approve the proposal. The council's public Health and Safety committee voted 2-1 last month to recommend its approval. Parents and guardians would have faced fines for curfew violations. Two brilliant students Lucas Lux and Jessica Rezac spoke opposing the curfew. One of their reasons for being against the curfew was feeling it would cause families to fall apart versus becoming a stronger unit. Also, the City Attorney informed the Council of a possibility this Ordinance could be unconstitutional, as it has been in many places.

VOTER SERVICES UPDATE

- Voter Services has been contacting businesses and groups to plan multiple events to register voters—including a September 28th event at Hallmark Cards.
Contact Mary Ann Bradford, 354-1646, or Nancy Garfield, 273-2486, to volunteer.
- The *Metro News* is working with our League to do a Voters' Guide. The committee working with the *Metro News* is looking for suggestions of questions to ask candidates.
Contact , Mary Ann Bradford, 354-1646, or Nancy Garfield, 273-2486, with suggestions.

Mark Your Calendar:
 Thursday, Oct. 21, 5:30 pm
Joint VOICE Meeting

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ADDRESS CORRECTION REQUESTED

October 2004
 Carol Yoho, Editor
 3013 SW Quail Creek Dr.
 Topeka KS 66614

VOTER
 OF TOPEKA/SHAWNEE COUNTY
 THE LEAGUE OF WOMEN VOTERS



Please contact Nancy Kindling at 273-8578 or e-mail nmkindling@aol.com if you are interested in helping to follow actions by groups on the change in city government or attend some of the meetings. Nancy will be glad to contact you if you are interested.

We still have VOTE pins for sale and you can get them by calling Betsy. We have raised a considerable amount of money from their sale. We hope all members will still be able to sell or buy those pins remaining.



welcome!

New Members: August 2004

- Jeanne Roberts
- Carol Jory
- Harriet Grant
- Fran Lee
- Beth Hiller
- Joyce Black

YES!

I want to add my voice to yours by joining the League of Women Voters. I enclose:

___ \$48 for 1-year Individual Membership ___ \$72 for a 1-year Household Membership

___ \$85 for a 1-year Sustaining Membership ___ Please send more information.

___ I am unable to join the League at this time, but enclose a contribution of \$_____.

Name _____

Address _____

City, State, Zip _____

Phone (hm) _____ (wk) _____

E-Mail (for Action Alerts) _____

Please send to:

Mary Ann Bradford

1809 SW Webster Ave.

TOPEKA KS 66604-3228

785-354-1646

Make checks payable to League of Women Voters of Topeka-Shawnee County