

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairperson Mark Kahrs at 1:30 pm on Monday, January 25, 2016, 281-N of the Capitol.

All members were present

Committee staff present:

Ruth Mahner, Kansas Legislative Committee Assistant
Daniel Yoza, Office of Revisor of Statutes
Mike Heim, Office of Revisor of Statutes
Cindy Lash, Legislative Research Department
Martha Dorsey, Legislative Research Department

Conferees appearing before the Committee:

Kris Kobach, Secretary of State;
Representative J.R. Claeys, KS House of Representatives;
Melissa Wangemann, KS Association of Counties;
Jason Watkins, Sedgwick County

Others in attendance:

[See Attached List](#)

Meeting call to order

Chairman Kahrs called the meeting to order at 1:30 pm.

Bill introductions

Representative Alcala moved to introduce a bill to allow voters to register on election day; Representative Bollier seconded. The motion carried.

Presentation by:

Chairman Kahrs introduced Kris Kobach, Kansas Secretary of State, to update the committee on several issues involving his office.

Secretary Kobach recommended introduction of a bill to allow post-election audits of election equipment, which is currently prohibited by law. This bill would require the auditing of ballots in real time and allow for voting results to be adjusted if necessary. The audit would cover 1% of votes cast, with a wider audit allowed if there was a discrepancy. *Chairman Kahrs moved to introduce the bill; Representative Esau seconded.* The motion carried.

Secretary Kobach then discussed the prosecutorial authority that was granted to his office in July, 2015. Six cases of voter fraud have been prosecuted in the past six months; one has reached a conviction, and

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five are pending trial. The main difficulties at this point are determining intent to commit fraud and avoiding the statute of limitations.

Relating to these prosecutions, Secretary Kobach provided an overview of "Interstate Crosscheck" ([Attachment 1](#)). This is a collaborative effort which started in 2006 with four states (colloquially known as "The Kansas Project"); it now includes more than thirty states with 60% of all voters nationwide. The program compares voter rolls across state lines, giving member states the ability to identify duplicate and obsolete records. Voter data is destroyed after each check, so privacy is not compromised.

Secretary Kobach then stood for questions. Several committee members requested more information regarding audits of voting machines, the potential cost of the proposed bill, prosecution of electioneering, and how voter fraud might impact a close election. In answer to a question regarding why implementation of the proposed bill would be deferred until July, 2017, Secretary Kobach explained that although existing voting machines were adequate to support an audit, individual counties would need time to adjust their procedures. The Secretary was open to the suggestion of allowing some pilot counties in 2016.

Hearing on: HB2210 — County commission boards; expansion of commissioners; special election.

Chairman Kahrs asked Mike Heim, Office of Revisors, to review the bill. Under current law, a vacancy in a county board (often the result of an expansion of commissioners) is filled by Governor's appointment. The new law would strike that language and allow for a vacancy to be filled by special election.

Proponents:

Representative Claeys explained that this bill was suggested by Governor Brownback. When population increases, timing may force an expansion to occur mid-session, and the resulting commissioners are not chosen by the residents of the area they serve. ([Attachment 2](#)).

He answered questions from several committee members regarding the necessity of a special election, as opposed to simply leaving the vacancy open until the next general election. The difficulty of scheduling a separate primary was mentioned, as well as the necessity of considering military personnel on active duty.

Conferee Melissa Wangemann stated that the KS Association of Counties supports this legislation. The concerns raised by the committee are valid and should be addressed, but it is important for citizens to elect those who will represent them. ([Attachment 3](#))

Jason Watkins, Sedgwick County, concurred that there are concerns regarding the specific requirements, but the general focus of the bill is positive. Along with the questions of military personnel and the timing of primaries, he mentioned that it would take time to redraw districts and

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candidates would need a filing deadline. ([Attachment 4](#))

Representative Esau responded that when county boards expand the number of commissioners, the redistricting has usually been done ahead of time.

Representative Claeys answered several follow-up questions regarding the length of terms and whether it would be difficult to allow for an equitable staggering of terms if several new commissioners were elected simultaneously. He acknowledged that many of those issues still need to be addressed.

Announcements

Representative Peck followed up on a question that had been raised in the previous meeting, regarding the relative buying power of \$500 between 1974 and the present day. He reported that the adjusted value of that amount of money in today's economy would be \$2500.

Adjournment

Chairman Kahrs adjourned the meeting at 3:00 pm.