

Approved 2-11-92
Date

MINUTES OF THE HOUSE COMMITTEE ON ELECTIONS

The meeting was called to order by Representative Sherman Jones at
Chairperson

9:12 a.m./p.m. on January 29, 1992 in room 521-S of the Capitol.

All members were present except: Representative Johnson (excused)

Committee staff present: Arden Ensley, Revisor
Pat Mah, Research
Shirley Lee, Committee Secretary

Conferees appearing before the committee:

Tom Sawyer, Majority Leader
Representative Carol H. Sader
Michael Woolf, Executive Director, Kansas Common Cause
Connie Stewart, Kansas AFL-CIO
Joe de la Torre, Deputy Assistant, Secretary of State

Others attending: see attached list.

Chairman Jones opened the hearing for **HB 2291**.

Tom Sawyer, Majority Leader, appeared before the Committee on **HB 2291** and **HB 2292**. He stated one of the barriers that makes it more difficult to get people to vote is the barriers of registration. **HB 2291** deals with same day registration and a new concept of three states; Maine, Minnesota, and Wisconsin, allows people to register to vote on election day. These states are confronting the social behaviors that many citizens just do not get interested in elections before it happens, by then it is too late to register. Same day registration surrounds that problem. Participation in same day registration is much higher than other states. In 1984, the Federal Elected Commission ranked Minnesota first, Maine second and Wisconsin fourth. Majority Leader read excerpts of information from Secretary of State in Minnesota regarding same day registration: "More than 90% of all eligible voters registered on election day. Minnesota has one of the highest voter's registration in the U.S. Generally between 80% to 85% of all legal age voters register to vote, but an additional 5% to 10% register and vote on the election date. Same day registration involves going to the polling place in the precinct where residence is maintained. There they simply fill out a registration card and show proof of residence within the precinct, and show accepted identification, e.g. driver's license. Critics worry same day registration is an invitation of fraud that might encourage some people to register in more than one location. In Minnesota this claim has been without foundation. Only two indictments have been known in nine years. The other two states claim voter's fraud have not been a problem. Maine have had two convictions in ten years. The way the system works is for 49 weeks of the year people can register to vote up to 20 days before the election. Those people that miss that cut off, 5% to 10%, they show up between and election day with proper identification and sign an affidavit to register to vote. We are the only major industrial nation that requires the voters to go through hoops to register. That is one of the reasons we are 20th amongst 21 industrial nations on voter turn out.

Chairman Jones opened the floor for questions. Representative Wells questioned the restrictions on proof of identification in Minnesota. Majority Leader stated one document was needed, e.g. driver's license. With no further questions. Majority Leader was heard on **HB 2292**. He stated **HB 2292** dealt with stages of voter's registration. Some states have developed more creative programs e.g. Nebraska mails registration cards with income tax and a number of states do agency registration. It gives people more opportunity to register to vote. Any time people had contact

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ELECTIONS,
room 521-S, Statehouse, at _____ a.m./p.m. on January 29, 19 92

with the State they had an opportunity to register to vote.

Chairman Jones opened the floor for questions. Chairman Jones asked if the bill would violate rules and regulations governing employees participation in the campaign of elected officials. Majority Leader Sawyer stated it was different because it did not involve the employees in the election campaign, but just simply to enroll on the rolls so they can vote. Representative Bishop questioned the language of the bill authorizing the Governor agency registration. Majority Leader stated the bill allows flexibility. Representative Shallenburger questioned if the Senate made any effort on the motor voter bill. Majority Leader stated the bill was being worked on. Representative Scott inquired about voter's fraud penalty. Majority Leader stated voter fraud is a felony and that the penalty still applies. Representative Shallenburger stated when the motor voter bill was before the Committee the penalty was increased. Representative Stephens questioned if the homeless could vote. Majority Leader stated there was no law that would prohibit the homeless to vote. Joe de la Torre, Secretary of State, appeared before the Committee stating there was a problem with the homeless voting because they had to send a certificate of registration to an address. He further stated they would not deny anyone to register, but they must provide an address. Representative Love asked if voters knew at the time of election they were not registered to vote. Majority Leader stated that that was a problem for Kansas. Representative Bishop mentioned in Wichita delivery for the homeless was not satisfactorily, and that several agencies functioned as the post office so the homeless could receive their mail.

Representative Carol Sader appeared before the Committee on **HBs 2291** and **2292** as a proponent. She stated both bills were intended to eliminate voter registration barriers and encourage greater voter participation in Kansas. Specifically, she stated **HB 2291** provides for voter registration at the polls on election day and **HB 2292** permits the Governor to authorize any agency of the executive branch of state government to assist the Secretary of State in registering persons to vote (Attachment 1).

Chairman Jones opened the floor for questions. Representative Macy questioned if the verification process was a concern. Representative Sader replied there was none to her knowledge. She further stated there were so many instances that people had failed to register because they had moved by the registration deadline, and was not aware that they were not able to vote. Representative Love addressed the question for people that changed their address within 14 days of the registration deadline. Representative Sader stated presently they may not vote. Representative Thompson asked if someone does move and they go to their previous precinct to vote, was that considered voter's fraud. Joe de la Torre stated within 30 days a person could return to the old precinct. Representative Sader clarified that it had to be 30 days within moving.

Michael Woolf, Executive Director, Kansas Common Cause appeared before the Committee in support of **HB 2291**. He stated **HB 2291** would allow the registration of voters on election day and he encouraged the Committee to act favorably to make it easier for citizens of Kansas to exercise their right to vote (Attachment 2).

Chairman Jones opened the floor for questions. Representative Cates expressed a concern of losing the checks and balance system for Kansas if the system was changed to same day registration. Mr. Woolf stated the three states that has the same day registration has found those same checks and balances are needed as well. Representative Thompson asked what was done to those elections when fraudulent voting is found. Mr. Woolf stated he assume the process that is currently established would be used. Representative Shallenburger disagreed, because the ballot is secret.

Connie Stewart, Kansas AFL-CIO, appeared before the Committee in support of **HB 2291** and **HB 2292**. She stated **HB 2291** would allow qualified voters to register at the polling place on election day, and that **HB 2292** would provide for voter registration in state agencies (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ELECTIONS

room 521-S, Statehouse, at 9:12 a.m./p.m. on January 29, 1992.

Chairman Jones opened the floor for questions. Representative Macy asked what other states were doing concerning the verification issue. Ms. Stewart stated Maine had no verification, Wisconsin mails a card as we do for all their same day registrants, and North Dakota randomly selects 10% of the voters. Oregon used to have same day registration but discontinued due to an overreaction to a small community concern. Representative Love stated if the U.S. could get all eligible voters registered we would be ahead of the other countries. Representative Wells expressed a concern regarding voter fraud. Ms. Stewart stated the vast majority of voter's fraud occurred not when people were trying to vote more than once, but rather when people were not eligible to vote such as convicted felons. Representative Cates asked if election days were extended to Sunday as opposed to same day registration, which would have the potential for increase in percentage for voter's participation. Ms. Stewart stated a study would probably have to be made to determine that. Representative Wells asked if **HB 2292** includes verification of signature. Ms. Stewart stated a voter would fill the same registration information as it is done currently. Representative Stephens expressed that the bill would decrease voter's fraud.

Joe de la Torre, Deputy Assistant, Secretary of State, appeared before the Committee in opposition of **HB 2291**. He stated voter registration on election day would only cause confusion and delays at the polling place (Attachment 4).

Chairman Jones opened the floor for questions. Representative Macy asked if there were any anticipated concerns regarding the verification with the same day registration process. Mr. Torre stated the issue was getting people to follow the democratic process. Representative Macy questioned the verification process. Mr. Torre indicated as he understood voters presented a form of identification and sign an affidavit. Representative McKechnie asked who was not voting. Mr. Torre made an assumption but was unable to say as a composite.

With no further questions, Chairman Jones closed the hearing on **HB 2291**.

Chairman Jones opened the hearing for **HB 2292**.

Joe de la Torre again appeared before the Committee in support of **HB 2292**. He stated the Secretary of State was in favor of using the resources of state government to register voters (Attachment 5).

Chairman Jones opened the floor for questions. Representative Wells questioned if two forms of identification was presented could the verification process be eliminated. Mr. Torre stated he felt more comfortable with the process as established.

With no further discussion, Chairman Jones adjourned the meeting at 10:22 a.m.

CAROL H. SADER
 REPRESENTATIVE, TWENTY-SECOND DISTRICT
 JOHNSON COUNTY
 8612 LINDEN DR.
 SHAWNEE MISSION, KANSAS 66207
 HOME: (913) 341-9440
 CAPITOL OFFICE: (913) 296-7675



TOPEKA

HOUSE OF
 REPRESENTATIVES

TESTIMONY ON HB2291 and HB2292
 HOUSE ELECTIONS COMMITTEE

January 29, 1992

COMMITTEE ASSIGNMENTS
 CHAIRPERSON: PUBLIC HEALTH AND WELFARE
 VICE-CHAIRPERSON: ECONOMIC DEVELOPMENT
 VICE-CHAIRPERSON: JOINT COMMITTEE ON HEALTH
 CARE DECISIONS FOR THE
 1990'S
 RANKING DEMOCRATIC MEMBER: SRS TASK FORCE
 MEMBER: PENSIONS, INVESTMENTS AND BENEFITS
 JOINT COMMITTEE ON ECONOMIC
 DEVELOPMENT

Mr. Chairman and Members of the Committee:

I appear as a sponsor and supporter of House Bills 2291 and 2292, both of which are intended to eliminate voter registration barriers and encourage greater voter participation in our state.

HB 2291 provides for voter registration at the polls on election day and HB 2292 permits the Governor to authorize any agency of the executive branch of state government to assist the Secretary of State in registering persons to vote.

The right to vote is what defines democracy and yet voter participation in the United States is the lowest of the world's leading democracies. Since 1960, the percentage of Americans who vote has declined steadily. In fact, ours is the only democracy in which registration is entirely the responsibility of the citizen and not an obligation of the government. In Great Britain, for example, the government conducts an annual canvass of each household and attaches penalties to those who fail to return a registration card. In Canada, where 93% of eligible adults are registered, the provincial governments subsidize a door-to-door enumeration of voters before each national election. In my city of Prairie Village, this door-to-door enumeration is done to take a dog census each year - but for some reason, it has been argued that it cannot be done to register people to vote. I submit that it can and at no increased cost.

According to national election studies, more than 85% of those who register, do vote. Nevertheless, 70 million U.S. citizens are not registered to vote. Studies also indicate that changes in registration laws could have a significant impact on voter turnout. With 1/3 of the adult population moving every 2 years, restrictive registration requirements are real barriers to citizen participation in elections. Maine, Wisconsin and Minnesota allow election day registration. Minnesota, which also has a motor-voter law in place, saw a 25% boost in voter turnout in 1990.

House Elections
 1-29-92
 Attachment 1



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

TESTIMONY TO THE HOUSE ELECTIONS COMMITTEE
IN SUPPORT OF HOUSE BILL 2291
BY MICHAEL WOOLF, EXECUTIVE DIRECTOR
JANUARY 29, 1992

Thank you Mr. Chairman, members of the Committee for allowing me to testify before you today in support of House Bill 2291 which would allow the registration of voters on election day.

Three states currently have same-day registration: Minnesota, Maine, and Wisconsin; and North Dakota does not require voters to be registered. In the last two presidential elections these states respectively ranked first, third, fourth, and fifth in voter turn-out as a percentage of voting age population. In addition Maine and Minnesota have ranked first and second in the percentage of the voting age population that was registered to vote. I have attached a chart showing the rankings of these four states with Kansas.

One of the criticisms to same-day registration is that it would result in voter fraud. This, however, is not the case in the three states that employ this system.

Yesterday, I called the offices of the Secretary of State in each of these states and they agreed that fraud was very rare and really was not a problem. Any problems that did occur could usually be attributed to honest mistakes.

Common Cause encourages this Committee to act favorably on this measure which will make it easier for citizens of Kansas to exercise the most basic right in a democracy -- the right to vote.

Yr.	State	% Registered of VAP	Rank	% Turn-out of VAP	Rank
1984	Minnesota	94.60	2	68.16	1
1988	Minnesota	92.28	2	66.33	1
1984	Maine	94.92	1	64.77	3
1988	Maine	95.72	1	62.15	3
1984	Wisconsin			63.46	4
1988	Wisconsin			61.98	4
1984	North Dakota			62.67	5
1988	North Dakota			61.54	5
1984	Kansas	71.82	29	56.84	20
1988	Kansas	69.22	30	54.29	20

*7. Elections
1-29-92
Attachment 2*



President
Dale Moore

Executive Secretary
Treasurer
Jim DeHoff

Executive Vice
President
Wayne Maichel

Executive Board

- Walt Bernhardt*
- Mike Bellinger*
- Eugene Burrell*
- Garold Good*
- David Han*
- Jim Hastings*
- Cliff Henderson*
- John Hoover*
- Adrain Loomis*
- Kenneith Miller*
- Dwayne Peaslee*
- John Rider*
- Wallace Scott*
- Allen Smith*
- Debbie Snow*
- Art Veach*
- Russell Ward*
- John Weber*

Testimony On HB's 2291 and 2292

Mr. Chairperson and Members of the Committee:

My name is Connie Stewart and I am representing the Kansas AFL-CIO. I am here today to testify in support of HB 2291 and HB 2292. On behalf of the Kansas AFL-CIO and our thousands of members across the state, I urge you to recommend these bills favorable for passage.

Our organization has always considered the participation of our members and all eligible citizens in the electoral process to be a very important responsibility. It is not a responsibility we take lightly. Every year we devote thousands of hours and thousands of dollars to our efforts to assist our members in registering to vote.

America's democratic promise is to include all our citizens in the nation's decisions. That promise has not been kept. Too many of our citizens still stand outside the process. We are the only western democracy which places the burden of registration on the individual. In all other western democracies, it is the responsibility of government to maintain the voter rolls.

In time, all states will have to address the growing concern over registration barriers. Indeed, the focus on these concerns on a national level indicate that, in time, if states do not take steps to simplify the registration process themselves, the U. S. Congress will mandate reforms.

The net effect of registration barriers is to quietly disenfranchise the powerless. Election day registration is the most effective way to make voter registration accessible to citizens. HB 2291 would allow for qualified voters to register at the polling place on election day. Our organization strongly supports the provisions of HB 2291. Three states -- Maine, Minnesota and Wisconsin -- register voters on election day. The effect of same-day registration on citizen participation has been dramatic.

Between 1972--before election-day registration was implemented in any state--and 1984, voter turnout increased by as much as 7.9 percent in the states that opted for election-day registration. Rates of participation are also much higher than in states without same-day registration. Political analysts estimate that election day registration would increase turnout in a presidential election by 6.1 percent nationwide.

One argument that you are going to hear today against same-day registration is the potential for fraud. This familiar bogey is simply without foundation. I have included with my written testimony letters from the Secretaries of State in Maine and Minnesota which I requested in 1987 when this same bill was introduced in the Senate. You will note that both offices indicate there have been no significant problems with voter fraud.

Indeed, the Secretaries of State in states that have same-day registration give the unanimous opinion that voter fraud has not been a problem. One of the concerns voiced to the committee in 1987 was that droves of college students would be encouraged to register and vote twice - once in their home communities and once



H. Elections
1-29-92
Attachment 3

in their college community. With all due respect, I would sincerely like to meet these unique college students. It has been my experience, and the statistics bear this out, that it is extremely difficult to get this age-group to register and vote once--let alone twice.

The truth is, very few people are willing to risk the penalties for voter fraud just to cast their vote more than once. I would also point out to the committee that the state-wide voter file, which hopefully will be implemented in time for the 1992 elections, will provide a vehicle for further detection of duplicate registrations which would further eliminate any potential for fraud.

Another argument commonly used against same day registration is that people should be willing to invest a little time and effort in order to be able to exercise their right to vote. I believe our founding fathers considered the right to vote a basic constitutional right of all our citizens. Nowhere in the constitution will you find a disclaimer that you must be willing to drive 30 miles to the county seat to register as is the case in some counties in Kansas. Indeed, with 105 counties, each with its own voter registration practices, ease of registering varies greatly from county to county, which creates gross inequities in the system.

The United States, where we close registration in the weeks before an election, ranks twentieth in voter participation of 21 industrial democracies. All other Anglo-European countries automatically enroll their citizens on a permanent nationwide election register. In other democracies, about 90-95% are registered--and 75-90% then vote. The low voting turnout in the U.S.--only about 53% of the eligible population-- is directly related to the fact that our registration system includes only about 60% of the population.

In the words of Minnesota's Secretary of State, "In Minnesota, we have always believed it is better to encourage people to exercise their right to vote rather than to place unnecessary barriers in their paths. One of the major barriers to voter participation is early deadlines. By opening registration on election day, Minnesota encourages maximum participation in all elections. The result, we believe, is good government." Are we willing to settle for less than good government in Kansas?

We also support HB 2292, which provides for voter registration in state agencies. Agency-based registration is another effective and efficient way to make voter registration accessible to citizens. Almost everybody has some business with government agencies. Each of these agency visits can provide an additional convenient, quick and cost-effective service to the public by affording a chance to register to vote or to update a registration.

Voting is a precious Constitutional right. If we are committed to maintaining the integrity of our democracy, we must remove the registration barriers that now prevent many eligible citizens from voting. These bills, each of which has merit on its own, would move our state into a position of leadership in the area of voting rights.

With my written testimony, I have included copies of sections of a manual on voter registration published by the National Center for Policy Alternatives, which will support the statistics I have referred to and perhaps provide you with some additional information. Thank you for the opportunity to appear before you today. I respectfully request your favorable consideration of HB's 2291 and 2292.

opeiu #320. afl-cio



State of Maine
Department of State

STATE HOUSE STATION 101
AUGUSTA, MAINE 04333

MAR 2 1987

JAMES S. HENDERSON
Deputy
Secretary of State
(207) 289-4189

DIVISION OF PUBLIC ADMINISTRATION

February 27, 1987

APA Rules
289-4184

Campaign Reporting
289-4178

Connie Stewart
Kansas AFL/CIO
P.O. Box 1455
Topeka, Kansas 66601

Ron Thornburgh
Kansas Sec. of State Office
2nd Floor State Capitol
Topeka, Kansas 66612

Notaries
Commissions
289-4181

This is in response to your telephone request of today.

Corporations
New Foreign Changes
289-4195
Corporation Information
Annual Biennial Reports
289-4190

Maine has had election day voter registration since 1974 and has had virtually no cases of fraud associated with it. There have been one or two isolated cases which were prosecuted.

The City Clerk of Lewiston, Maine, twice in the last ten years, has checked to see if former Lewiston residents who registered in other towns on election day also voted in Lewiston. He found none.

Elections
289-4189
Ballot Room
289-4186

The major problem with election day registration is the volume of registrants on that day. Registrars may appoint deputies to assist them in this rush period. In addition, Maine allows Notaries Public to witness voter registration applications outside the registrar's office for delivery to that office. This "absentee registration" takes some of the pressure off the election day process.

Lobbyist
Registration
289-4178

Local registrars may request identification and documentation to insure that only residents apply for registration.

Pardons
289-4181

Maine had the second highest participation as a percent of the voting age population in 1984, edged out by Minnesota. Since roughly 5% of voters register on election day, and since registration requirements have historically been the greatest barrier to voter participation, I believe our system contributes greatly to the high turnout.

Uniform
Commercial
Code
289-4177

I hope this info will be helpful to you.

Sincerely,

James S. Henderson
Deputy Secretary of State

JSH/ms

General
Information
289-4180

MAR 4 1987



JOAN ANDERSON GROWE
Secretary of State

ELAINE VOSS
Deputy Secretary of State

State of Minnesota
OFFICE OF THE SECRETARY OF STATE
St. Paul 55155

February 27, 1987

180 STATE OFFICE BUILDING
Corporation Division: 612/296-2803
UCC Division: 612/296-2434
Election Division: 612/296-2805
Office of the Secretary: 612/296-3266
Office of Deputy Secy.: 612/296-2309

Connie Stewart
Kansas AFL-CIO
P.O. Box 1455
Topeka, KS 66601

Dear Ms. Stewart,


As I discussed with you earlier this week, Minnesota has implemented election day voter registration since 1973. It has been our experience that election day registration has been effectively administered in Minnesota by local officials to the benefit of the voters.

Any eligible voter may register at the polling place on election day if the voter presents to the election judges one of the authorized proofs of residence and completes a registration card with the oath of eligibility. After registering, the election day registrant votes in the same manner as any other voter.

All new registrations, both pre-registrations and election day registrations, are verified by a nonforwardable mailed notice. In addition, notices are mailed to a three percent random sample of election day registrants immediately following the election. Any notices returned by the postal service as undeliverable are investigated by election officials and, if unresolved, are turned over to the county attorney for possible prosecution. The incidence of fraud connected with election day registration in Minnesota has been minimal and there is no evidence that there is any difference between pre-registration and election day registration in this regard.

Election day registration works in Minnesota. It helps ensure that administrative barriers or lack of information about the state voter registration laws does not prevent any eligible voter from exercising the right to vote. During a presidential election, as many as 20% of the total number of persons voting actually register on election day. Many of these voters would undoubtedly have been disenfranchised if election day registration had not been a possibility. We believe that the voter registration system should promote participation in the electoral process, not deter it. We believe election day registration in Minnesota is successful and beneficial to the voters.

Sincerely,


Grace Haukoos
Director of Elections

C8702.36

"AN EQUAL OPPORTUNITY EMPLOYER"

VOTER REGISTRATION AND THE STATES:

EFFECTIVE POLICY APPROACHES TO INCREASING PARTICIPATION



Working Models

Same-Day Registration

Three states--Maine, Minnesota, and Wisconsin--register voters on election day. As many as 20 percent of all registrants in those states register on election day.

These states are confronting a fact of social behavior: many citizens don't get interested in an impending election until just before it happens.

The effect of same-day registration on citizen participation has been dramatic. Between 1972--before election-day registration was implemented in any state--and 1984, voter turnout increased by as much as 7.9 percent in the states that opted for election-day registration.

Rates of participation are also much higher than in states without same-day registration. In the 1984 election, the Federal Election Commission found that Minnesota ranked first among the states in participation, Maine second, and Wisconsin fourth. Political analysts estimate that election day registration would increase turnout in a presidential election by 6.1 percent nationwide.

Analyses show that increased participation has no effect on the partisanship of the electorate. Nor has fraud--the other bogey feared in same-day registration--troubled those three states. Many safeguards have been designed to prevent multiple voting. Affidavits and identification are usually required at registration. When voters' legitimacy is challenged at the polls, their ballots are counted only after their qualification is investigated. Verification may also be made on election day by comparison with other public lists. Afterward, postcards confirming registration may be mailed to new registrants at the residence claimed. They may not be forwarded, and return of a registration confirmation card is cause for inquiry into possible irregularities. States' penalties for fraud range from a \$250 fine and six months imprisonment to a \$10,000 fine and five years imprisonment.

Joan Anderson Grove, who as Secretary of State of Minnesota was responsible for implementing same-day registration, has been a national spokesperson for reform to allow greater participation in elections. Since Minnesota ranks first in the nation in the percent participation in elections, her experience--reported in the following pages--is particularly significant.

SAME-DAY REGISTRATION: MINNESOTA

by Joan Anderson Growe, Secretary of State

More than 90 percent of all eligible voters are registered in Minnesota, where election day--as well as most days of the year--is also voter registration day.

Minnesota has historically had among the highest rates of voter registration in the United States. We believe this is because Minnesota's registration system makes voting as easy as possible while maintaining security. Essentially, Minnesota voters register themselves.

Generally, between 80 and 85 percent of all eligible voters have registered before they come to vote. An additional 5 to 10 percent register and vote on election day.

5 to 10 Percent Register When They Vote

Same-day registrants go to the polling place in the precinct where their permanent residence is maintained. There they simply fill out a registration card and show proof of residence within the precinct. The accepted forms of identification are a Minnesota driver's license; a Minnesota identification card; a current student registration card, identification card, or fee statement containing the student's current address; or a notice of ineffective registration.

If the voter has none of these forms of identification, another registered voter from the same precinct may vouch for the unregistered voter. No voter who has been vouched for may in turn vouch for the residence of another voter. The registration of a voter on election day is verified by the county auditor or municipal clerk by means of a nonforwardable mailed notice, including a random sample conducted immediately after the election. If a notice is returned as undeliverable, and no determination of the voter's residence can be made, the county attorney is notified and must immediately inquire to determine if there is a possible violation. Any violation of the voter registration law is a felony. In Minnesota, voter fraud is punishable by a \$5,000 fine and up to five years imprisonment.

Election-Day Registration Does Not Invite Fraud

Critics have worried that same-day registration is tantamount to an invitation to fraud. Some people might be encouraged to register and vote in more than one location, critics claim. In Minnesota, we have found this claim to be without foundation. I know of only two indictments in nine years. Secretaries of state in the two other states that use same-day

registration give the unanimous opinion that voter fraud has not been a problem with election-day registrants. Maine has had only two convictions in 10 years.

Voters Register All Year

For 49 weeks of the year, Minnesotans may register to vote. Only during the 20 days before an election is registration closed. Citizens wishing to become voters simply submit a correctly completed voter registration card to either the county auditor or municipal clerk. Registration cards are available at numerous locations including county courthouses, city halls, driver's license facilities and other public agencies. During state election years, registration cards are available at post offices and from some retail businesses. In addition, registration cards are normally made available to political parties, labor unions, businesses and community groups which conduct voter registration drives. Registration cards may be returned to the county auditor or municipal clerk in person or by mail.

Each county's auditor is responsible for administering the voter registration system in that county. The auditor may choose to delegate that responsibility to a full-time municipal clerk, a common practice in the more populous municipalities. Lists of registered voters are maintained and a voting history is kept for each voter. A voter must cast a ballot at least once during any four year period to remain registered.

Upon receipt of a registration card, the auditor or clerk examines the card to determine if all required information has been included. If the card is incomplete, a notice of ineffective registration is sent to the person submitting the card. This notice states the reasons that the attempt to register was not accepted. The voter may then submit a corrected registration card. If this registration is complete, the county auditor or municipal clerk mails the voter a nonforwardable notice of registration, which identifies the voter's polling place. If for any reason this notice is returned to the auditor's or clerk's office, the word "challenged" is placed on the voter's registration card. Should the challenged voter appear at the polling place on election day, the election judges are instructed to ascertain that person's place of residence and eligibility to vote.

Accessibility Means High Voter Registration

The United States, where we close registration in the weeks before an election, ranks twentieth in voter participation of 21 industrial democracies. All other Anglo-European countries automatically enroll their citizens on a permanent, nationwide election register.

In Minnesota, we have always believed it is better to encourage people to exercise their right to vote rather than to place unnecessary barriers in their paths. One of the major barriers to voter participation is early deadlines. By opening registration on election day, Minnesota encourages maximum participation in all elections. The result, we believe, is good government. That is the guiding principal behind Minnesota's effective voter registration system.

Minnesota Statute

CHAPTER 201
REGISTRATION OF VOTERS

Sec.			
201.01	Definitions	201.15	Probate judge, report guardianships and commitments
201.021	Permanent registration system	201.161	Driver's license changes
201.061	Registration	201.171	Failure to vote; registration removed
201.071	Registration cards	201.18	Armed forces members, registration saved
201.081	Registration files	201.211	Costs
201.091	Precinct lists; accounts; registration places	201.221	Rules and regulations
201.11	Precinct boundaries changed; change of files	201.231	Challenges
201.12	Proper registration verification by mail, challenges	201.26	Residence, determination
201.121	Entry of names; mailed notice	201.27	Violations, penalties
201.13	Local registrar of vital statistics, report deaths to county auditor	201.275	Investigations; prosecutions
201.14	Clerk of district court, report changes of names	201.33	Use in school elections

201.01 DEFINITIONS. The words used in sections 201.01 to 201.27 have the meanings prescribed to them in chapter 200.

(1959 c 675 art 2 s 1)

201.021 PERMANENT REGISTRATION SYSTEM. A permanent system of voter registration by county is established. Any county containing no city with a population of 10,000 or more may by resolution of the county board be exempted from the provisions of sections 201.021 to 201.221. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

(1973 c 676 s 3; 1975 c 204 s 94)

201.061 REGISTRATION. Subdivision 1. An eligible voter or any person who upon registration will have the qualifications of an eligible voter at the next election may register as a voter in the precinct in which he resides, at any time prior to the 20th day preceding any election by completing a registration card and submitting it to the county auditor of the county where he resides. Registration cards may be submitted to the county auditor in person or by U.S. mail addressed and postage paid. A registration card that is postmarked no later than 11:59 p.m. on the 20th day preceding any election or received on the next working day shall be deemed timely. Improperly addressed or delivered registration cards shall be forwarded within two working days from receipt by an official receiving one to the auditor of the county where the voter resides if the county can be determined.

Subd. 2. The provisions of subdivision 1 shall not apply to any political subdivision which does not on July 1, 1973 have a permanent system of voter registration provided that the governing body of any political subdivision may by ordinance or resolution elect to come under the provisions of subdivision 1. Once having so elected, the action may not be rescinded.

Subd. 3. An individual who on election day presents himself at the polling place for the precinct in which he resides and who is not registered but is otherwise eligible to vote may nevertheless vote upon registering. An individual may register at this time by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of his residence. An individual may prove his residence by:

(1) Showing his drivers license or Minnesota identification card issued pursuant to section 171.07;

(2) Providing any document approved by the secretary of state as proper identification; or

(3) Having an individual who is registered to vote in the precinct sign an oath in the presence of the election judge that he personally knows that the applicant is a resident of the precinct. No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.

The election judge responsible for election day registration shall attempt to keep a record of and forward to the county auditor the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section.

Forms for the card and oaths shall be available at each polling place. When an individual signs an oath that he personally knows that an applicant is a resident of the precinct the oath shall be attached to the applicant's registration card until the address of the applicant is verified by the county auditor. Forms used pursuant to this section shall be forwarded to the auditor who shall, unless the information forwarded is substantially deficient, add the name of the voter to the registration system. If the auditor finds a registration pursuant to this subdivision substantially deficient he shall give written notice to the person whose registration is found deficient. A registration deficient only because the individual who provided proof of residence was ineligible to do so shall not be considered deficient, and the name of the voter shall be added to the registration system.

Subd. 4. Registration at the polls on election day shall be conducted by the election judges. The election judge who registers a person at the polls on election day shall not be the same judge who shall have charge of and hand to and receive from the voter his ballots.

Subd. 5. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by signing the name of the applicant by the registration clerk taking the application. If the registration card is submitted by mail the cross shall be certified by having a voter registered in the precinct of the applicant sign the name of the applicant and sign his own name and give his own address.

201.121 ENTRY OF NAMES; MAILED NOTICE. Subdivision 1. Upon receiving a registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter the registration card or the information contained on the card in the appropriate registration files.

Subd. 2. The county auditor shall mail to each registrant a notice indicating the voter's name, address, precinct and polling place. The notice shall require that it be returned if not deliverable to the voter at the named address. For any notice that is returned the county auditor shall cause to be affixed to the duplicate registration card of the voter the word "challenged". No individual so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

Subd. 3. In the case of election day registrations, the county auditor shall within ten days of the election send the notice prescribed in subdivision 2 to a random sampling of the election day registrants. The random sampling shall be determined in accordance with the rules of the secretary of state. The county auditor shall send the notice prescribed in subdivision 2 to all other election day registrants as soon as practicable after the election. If any notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. If upon inquiry, the county auditor does not receive or obtain satisfactory proof of the registrant's eligibility to vote, he shall immediately notify the county attorney and the secretary of state of the irregularity.

(1973 c 676 s 10; 1977 c 714 s 3, 30)

Information on States with Same Day Registration
(Note: North Dakota actually requires no registration whatsoever)

State	Year Implemented
Maine -----	1974
Wisconsin -----	1976
Minnesota -----	1975
North Dakota -----	1951
*Oregon -----	1975

Cases of Fraud (not official data)

Maine - 2 convictions during 10 years
Wisconsin - in '80, 5 duplicate registrations referred to D.A.
Minnesota - 2 known indictments during 9 years
North Dakota - no known cases during 23 years
*Oregon - "a handful or so" of cases during 9 years

Identification Required

Maine - decided by locality--usually affidavit and driver license
Wisconsin - decided by locality--witness, or name and address ID
Minnesota - Witness, or either driver license, state ID card, or student ID
North Dakota - Recognized by poll worker or affidavit
*Oregon - Affidavit only

Locations for Same Day Registration

Maine - Polling place, or in some urban areas--city hall only
Wisconsin - all polling places
Minnesota - all polling places
North Dakota - all polling places
*Oregon - County clerk's office only

Verification

Maine - None
Wisconsin - Card mailed to all same day registrants
Minnesota - Card mailed to all same day registrants
North Dakota - Randomly selected 10% of voters checked by either property tax rolls or mailing
*Oregon - Card mailed to all same day registrants

Percentage Registering to Vote on Election Day

Maine - depending on locality, 2 to 9% of all registrants
Wisconsin - in Milwaukee, 20% of all registrants
 remainder of state, 10% of all registrants
Minnesota - 16.3% of all voters

Percentage of Adult Population Voting

Maine - 62% (Year unknown)
Minnesota - 69.5% in 1984
North Dakota - 68.9% in 1984
* Oregon - 78.7% in 1984.

Increase in Percentage of Adult Population Voting
(1972-1980 Presidential Elections)

Maine - 5.6%
Wisconsin - 11.0
Minnesota - 4.0
* Oregon - 2.4

Percentage of Eligible Population Registered
(Census Data--self-reporting)

Maine - 83.5%
Wisconsin - 82.9
Minnesota - 85.8
North Dakota - 92.6
* Oregon - 74.3

New Jersey - 67.9
National Average - 68.3

* Oregon no longer allows election-day registration

Bill Graves
Secretary of State



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STATE OF KANSAS

TESTIMONY OF JOSE DE LA TORRE
HOUSE ELECTIONS COMMITTEE
JANUARY 29, 1992

HOUSE BILL 2291

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

We are opposed to House Bill 2291. Voter registration on election day will only cause confusion and delays at the polling place. The purpose of a polling place is to determine the intent of those legally registered to vote, to use election day for any other purpose will only harm the system.

In addition, our system, by nature of those who participate in it, demands immediate satisfaction. By allowing people to register and vote on election day will delay the results of the election while those registrations are verified. Verification of voter registrations is at the heart of a clean and efficient system. The integrity of our electoral process should not be challenged for the convenience of some people who could register 14 days prior to the election.

Our election system is working. Please don't clog the process with unnecessary laws that will only create a greater potential for fraud.

We ask that you report House Bill 2291 unfavorably.

Thank you.

J. Elections
1-29-92
Attachment *A-*

Bill Graves
Secretary of State



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STATE OF KANSAS

TESTIMONY OF JOSE DE LA TORRE
HOUSE ELECTION COMMITTEE
JANUARY 29, 1992

HOUSE BILL 2292

Thank you Mr. Chairman and members of the committee for the opportunity to appear before you today on behalf of Secretary of State Graves.

We are in favor of agency based registration as proposed in House Bill 2292.

We stand very much in favor of using the resources of state government to register voters. However, we would ask the system be implemented in a way not to jeopardize its integrity and reliability.

Thank you.

H. Elections
1-29-92
Attachment 5