

Approved: _____

Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT & GOVERNMENTAL STANDARDS .

The meeting was called to order by Chairperson Sen. Janice Hardenburger at 1:30 p.m. on March 13, 1995 in Room 529-S of the Capitol.

All members were present except: Senator Martin, Excused
Senator Wisdom, Excused

Committee staff present: Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Stacey Soldan, Committee Secretary

Conferees appearing before the committee: Ron Thornburgh-Secretary of State
Brad Bryant-Secretary of State's office
Martha Gabehart-Kansas Commission on Disabilities

Others attending: See attached list

Senator Hardenburger requested approval of minutes from March 7, 1995 meeting.

Senator Sallee made a motion to approve the minutes and the motion was seconded by Senator Parkinson. The motion carried.

Senator Hardenburger introduced a 4-H group from Nemaha County and welcomed them to the meeting.

HB 2079--Concerns the implementation of the federal National Voter Registration Act in regards to the election statutes in the State of Kansas

Ron Thornburgh, Secretary of State, appeared before the committee to testify on **HB 2079**. He briefly discussed **HB 2079** and how this legislation came about. He stated that they have fought implementation of the National Voter Registration Act at the federal level for three years; based on a states rights issue. He also stated that the Secretary of State's office has worked to make this legislation comply with the letter of the law and the spirit of the law and also making it the least intrusive. He briefly went over what the state of Kansas has already implemented concerning the federal National Voter Registration Act. He discussed the possible repeal and lawsuits and surrounding the NVRA and stated that if the state of Kansas does nothing there was a good chance the state would be sued. He stated that the State of Kansas has a voice in how we implement the NVRA. Discussion followed.

Brad Bryant, Secretary of State's Office, appeared before the committee to testify on **HB 2079**. He stated that the main concepts are listed on the summary (attachment 1) and he would briefly discuss each one. Discussion followed with questions from the committee concerning the potential lawsuit by the federal government and the impact of a lawsuit on **HB 2079**.

Martha Gabehart, Kansas Commission on Disabilities, submitted written testimony in support of **HB 2079**. (attachment 2)

Senator Hardenburger stated that this bill needed more study and possibly a sub-committee would be assigned. Senator Bond requested that the Secretary of State's Office provide Committee members with the original version of **HB 2079**. Senator Bond also requested information concerning any precedent of a state law being enacted subject to a federal court action.

The meeting adjourned at 2:10 p.m.

The next meeting is scheduled for March 14, 1995.

SENATE ELECTIONS, CONGRESSIONAL &
LEGISLATIVE APPORTIONMENT AND
GOVERNMENTAL STANDARDS COMMITTEE GUEST
LIST

DATE: March 13, 1995

NAME	REPRESENTING
J. Chubb	SOP.
Mike Keyba	KACHA
John W. Smith	KDOR DML
Brad Bryant	Sec. of State
Jennifer Ann Wood	Sec. of State
Ken Thoenburg	"
Seneca Co N-H-H-H 4-H CLUB	Seneca, KS
Alan Holmes	Division of Budget

Office of the Secretary of State

Substitute for HB 2079 Conceptual Summary

Following is a list of major concepts in the Substitute for House Bill 2079, as amended by the House of Representatives, along with the sections of the bill that pertain to each concept.

Fail-Safe (Provisional) Voting

A voter who moves within the county but fails to update his/her registration record may still vote on election day by first updating his/her record, then voting a provisional ballot. This may occur at the voter's choice of the new precinct or a central polling place. Provisional ballots have traditionally been referred to as challenged ballots.

Sections 1, 2, 3, 4, 17, 18, 24

Agency-Based Registration

Voter registration will be conducted by offices in the state that:

- administer federal public assistance programs, including:
 - AFDC
 - food stamps
 - Medicaid
 - WIC
- are primarily engaged in providing services to the disabled
- are military recruitment offices
- are designated by the state--in Sub. HB 2079, 1st and 2nd class cities are designated.

Sections 5, 9, 10

Registration and Party Affiliation Procedure

This includes the design and distribution of the application form and the dates and hours of registration. The state's voter registration application form will be redesigned to include certain required statements and notices to the applicant. If an

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applicant declines to register to vote, the written declination must be filed by the agency for 2 years.

Sections 6, 8, 14, 19, 23

Registration List Maintenance

This category involves procedures followed by county election officers in keeping track of registrants' address changes, confirmation mailings, records updating and retention, and purging and disqualifications from voting.

The county election officer sends a notice of disposition to each applicant to signify acceptance or rejection of the application. A confirmation notice is sent when evidence of an address change exists.

The practice of purging is limited. The county election officer cannot purge a voter's name simply because of nonvoting. A name may be purged if: an address change occurs, prompting a confirmation mailing; the registrant does not respond to the confirmation notice; and the registrant subsequently fails to vote in 2 consecutive federal elections.

The state is required to conduct regular and systematic address checks. The easiest way to comply with this requirement is for the chief state election official to conduct a National Change of Address check annually.

Sections 7, 11, 12, 16, 22

Motor-Voter

This section adds new duties for officials in driver's license examination offices who are already conducting voter registration under Kansas' state motor-voter program. Under the NVRA, voter registration must be simultaneous with the driver's license application process unless the applicant declines to register to vote.

Section 13

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Administration

This category involves naming a chief state election official, adoption of rules and regulations, receipt and distribution of federal funds, payment of costs, expiration date of the act, and effective date of the act.

Sections 15, 21, 26, 27, 29

Petitions

This section amends petition statutes in anticipation of the effect of the bill upon voter registration levels. With registration lists anticipated to be longer, there will be more potential fail-safe voters (those who moved but did not re-register), which will cause confusion if such registrants sign petitions at addresses which do not match the addresses on file.

The substitute bill includes an amendment to change petition requirements from being based on voter registration to being based on the vote for the office of Secretary of State. We recommend this change not be made at present because it's too early to tell the effects of the NVRA; it's too early to predict whether registration numbers will rise to levels that will force a review of petition requirements.

Section 20

Mail Ballot Elections

This section amends the mail ballot act to enable registrants to vote provisional ballots in mail ballot elections. We recommend this section be deleted because it is not related to or caused by the NVRA requirements.

Section 25

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Kansas Department of Human Resources

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Wayne L. Franklin, Secretary

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**TESTIMONY GIVEN ON HB 2079
to SENATE COMMITTEE ON ELECTIONS, C&LA, AND
GOVERNMENTAL STANDARDS
by MARTHA K. GABEHART, EXECUTIVE DIRECTOR
on MARCH 13, 1995**

Thank you for the opportunity to testify in support of implementation of the National Voter Registration Act (NVRA) of 1993. The Substitute for HB 2079 is the current vehicle for this implementation.

The Kansas Commission on Disability Concerns (KCDC) is in support of implementation of the NVRA, because it increases the opportunities for people with disabilities to register to vote and participate in the voting process.

Traditionally, the majority of people with disabilities are not educated about voting and how to register. NVRA provides an opportunity to people with disabilities applying for services to register and get information on voting. Although registration sites are not required to perform thorough education on the voting process, referrals can be made to the local county clerk, election commissioner or independent living center for more information on how to vote.

I have read the substitute for the bill. Many changes which are not necessarily required for implementation of NVRA are included in the substitute. KCDC is impartial about these changes and supports the opinion of the Secretary of State's office concerning which of the bills best serves the purpose of implementation.

If it is the desire of the committee to restore HB 2079 to its original language, KCDC would recommend changing the word "disabilities" on page 17, lines 19 and 29, to "ineligibilities" for the sake of clarity. The

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Testimony on Substitute to HB 2079

By Martha Gabehart

March 13, 1995

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original text relates to the limitations or restrictions imposed on convicted felons. This is confusing when the term is used to refer to physical and mental disabilities in other areas of the act.

In conclusion the Kansas Commission on Disability Concerns encourages implementation of the National Voter Registration Act. If you have any questions, please feel free to contact me.

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Attachment 2-2