

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Rep. Carol Dawson, at approximately 9:00 a.m. on March 15, 1996 in Room 521-S of the Capitol.

All members were present except: Rep. Ralph Tanner
 Rep. David Haley

Committee staff present: Dennis Hodgins, Legislative Research Department
 Carolyn Rampey, Legislative Research Department
 Jim Wilson, Revisor of Statutes
 Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Secretary of State's Office
 Elizabeth Ensley, Shawnee County Clerk
 Connie Schmidt,
 Marilyn Chapman

Others attending: See attached list

Hearing on:

SB 671-Processing advanced voting ballots before election day

Madam Chairman Dawson recognized Brad Bryant as a proponent of the bill. He testified that current law does not allow the special election board, appointed by the county election officer, to canvass advanced ballots until the day of the election. He testified that results of the elections could be projected quicker to the media and public if the boards were allowed to count advance ballots earlier. See Attachment 1.

Elizabeth Ensley was recognized by the Chair as a proponent of the bill. She testified that lack of equipment and an increase each year of advance voters make it difficult to attain a final count in a timely manner. See Attachment 2.

Connie Schmidt was recognized by Madam Chairman Dawson as a proponent of the bill. She testified that in Johnson County, the projected number of advance voters in November 1996 will be 92,502 by mail and 30,834 will vote in advance in person at the election office. These numbers will make it impossible to produce election results on election day. See Attachment 3.

The Chair recognized Marilyn Chapman as a proponent of the bill. She testified that it is a slow process to open the envelopes and remove the contents which is the most time consuming portion of handling the ballots received by mail. See Attachment 4.

The hearing on SB 671 was closed.

Final action on:

SB 671- Processing advanced voting ballots before election day

Chair Dawson opened Committee discussion and action on SB 671. Rep. Wells made a motion to recommend favorable passage of SB 671. It was seconded by Rep. O'Connor.

Rep. Yoh made a substitute motion to amend on page 4, Lines 37, 39, 42 and 43 and on page 5, Line 1. The motion failed for a lack of a second.

Upon the original motion by Rep. Wells and seconded by Rep. O'Connor, the motion carried.

The Chair called the Committee's attention to the minutes of February 26, 1996 and March 8, 1996. Rep. O'Connor made a motion to approve the minutes. It was seconded by Rep. Yoh. The motion carried.

Madam Chairman Dawson adjourned the meeting at 10:58 a.m. and stated that no further meetings were anticipated.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on SB 671

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

March 15, 1996

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of SB 671. The Secretary of State requested introduction of this bill to allow county election officers a certain amount of flexibility in processing advance voting ballots.

Last year's advance voting law expands voting opportunities and the convenience of voting for a large segment of the voting public. Election officials must have rules in place to allow them to administer advance voting with the same efficiency and security as exist in other aspects of elections.

Many county election officers, especially in the larger counties, expect advance voting to be a popular innovation among the public. If large numbers of voters cast advance ballots, particularly by mail, it will be difficult for election boards to process the ballots on election day and produce results that night.

The right of the press and public to know the results on election night is the major reason we proposed SB 671. There is considerable pressure from national, state and local media, as well as candidates, political parties and interested voters, to produce unofficial results on election night as soon as they're available.

Under current law, the special election board appointed by the county election officer to canvass advance ballots cannot meet until election day. This bill would allow the board to convene earlier than election day as deemed necessary by the county election officer. The board could determine advance voters' qualifications, verify signatures on ballot envelopes, open the envelopes, and prepare them for the county canvassers. The process would be the same as it is now, only it could occur over more than one day. If a county

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Elections (913) 296-4561
Administration (913) 296-2236
FAX (913) 291-3051

UCC (913) 296-3650
FAX (913) 296-3659

HOUSE GOVT ORG & ELECTIONS
Attachment 1-1
March 15, 1996

uses optical scan ballots, the ballots could be scanned but no results could be tabulated until election night.

The Senate has amended the bill three ways.

1. It limited the option of convening special advance voting boards before election day to those counties conducting advance voting by machine or optical scan ballots. With this amendment, the bill would not allow the county election officer in a paper ballot county to convene the special board early to process advance ballots; the board could not be convened until election day. There was concern that partial results of the election might be divulged before election day because the original canvass of paper ballots is done by visual inspection, not optical scanning.

2. The authority for a person to request advance ballots on behalf of other voters was removed from the laws. Under the former absentee laws, and under the current advance voting laws, there are three ways to apply for a ballot before election day:

- a. A voter may complete an application either by mail or in person in the county election office.
- b. A sick/disabled/illiterate voter may receive assistance from another person in applying for, marking or transmitting a ballot, provided the person rendering assistance has filed an affidavit of assistance at the county election office.
- c. A registered voter may request a ballot on behalf of another voter registered in the same county. The person may personally carry only one ballot from the election office to a voter; other ballots requested by that person for other voters must be mailed.

SB 671 as amended removes the on-behalf-of option. Voters wishing to receive advance ballots would have to sign their own application forms or receive assistance as sick/disabled/illiterate voters. There was concern that candidates, parties and other political groups would organize mass application procedures through telephone banks and inundate county election offices with unmanageable numbers of applications before the election, and the resulting confusion could disrupt the orderly conduct of elections.

3. There were three technical amendments:

- a. The definition of advance voting ballot was clarified in Section 1(c) on page 1.
- b. A reference to absentee voters was changed to advance voting voters in Section 3 on page 4. This was an omission during passage of the original advance voting bill in 1995.
- c. The (c) was removed from line 35 on page 5.

We recommend the committee report SB 671 favorably. Thank you for your consideration.

KANSAS COUNTY CLERK'S ASSOCIATION

Opal Hall
President
Stevens County

Rosalie Seemann
Vice President
Thomas County

Linda Scheer
Secretary
Leavenworth Co.

Don Proffitt
Treasurer
Linn County

DATE: March 13, 1996

TO: House Elections Committee, Representative Dawson, Chairman

FROM: Elizabeth Ensley, KCCA Elections Committee Chairman

RE: SB 671

Thank you for your consideration of SB 671. This bill was initiated in response to the new Advance Voting laws which went into effect on July 1, of 1995. The County Clerks have had some experience with implementing advance voting in special elections since that time. The following indicates some of the responses that we had:

COUNTY	ELIGIBLE VOTERS	# VOTED IN ELECTION	# OF ADV. VOTERS	# VOTED IN OFFICE	% VOTED IN ADV.
DICKINSON	10443	2400	107	20	4.46%
EDWARDS 1	2042	1199	76	more than half	6.33%
EDWARDS 2	1513	873	49	more than half	5.61%
HAMILTON	1544	920	45	64	4.89%
LEAVENWORTH	11757	2424	111	72	4.57%
LINN	673	142	3	2	2.11%
LYON	1583	794	42	14	5.29%
MIAMI 1	832	466	30	3	6.44%
MIAMI 2	3051	1850	83	31	4.49%
SHAWNEE	13069	2504	555	296	22.16%

ADVANCE VOTING IS POPULAR WITH VOTERS - Many were pleased with voting at their convenience.

POSSIBLE LATE RESULTS - The statistics indicate that there will be a large increase in the number of voted ballots for the special election board to count. During a Presidential year, that number may be so great that it will be impossible for the final count to be made available in a timely manner for two reasons.

LACK OF EQUIPMENT - Some counties may not have the equipment to quickly process large quantities of paper ballots.

PROCESSING TAKES TIME - A significant amount of time on election day is spent checking names in the poll book, opening envelopes, unfolding ballots to feed them into a machine and reviewing challenges. This will take a great deal of time when a large percentage of ballots is cast in advance.

ADDITIONAL PROCESSING TIME IS NECESSARY - Therefore, we are requesting that you pass SB 671, which would allow a special election board to be called, if necessary, to begin processing ballots in all counties with voting machine or optical scan equipment.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

KCCA ELECTIONS COMMITTEE: Libby Ensley - Shawnee Co., Patty Jaimes - Douglas Co., Sharon Cahoone - Chase Co., Donna Mietchen - Franklin Co., Linda McHenry - Grant Co., Connie Schmidt - Johnson Co., Linda Bott - Rush Co., Karen Hartenbower - Lyon Co., Marilyn Chapman - Sedgwick Co., Sharon Dimitt - Stanton Co., Pat Rahija - Wyandotte Co.

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Attachment 2
March 15, 1996

LIBBY SR671.doc



Johnson County
Kansas

**TESTIMONY BEFORE HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL ORGANIZATION AND
ELECTIONS**

Connie Schmidt, Johnson County Election Commissioner

Thursday, March 14, 1996

Thank you for the opportunity to speak in support of Senate Bill 671.

In Johnson County we currently have 215,566 registered voters. Based on the percentage of increase that occurred in 1992, we project that that number will grow to 274,080 registered voters by November, 1996.

Our past statistics also indicate that 90% of registered voters in Johnson County vote in a presidential election. Based on these projections, a total of 246,672 voters would vote in the November 1996 presidential election.

Since this is the first year for advance voting, we must plan for the worst case scenario. Therefore, we are projecting that 50% of the registered voters will choose to vote in advance. Again, past statistics for absentee voting indicate that 75% vote by mail, and 25% vote in person. Therefore, our projections for November 1996 are that 92,502 people will vote in advance by mail, and 30,834 will vote in advance in person at the Election Office.

Faced with the task of processing over 120,000 paper ballots, we are convinced that without this legislation we will not be able to produce results on Election Day. Our job is to conduct elections, under specified conditions to maintain ballot security and accountability, culminating in the timely reporting of election results on Election Day.

Senate Bill 671 gives us that ability.

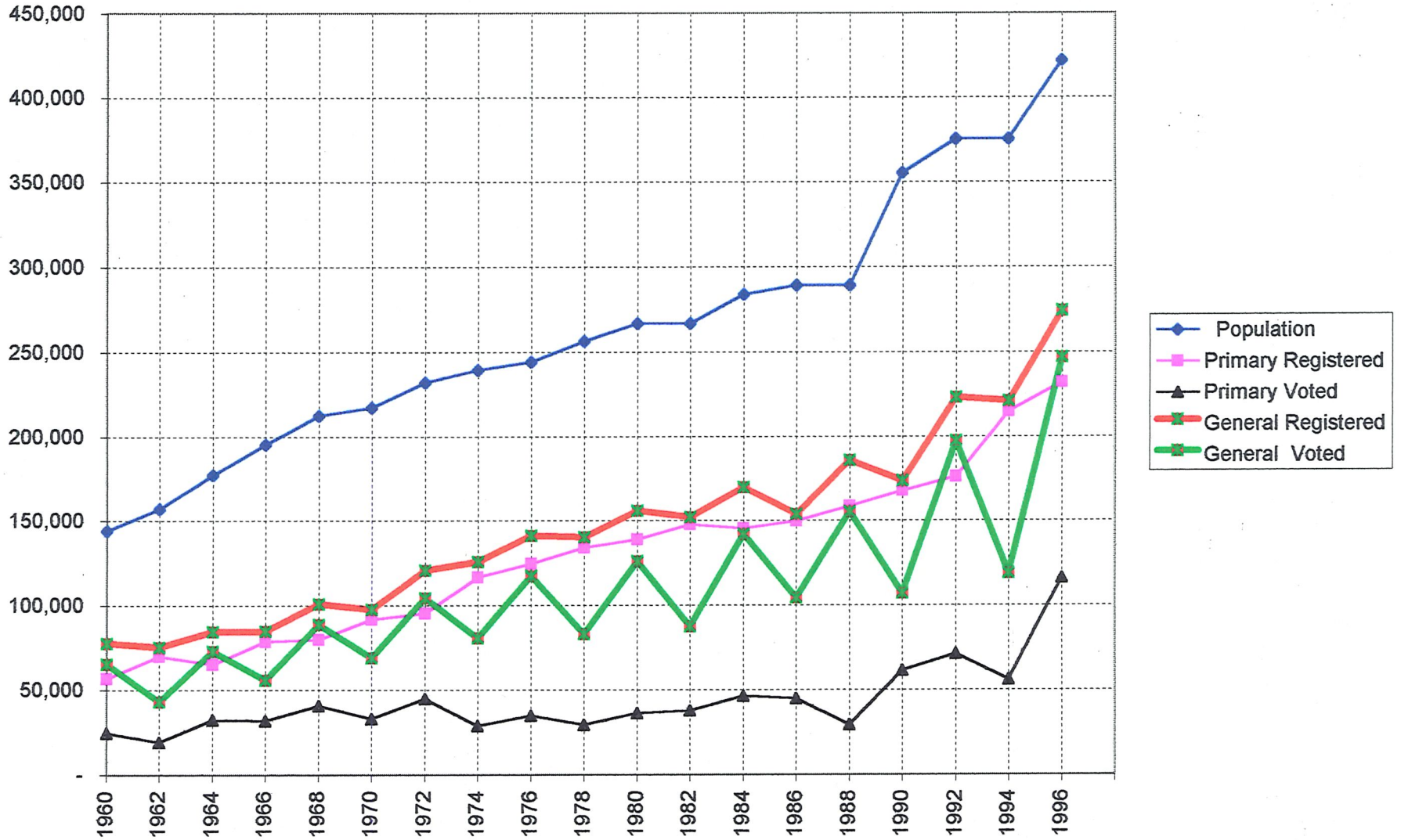
Thank you.

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Attachment 3

1960-1996

REGISTRATION AND VOTING TRENDS JOHNSON COUNTY KANSAS

HOUSE GOVT ORG & ELECTIONS
Attachment 3-2
March 15, 1996





SEDGWICK COUNTY, KANSAS

Commissioner of Elections

Marilyn K. Chapman

Historic Courthouse * 510 North Main * Wichita, Kansas 67203-3798 * Telephone (316) 383-7101 * Fax (316) 383-7388

TO: House Elections Committee
FROM: Marilyn Chapman
SUBJECT: SB 671
DATE: March 13, 1996

I come to you today in support of this bill. Early response to advance voting has been tremendous. After an article in the Wichita Eagle in early January, over 300 requests were made that same day for applications for the Presidential Preference Primary. In all, nearly a thousand applications had been received -- two months before the scheduled election date.

The most time consuming portion of handling ballots which are received by mail (and most of the advance ballots in Sedgwick County will be by mail) is simply opening the envelopes and removing the contents. It is a slow process! We have developed a procedure that does not allow anyone to know whose ballot is being removed. To have that part of the process completed, or nearly so, before election day would ensure that tabulation could be completed in a timely fashion.

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Attachment 4
March 15, 1996