

Approved: 3.21.97
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on March 18, 1997, in Room 521-S of the Capitol.

All members were present except: Representative Gwen Welshimer, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Senator Tim Emert
Brad Bryant, Secretary of State's Office
Rosalee Seemann, Thomas County Clerk and President Kansas
County Clerks Association
Marilyn Chapman, Election Commissioner of Sedgwick County
Michael Byington, Wichita Industries and Services for the Blind
Heather Blair, Kapable Folks
Mary Adams, Chairperson, Legislative-Kansas Association for
Blind & Visually Impaired

Others attending: See attached list

Chairperson Glasscock informed the Committee that there would be a change in the agenda for Thursday and Friday since the House would go into Session at 9:00 a.m. both days to debate the budget. He announced that **SB 116** has been added to the agenda for Wednesday, March 18, 1997, along with the other two scheduled hearings on **HB 112** and **HB 113**. The Chair said that all other previously scheduled bills would be heard on Monday and Tuesday of next week.

The Minutes were distributed for meetings held on March 12, 13, and 17, 1997. Representative Ray Cox moved that the minutes be approved for March 12, 13, and 17, and Representative Jonathan Wells seconded. Motion passed.

Chairperson Glasscock opened the Public Hearing on **Sub.SB 24**.

Sub. SB 24 - An act concerning the county treasurer; relating to vacancies in such office; relating to persons eligible to hold such office; amending K.S.A. 19-504 and repealing the existing section; also repealing K.S.A. 19-501a.

Chairperson Glasscock welcomed the Majority Leader, Senator Tim Emert, to the Committee. Senator Emert spoke as a proponent for **Sub. SB 24**. He said that this bill involved a simple change that in case the office of county treasurer should become vacant, it would allow an appointed successor to be a resident outside the county. He added that current law requires a county treasurer to be appointed from a qualified elector of the county.

The Chair thanked Senator Emert, and since there were no other conferees, closed the Public Hearing for **Sub. SB 24**.

Representative Lisa Benlon made a motion to move **Sub. SB 24** out of the Committee marked favorable for passage. Representative Jonathan Wells seconded, and motion passed.

Chairperson Glasscock opened the Public Hearing for **SB 145**.

SB 145 - An act concerning elections; relating to advance voting.

The Chair welcomed to the Committee Brad Bryant from the Secretary of State's office. Mr. Bryant explained that "**SB 145** amends provisions of the state election laws concerning advance voting by: 1) allowing

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MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 18, 1997.

individuals who have signed an application for an advance voting ballot to transmit the application to the county election officer by facsimile; 2) allowing registered voters who have changed their name through marriage, divorce, or legal proceeding or who have changed their residence within the county to apply for an advance voting ballot; and 3) allowing a voter who has received an advance voting ballot to vote a regular ballot on election day if the voter first returns the advance ballot to an election judge or clerk at the polling place (the judge or clerk is required to void the advance voting ballot)." (Attachment 1.)

During questioning, Representative Jonathan Wells asked Mr. Bryant if faxing the signature would not, indeed, be a copy? He replied that it would and that this law would make faxing acceptable, but there would be random checks validating signatures.

Chairperson Glasscock welcomed Rosalee Seemann, Thomas County Clerk and President of Kansas Clerks Association, who spoke as a proponent for **SB 145**. Ms. Seemann addressed the following items: 1) transmitting an application for an advance ballot; 2) allowing the voter that has received an advance ballot to return the ballot to the election board and receive a regular ballot; and 3) sending advance ballots to where the voter has requested. (Attachment 2.)

The Chair welcomed Marilyn Chapman, Election Commissioner of Sedgwick County, who testified in favor of **SB 145**. Ms. Chapman said that she particularly liked the fact that a signed advance ballot application could be transmitted to the election office by FAX. She urged passage so that voters will not be disenfranchised because of their infirmities. (Attachment 3.)

Chairperson Glasscock next recognized Michael Byington, Wichita Industries & Services for the Blind, Inc., who spoke as an opponent to **SB 145**. He said that if the Legislature is adamant about adopting **SB 145**, he would suggest the following amendment: At line 22 on page 4, drop the current f to g and create a new f which would read as follows: "The restrictions in K.S.A. 1123 on where advance voting ballots may be sent by the county election officer shall not apply to an application for single-election or permanent advance voting ballot filed by a sick, physically disabled, or illiterate voter." (Attachment 4.)

Michael Byington also called attention to his wife's testimony as an opponent to **SB 145** since she was unable to attend the hearing today. Ann Byington is employed as a rehabilitation specialist in the communications department at the Kansas Rehabilitation Center for the Blind. (Attachment 5.)

Attention was also called to the written testimony of Mary Adams, Registered Lobbyist for the Kansas Association for the Blind and Visually Impaired, Inc. which opposed **SB 145**. (Attachment 6.)

During questioning, Representative David Haley asked how many visually impaired people there are in Kansas. The answer was that possibly a good estimate would be about 10,000. When Brad Bryant was asked if he would have a problem with the amendment, he replied that it would not be an unfriendly amendment. Representative Bob Tomlinson inquired as to how local county election officials would know if someone falls under the premise of the definition of disabled?

Chairperson Glasscock recognized H. Rae Blair, Kapable Folks, who testified as an opponent to **SB 145**. She said that she is against the bill because under current law a person who needs to vote by mail can have their ballot sent to them at any address they choose. She said that she has used this option from its inception, and would like to be able to continue with this choice. (Attachment 7.)

The Chair called the Committee's attention to the packet of written testimony of Mary Brown, Clay County Clerk; Doris White, Lincoln County Clerk/Election Officer; Gayle Landoll, Marshall County Clerk and Election Officer; Linda A. Scheer, Leavenworth County Clerk; Mary Arganbright, Ottawa County Clerk; Connie Schmidt, Johnson County Election Commissioner; and Karen K. Hartenbower, Lyon County Clerk/Election Officer. (Attachment 8.)

Since there were no additional conferees, the Chair closed the Public Hearing on **SB 145**.

Chairperson Glasscock told the Committee that he would like to work **SB 145**, which has been a bipartisan effort on the part of the Elections Subcommittee. The Chair recommended perhaps amending **HB 2114** and **HB 2133** which were stricken from the Calendar into **SB 145**.

Representative Ted Powers moved that the language suggested by Michael Byington be amended into **SB 145**. Representative David Haley seconded. Motion passed.

Chairperson Glasscock directed the Committee to review Mike Heim's written summary of **HB 2144** and **HB 2133**. (Attachment 9.)

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Representative Ray Cox made a motion to amend **HB 2114** and **HB 2133** into **SB 145**. Representative Jonathan Wells seconded. Chairperson Glasscock clarified that nothing had been changed in **HB 2114** or **HB 2133** from the way they were originally passed out of the Committee. Motion passed.

Representative Jonathan Wells moved that **SB 145** be passed as amended and recommended favorable for passage. Representative Deena Horst seconded. Motion passed.

The Chair asked the Committee to turn its attention to **HB 2400**.

HB 2400 - An act concerning zoning; relating to nonconforming uses; amending K.S.A. 12-758 and repealing the existing section.

Theresa Kiernan, Advisor, gave a brief summary saying that the bill allows cities and counties to gradually eliminate sexually oriented businesses to a non-conforming use. She also said that on page 3, line 13, private studio would be incorporated.

Representative Ray Cox commented that he believed that local authorities can already do all that is in the bill.

Representative Jonathan Wells asked the Chair to briefly summarize the Assistant Attorney General's response. Chairperson Glasscock said she responded that in her estimation it makes it easier for locals to control past home rule powers and that it is a reasonable adjustment to the current statutes to control nonconforming businesses.

Representative Jonathan Wells made a motion to table **HB 2400**, and Representative David Haley seconded. Motion passed.

Chairperson Glasscock announced that Wednesday, March 19, 1997, the Committee would be holding hearings on **SB 112**, **SB 113**, and **SB 116**.

The meeting adjourned at 10:07 a.m.

The next meeting is scheduled for March 19, 1997.

GOVERNMENTAL ORGANIZATION & ELECTIONS
COMMITTEE GUEST LIST

DATE: TUESDAY, MARCH 18, 1997

NAME	REPRESENTING
H. "Roe" Blair	Capable Folks
Daisy Thompson	
Michael Byington	White Blindness + Services for the Blind
Cindy Lomick	
Brad Bryant	Sec. of State
Lynnie Severson	Ks Co Clerks Assn
Jody Murray	
Patty James	Douglas County
Elizabeth Galey	Ks County Clerks Assn
Karen Wartenbomer	Ks County Clerks Assn
Connie Schmitt	Johnson County Election Office
Richard Ventreuil	Johnson County Election Office
Marilem Chapman	Sedgwick Co Election Office
Beverly Epley	Sedgwick Co Election Office
Eileen King	Riley Co Treas & RCTA
J. Chubb	SOS

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(913) 296-4564

STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on SB 145

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

March 18, 1997

Mr. Chairman and Members of the Committee:

Thank you for your consideration of SB 145. The Secretary of State recommends passage of this bill to improve the advance voting system adopted by the Legislature in 1995.

Several amendments were made to the bill during consideration by the Senate Committee on Elections and Local Government, and the bill was amended several times again during debate on the Senate floor. Following is a brief explanation of the provisions of the bill as amended by the Senate.

Section 1 in the original bill would have amended K.S.A. 25-1120 to end the requirement that advance ballots have each candidate's city of residence printed after the name. This could save some county election officers money in allowing them to print one set of ballots to be used for advance voting and also for precinct voting on election day. Regular ballots are not required to have the city printed after each candidate's name except candidates for state offices. This provision would have made the ballot format the same for advance ballots as it is for regular ballots. This provision was removed by the Senate committee.

Section 1 of the bill in its current amended form would amend K.S.A. 25-1122 to allow persons applying for advance ballots to fax their applications to the county election officer. Based on the experience in the 1996 election, this would help many advance voters, and most county election officers also favor it. It would not allow the faxing of ballots.

Section 2 of the bill in its current amended form would amend K.S.A. 25-1123 to limit the places where advance voters may have their ballots sent. Under current law the advance ballot is sent to the voter's residence address as listed on the county voter registration list or to another address as specified by the voter on the application. Under this legislation the voter would be limited to having the ballot sent to the residence or mailing address on the registration list, to a temporary residential address or to a medical care facility where the voter resides.

House GO and E
Attachment 1

Corporations (913) 296-4564
FAX (913) 296-4570

Elections (913) 296-4561
Administration (913) 296-0498
FAX (913) 291-3051

3/18/97
UCC (913) 296-3650
FAX (913) 296-3659

The provisions of Section 2 and Section 4 would prevent anyone other than the county election officer or a postal delivery person from delivering ballots to voters. It would prohibit private individuals or groups from distributing ballots and help prevent any delays in voters receiving their ballots. Since 1976 Kansas law has prohibited candidates from serving on precinct election boards. Because candidates are barred from handing out regular ballots in the precincts on election day, it would be consistent to extend the same rule to the distribution of advance ballots.

The Legislature has taken two separate actions in the past two sessions to prevent grouping or bundling of ballots by private individuals or groups. Under the former absentee voting laws, persons were allowed to apply for absentee ballots on behalf of other voters. In 1995, the year absentee voting was expanded into advance voting, the law was changed to limit such persons to carrying one on-behalf-of ballot out of the election office to another voter. In 1996 the Legislature amended the laws to prohibit anyone from applying for ballots on behalf of anyone else altogether. These two separate actions during the past two sessions signal that the intent of the Legislature was to allow county election officers control over the advance voting process and to prevent ballot distribution by other individuals or groups. The provisions of Sections 2 and 4 of SB 145 as amended by the Senate will reinforce that legislative intent.

Section 3 of the bill in its current amended form would amend K.S.A. 25-1124 to allow sick, disabled or illiterate voters who receive assistance in obtaining their ballots to apply for their advance ballots up to and including election day. All other advance ballot applications must be made by noon the day before the election. This provision is especially intended to help persons who are sick or injured, often hospitalized, on election day and cannot get to the regular polling place to vote and did not apply for an advance ballot before election day.

Section 4: see Section 2 above.

Section 5 of the bill in its current amended form would amend K.S.A. 25-2316c to allow voters who had changed their names or residences to apply for provisional advance ballots. Such voters are qualified to receive provisional ballots at the polls on election day, and this change in the law would apply the same procedure to advance voting.

Section 6 of the bill in its current amended form would amend K.S.A. 25-2908 to establish consistency in the way precinct election board workers deal with persons who apply for and receive advance ballots but do not return them to the county election office before election day. This provision would allow such a voter to return the advance ballot to the precinct election board and vote a regular ballot. The advance ballot would be voided by the election board.

Section 7 of the bill in its current amended form would amend K.S.A. 25-3301 to allow an unaffiliated voter to affiliate with a political party and receive an advance ballot in a primary election. Current law allows this at the polls on election day, and this provision would allow it in the context of advance voting.

The experience gained in the 1996 statewide primary and general elections has convinced us that these changes would enhance the advance voting process. Advance voting is a positive and progressive change in Kansas election law, and these enhancements would preserve the security and expand the availability of advance voting.

We recommend the committee report this bill favorably for passage. Thank you.

MEMBERS OF THE COMMITTEE, FELLOW COUNTY CLERK'S, ELECTION COMMISSIONER AND AUDIENCE:

I am Rosalie Seemann, County Clerk/Election Office from Thomas County, Kansas, and President of the Kansas County Clerks Association. I have with me today fellow County Clerks available to answer any questions the Committee may have.

Thank you for giving me the time to appear before the Committee to present some views on Senate Bill #145, and if you have time, I have other election bills of concern.

Transmitting an application for an advance ballot will be helpful for both the voter and election officer, signatures will be checked for accuracy on the registration card, as they are now.

Registered voters that have changed their name for any reason within the county to apply for an advance ballot is no problem, the voter signs the application or gives the correct information if he or she goes to the polls to vote.

Allowing the voter that has received an advance ballot to return the ballot to the election board and receive a regular ballot poses no problem, I have visited with other County Clerk's about this and received no opposition.

Advance ballots should only be sent to where the voter has requested it to be sent, their home, school, temporary address, such as nursing home or winter address.

ON BEHALF OF was where the problem was during the August and November elections. It is not very cost effective to have a parent call and ask for a ballot for their college student, we send the student an advance application, they return it, then we can send the ballot. It was very inconvenient for persons to obtain one ballot at a time for nursing home residents, therefore some that had not filed a permanent advance application did not bother to vote. This portion of

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the bill will be most beneficial for the voter, including college students and federal voters in the United States.

I AM ASKING FOR THE COMMITTEE TO RECOMMEND THE BILL BE PASSED IN THE CURRENT FORM.

I WOULD BE HAPPY TO ANSWER ANY QUESTION YOU OR OTHERS MAY HAVE ON SB 145

ALSO, PLEASE CONSIDER DEFEATING SB 323, CALLED THE SHIRLEY JACQUES BILL. USING MYSELF AS AN EXAMPLE, THIS WOULD PREVENT ME FROM SERVING AS PRECINCT COMMITTEE WOMAN AND TREASURER OF MY RE-ELECTION CAMPAIGN EVEN THOUGH I WOULD HAVE NO COMPETITION. PLEASE DO NOT SINGLE OUT ONE OFFICE IN THE COURTHOUSE BY APPROVING THIS BILL.

Other bills I have with me today are HB 2133, relating to candidates for office, relating to nominations for office.

HB 2114, voter registration-there appears to be no problem with this bill. This also removes the requirement that county election offices remain open extra hours for voter registration. With all of the outposts because of NVRA, staying open is a considerable waste of money for counties. I believe all counties would remain open for one night for a Primary and General election.



SEDGWICK COUNTY, KANSAS

Commissioner of Elections

Marilyn K. Chapman

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

TO: Committee on Governmental Organization and Elections
Kent Glasscock, Chairman

SUBJECT: Senate Bill 145

DATE: March 18, 1997

One thing I like about this bill is that a signed advance ballot application can be transmitted to the election office by FAX. This will be of great benefit not only to students but to the disabled, particularly those who are hospitalized.

We work very hard in Sedgwick County to see that everyone has an opportunity to vote. Folks who have an especially difficult time are those who are elderly, ill or disabled. I feel it is very important for these people to be able to secure a ballot or to have someone assist them in securing a ballot after the Monday noon deadline.

In 1996 we encountered many angry voters who were unaware that they could no longer secure ballots for shut-ins after noon on Monday. This was emphasized when the newspaper had a front page, election day box announcing that ballots could be picked up until noon. Hospitals were particularly affected since often the patients whom they are trying to assist have had a sudden event that prevents them from voting as they had planned -- at the voting place. One hospital in Wichita was sued by a patient for whom a ballot could not be obtained.

I urge you to pass this bill favorably so voters will not be disenfranchised because of their infirmities.

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WICHITA INDUSTRIES & SERVICES FOR THE BLIND, INC.

PLEASE REPLY TO: Michael Byington
WISB Governmental Affairs Office
P. O. Box 1063
Topeka, Kansas 66601
(913) 575-7477 (office and voice mail)
(913) 233-2539 (FAX)

March 18, 1997

TO: House Committee on Governmental Organization and
Elections

PLEASE KILL OR AMEND S145!

This Bill potentially discriminates against blind, severely visually impaired, and other types of disabled voters, or at least, if adopted as currently written, it would make voter access even more difficult than it already is for such disabled voters. We acknowledge that this was not the intent of the bill originally, but it quite clearly is the result so far, and a sufficient number of Senators were not concerned enough about this error to bother to change it. The Bill was massively amended by the Senate, but none of the amendments addressed the problems blind and disabled voters have with the bill. I will offer details as to the problems the bill causes for disabled voters later in this testimony, but first of all, I will state that **IF THE LEGISLATURE IS ADAMANT ABOUT ADOPTING THIS BILL, IT AT LEAST NEEDS TO ADD THE FOLLOWING AMENDMENT TO IT:**

At line 22 on page four, drop the current (f) to (g) and create a new (f) which reads as follows: "The restrictions in K.S.A. 1123 on where advance voting ballots may be sent by the county election officer shall not apply to an application for single-election or permanent advance voting ballot filed by a sick, physically disabled, or illiterate voter."

Almost this exact amendment wording was in fact suggested to the Senate, and written, by Brad Bryant of the

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A not-for-profit
agency providing
employment &
services to people
who are blind.

801 East Lincoln
Wichita, Kansas 67211
(316) 267.2244
Fax (316) 267.4312

925 Sunshine Road
Kansas City, Kansas 66115
(913) 281.0710
Fax (913) 281.2450

1600 North Walnut
Pittsburg, Kansas 66762
(316) 231.8600
Fax (316) 231.8620

Office of the Secretary of State. Mr. Bryant has informed me that the Secretary of State continues to have no problem with this wording and will not oppose it. We agree that this would resolve our major opposition to the bill. If the bill must move out of this Committee at all, this amendment needs to be attached.

There are quite a number of reasons why persons who are blind or who have other severe disabilities may wish to have their ballots sent to other places than those proposed to be listed in K.S.A. 25-1123 (Section 2 of the bill, starting with line 24 of page five.) I shall offer some of these reasons.

A noteworthy number of blind citizens in Kansas, including a significant number of our 110 blind employees at Wichita Industries and Services for the Blind (WISB) live alone. They may have a friend, relative, or volunteer reader come to help them read mail, pay bills, etc. once every week or two. Now for the deadlines on paying most bills and reacting to most mail, this may be adequate. If one is expecting a ballot to come to them, however, they may want, or need in order to meet election deadlines, to react more quickly to this document than they do to other mail. A person who can not see well enough to read any print whatsoever, and who lives alone, has no means to know when their STANDARD PRINT ballot has arrived in their mail. They may thus wish to instead have the ballot come to the home of a trusted friend. This trusted friend does not constitute a temporary mailing address for the blind individual, nor do they constitute the individual's usual mailing address. The friend, however, represent someone who will call the ballot immediately to the attention of the blind voter so that he or she may have them, or another person of their choosing, assist with ballot completion, filing of course the required affidavits of assistance. At WISB, about 40 to 50 of our 110 blind employees choose to have their ballots come to their work-place address. About 10 to 15 of these employees ask co-workers, who have sufficient sight to do so, to assist in ballot completion, and I have no idea how the others get their ballots completed and sent in as it is not my business.

The point is, they find it more accessible to know when their ballot has arrived by having it come to their work-place where a sighted person will call its arrival to their immediate attention. Killing S145, or amending it as specified here would allow these blind voters to retain these options. Adopting this bill as currently written would take these options away.

In the Senate, a few Senators found it difficult to understand why advance voter ballot management was a problem for blind voters who have obviously devised an adequate system for dealing with other mail and printed materials. Certainly for many blind voters, it is correct that ballot management is not difficult. I would ask that it be acknowledged, however, that the receipt of an advance voting ballot may require a more immediate response than does the monthly electric bill where there is about three weeks available before payment is considered late. Also, please realize that the newly blinded individual may not have had the opportunity to develop the skills and support systems of the experienced blind individual. The newness of the disability, or the lack of established support systems, should not compromise the right of the individual to vote.

A number of my friends or associates who are blind, visually impaired, or who have other severe physical disabilities, live with their spouse, their parents, their children, or in boarding home situations complete with nosy landladies or landlords. Some of these individuals tell me that the last thing in the world they want to do is involve their spouse, parent, child, or home proprietor in the way that they vote. If their ballot comes to their residence, which is their usual mailing address, then the family member or proprietor expects to be asked to help with the ballot completion. It causes hardships in the living situation for the disabled person to say that they do not want this to happen. Some individuals who are in these situations have solved this problem by having their ballot come to a friend, community service agency, or in the case of those who are employed, their work-place. Again they should continue to

have these rights, but for this to happen, S145 must be killed or amended as I have outlined here.

It is ironic in the extreme that S145, as currently proposed, allows a person who has gone crazy enough to be removed from the streets and checked into a mental institution to have their voting ballot sent to that institution, but does not allow a blind or otherwise severely disabled individual to have their ballot sent anywhere they direct. I am not expressing any objection to the person in the psychiatric institution voting; I am, however, suggesting, that if the mentally ill are indeed to have accommodations made to their disabilities, it is the right thing to do to also make it a little easier for a person who is blind to have more dignity in selecting the location to which their ballot comes.

Kansas has made no provisions thus far for Braille ballots or other provisions to allow persons who are blind to vote with the same degree of privacy afforded to the seeing, literate public. Although blind populations have pushed this issue in other states, and at least in Texas, the result has been a court decision to the effect that Braille ballots must be provided, no one accommodation in ballot access will work for everyone. Braille ballots, for example do not accommodate the newly blinded voter who has not learned Braille or the blind diabetic who does not have the tactile ability to use Braille. The best choice is thus to continue to provide as much flexibility as possible. One such point of flexibility is to allow the blind or severely disabled voter to have their ballot sent where ever it is most convenient rather than to have big brother, big government, come in and tell them where they can and can not have it go.

Sincerely yours:

Michael Byington
Director of Governmental Affairs

MB/mjb

TESTIMONY ON SENATE BILL 145

House Committee on Governmental Organization and Elections

My name is Ann Byington and I am employed as a rehabilitation specialist in the communications department at the Ks. Rehabilitation Center for the Blind. I had planned to deliver this testimony regarding Senate Bill 145 in person, but unfortunately, my class schedule does not allow me that prerogative

As both a blind Kansas voter and as a teacher of the newly visually-impaired, I write in opposition to the language in this bill which restricts the locations to which advanced ballots can be mailed. While I understand the need to protect against election fraud, limiting mailing of advanced ballots to one's home address is not the suitable solution it would appear to be. Since my husband is often away from home for a week at a time, reading mail is at best a "weekend" pastime, or at worst a happenstance dependent on which of my sighted friends I want to impose upon to help me find something during his absences. Though we do own technology which allows me to scan a page of print into a computer and then have that text read back to me, I have discovered that using this device to "scan" mail, i.e., that is, simply read the addresses on it, is quite time-consuming. And, while it is also true that I could hire a reader to review the mail when my husband is away, since he can read when he is home, I have not often felt the need to do so, particularly because the reading involves materials that, for the most part, we would like kept confidential.

Indeed, immediacy of access and privacy are what the restrictive mailing provisions deny blind or visually-impaired voters. If I am able to have an advanced ballot sent to my employment address, my support staff would, in the course of telling me about other mail received, mention the ballot. I can then take whatever action necessary to get help in completing it. I should also note that, though I wholeheartedly believe in the political process, I have never really voted a "secret ballot", given that I must always rely on someone else to both read and mark the ballot for me.

As a communications instructor working with newly visually-impaired or blind persons, I am directly involved in teaching my students how to request and/or create strategies for handling day-to-day reading issues, such as requesting and completing an advanced ballot. As clients at the Rehabilitation Center, they can contact their local county election commissioners, request an advanced ballot, be informed when it arrives, and utilize a reader of their own choice to complete it. Ideally, they should have the same ease/immediacy of information when they return home. To say that "blind persons have ways of handling paying bills and/or managing their everyday reading needs" misses the point. As a newly visually-impaired person is learning such strategies, a bit more information during the process saves time and indeed allows

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for more independence. If a friend, neighbor or employer provides that bit of information to a newly visually-impaired person, the stress of dealing with a whole different set of methods for doing what most of you take for granted is greatly alleviated, and best of all, that person remains an active participant in the political process.

I should also note that much of the reading which is done for blind persons who choose to live alone or who happen to be married to someone else who is blind, is not done by volunteers. To get good, reliable readers, we usually hire them. I may not want my employed reader to know my political preferences any more than you would want your mechanic to know yours. I and my students should therefore have a bit more choice in where advanced ballots are mailed so that we can expeditiously choose by whom and how the ballot is completed.

I very much appreciate the opportunity to express my views on this matter and hope that my perspective will be considered in making this legislation responsive to the needs of blind and visually-impaired Kansas voters.



Kansas Association for the Blind and Visually Impaired, Inc.

A . . . FILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

TO: House Governmental Organization and Elections

FROM: Mary Adams, Registeres Lobbyist

SUBJECT: Senate Bill 145 opposition

March 16, 1997

I am against this bill as is the organization I represent. I feel that a person who has a disability, particularly one requiring voter assistance, should be able to choose where we want to have our ballots mailed, without restrictions, just as we have, for many years, been permitted to choose who assists us with voting.

This bill restricts where a person wishing to vote by mail can have their ballot sent. It places these restrictions on non-disabled and disabled voters alike.

I know many blind individuals who live alone and who perhaps have someone available to read their mail only two to three times per month. While this frequency may allow for the timely payment of bills, it does not give time to order and return a voting ballot. Additionally, the blind person may not want their usual reader to be the person who helps them with the extremely personal task of voting.

Also I know quite a number of blind people who live in boarding home situations. They often complain that their landlord knows too much of their business because they receive, and often read, their mail for them. Often these individuals have shared with me that their landlord has different political views than they do, and most certainly, this is not the person the blind citizen wants to help them vote. They do not even want the ballot to come to the boarding home with the rest of their usual and customary mail. They want to choose their voting assistance quite independently of their living situation. Just think of the untenable situation it might put such a person in to find it necessary to refuse their extremely nosy and overly involved landlady the opportunity to help them vote.

I am retired now, but I worked for a living for over 40 years. I often had mail sent to my work because I wanted to be immediately aware of it. I knew I could have it read at work if I really needed it to be, but I also knew it would not be read or opened if I did not want it to be. For a voting ballot, to have it come to the work place often makes it a less personal situation to get the needed voting assistance. It better protects privacy than having a family member assist, and gives more choices in available assistants.

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As a blind person, I am given the responsibility to select someone to help me vote. This is necessary because ballots are not produced in a manner accessible to me thus allowing me to vote completely independently and privately. I essentially have no opportunity for a secret ballot. I believe my right to have my ballot sent where ever it is most convenient for me, whether that is my work place, the home of a trusted friend, a community agency, or any other place of my choosing, is a right which should be maintained. In fact, if it is not maintained, it restricts my right to choose who marks my ballot. I want to continue to set up my voting in whatever manner is my choice given the fact that my confidentiality will be violated to some extent in the voting process no matter what I do.

For example, let us suppose that a blind person is married to someone who is not of the same political opinion as they are. It may cause considerable strife in their home and marriage if they tell their spouse, "I do not want you to help me fill out my ballot. I will have someone else do that for me. I do not want to discuss my voting with you or around you." It might be much better if the blind person could have their ballot sent to a friend who would then meet with them to complete it. The same is true for blinded voters who may normally have their teen or adult children, or their parents, assist them with much normal day to day reading and book-work. They may not wish to share their voting views with the person who normally helps them with their other life activities. In such instances, it is quite clearly easier if they have more latitude as to where their ballot is sent. I would suspect that some members of this Committee have husbands, wives, children, or parents who do not always agree with them politically, and with whom they do not choose to share information about voting habits. I ask for as much opportunity as possible to also keep my opinions to myself by using very careful, and perhaps unusual methods, in choosing who helps me vote.

I realize that, if a person who is blind or otherwise disabled can get to the polls, they can have a Democratic and Republican election official both enter the voting booth to assist with voting. Unfortunately, the blind or other disabled voter who needs voting assistance also quite often has no transportation, or is completely unable, to get to the polls and is a frequent voter by mail.

KAPABLE FOLKS

arts and crafts by adults and teens with disabilities

135 S. E. Chandler
Topeka, Kansas 66607

H. Rae Blair, "the boss"
Daisy Thompson, "co-boss"

March 16, 1997

TO: House Committee on Governmental Organization and
Elections

FROM: H. Rae Blair

SUBJECT: Senate Bill 145, opposition

I am against this bill. Under current law, a person who needs to vote by mail can have their ballot sent to them at any address they choose. As a person having several disabilities, I have used this option ever sense it has been legal to do so.

I am legally blind. I have an orthapedic disability which varies in severity from time to time, so some days I can walk and on other days, I must use a wheelchair.

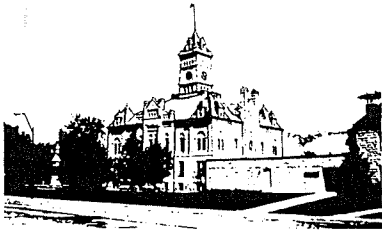
I am currently living with my parents because my

House GO and E
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3.18.97

house burned some time ago, but it is being rennovated to a livable condition, and I intend to move back into it in a couple of weeks. At that time, I will still want my ballot to go to my mother's address even though I will not normally use this as a mailing address. This is because of several reasons. First of all, I have a wheelchair ramp at my house which I can use to exit the house on days when I am using the wheelchair, but I can not check my mail and get back up the ramp into the house at some times without assistance. For most mail, this is not going to be a problem, but when I receive my ballot, I am going to want to get it handled right away. I take voting very seriously.

Senate Bill 145 would not allow me to have my ballot sent anywhere I direct. It puts restrictions on where it can go. It would no longer allow for a person to have their ballot sent to, for example, their workplace, the home of a friend or associate where they are not living permanently or temporarily, or to a community based agency which assists them. All of these are places where I can imagine myself or some of my disabled friends and associates wanting to have ballots sent in the future. It seems to me that, at least for people who are disabled, they should be able to have their ballots sent where ever they direct.

I DO NOT WANT TO LOSE MY RIGHT TO VOTE, OR MY ACCESS TO VOTING, JUST BECAUSE I CHOOSE TO LIVE AS INDEPENDENTLY AS I POSSIBLY CAN, DISPITE HAVING A NUMBER OF DISABILITIES!



MARY BROWN RECEIVED
CLAY COUNTY CLERK
CLAY COUNTY
ELECTIONS OFFICE

P.O. Box 98 • Clay Center, Kansas 67432 • [913] 632-2552

March 11, 1997

Representative Kent Glasscock, Chairman
Governmental Organization and Elections
State Capitol, Room R-62
Topeka, KS 66612

RE: SB145 (as amended by the Senate Committee of the Whole)

Dear Chairman Glasscock,

I believe your committee will have a hearing on SB145 and I would like to express my support of the bill.

We have had problems with our advance voters that are students being able to return an application to us in time to be issued an advance ballot. By allowing the application to be faxed, I believe this will allow more students to participate in the election.

Allowing only certain specific addresses for an advance ballot to be sent will correct the possibility of any one person or organization intercepting an advance ballot.

Allowing the sick or physically disabled to obtain an application for an advance ballot on the day of election will correct another area we had problems with at our last election.

I feel that the above items will greatly improve the advance voting laws. Thank you for your time and consideration of SB145.

Sincerely,

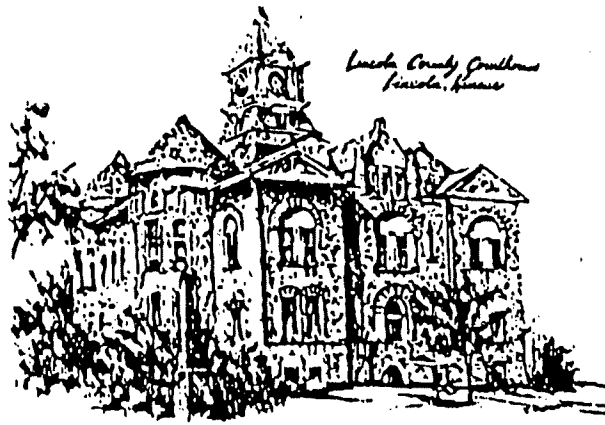
Mary Brown

Mary Brown
Clay County Clerk

RECEIVED
CLAY COUNTY
ELECTIONS OFFICE
MAY 12 11:11 AM

House GO and E
Attachment 8
3.18.97

LINCOLN COUNTY
POST ROCK CAPITAL
OF KANSAS



OFFICE OF
COUNTY CLERK
218 EAST LINCOLN
LINCOLN, KANSAS
67455-2053

March 14, 1997

Libby Ensley
911 S.W. 37th St
Topeka, Ks 66611

Dear Libby:

I favor the passage of Senate Bill 145, as amended. Senate Bill 145 clarifies advance voting procedures and provides specific direction to local election officials. Portions of recently enacted advance voting laws were vague and unclear. Senate Bill 145 alleviates the possibility of local interruption of advance voting procedures.

I respectfully request favorable consideration of Senate Bill 145.

Sincerely,

Doris White
Lincoln County Clerk/Election Officer

Marshall County, Kansas1201 Broadway
Marysville, Kansas 66508Gayle Landoll
County ClerkPhone(913)562-5361
Fax(913)562-5262

March 17, 1997

Representative Kent Glasscock
Chairperson, Governmental Organization & Elections Committee
State Capitol, Room 183-W
Topeka, KS 66612

Re: Senate Bill 145

Dear Representative Glasscock:

I respectfully request your support of Senate Bill 145, as it was amended by the Senate committee of the whole.

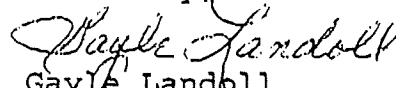
This bill removes some of the hurdles voters encountered after the enactment of the federal voter registration act.

One of the major improvements of this bill is that it corrects the problem of someone who gets ill after noon the day before the election losing their right to vote unless they were able to physically go to the polling place.

This bill also would allow a signed advance ballot application to be faxed, thereby allowing us to help those "last minute" voters. Thank you for addressing these problem areas.

If you have questions of me, or if I can be of help to you, please do not hesitate to call.

Sincerely,

Gayle Landoll
Marshall County Clerk and
Election Officercc: Rep. Bruce Larkin
Rep. Sharon SchwartzElizabeth Ensley, Chairperson
KCCA Elections Committee

COUNTY OF LEAVENWORTH

COURTHOUSE
300 WALNUT
LEAVENWORTH, KANSAS 66048
Area Code (913) 684-0400



FROM THE OFFICE OF:

LINDA A. SCHEER
County Clerk
County Election Officer

March 14, 1997

Representative Kenny Wilk
State Capitol, Room 174-W
Topeka, KS. 66612

Dear Representative Wilk:

I am writing to you in reference to Senate Bill 145. I understand that this bill is scheduled to be heard on Tuesday in the House Committee on Governmental Organization and Elections.

I ask that you vote in favor of this bill. Several election items are addressed in this bill that I feel would enhance the election process. Voters could fax applications for an advance ballot to the election office, which would allow students easier access. Also a part of this bill is that a sick and disabled voter could be allowed to request a ballot through election day. Those individuals who are hospitalized on Monday or Tuesday would have the opportunity to vote.

I would also encourage your support in the portion of the bill that relates to where advance ballots could be mailed to. Under current law, the possibility of election fraud is very great, whereby companies can request all of their employees ballots be mailed to a certain address.

I would be happy to visit with you on this Senate Bill or any other matter, should you have any questions. Please feel free to call me at 913-684-0422.

Sincerely,

Linda A. Scheer
County Clerk

City-County Probation
684-0760

Council on Aging
684-0777

Emergency Medical Service
684-0788

Noxious Weeds
684-0494

Community Corrections
684-0775

County Infirmary
684-1010

Health Department
684-0730

Sheriff
682-5724

8-4

Ottawa County Clerk

March 14, 1997

Libby Ensley
Shawnee Election Commissioner
911 SW 37th St
Topeka, Ks 66611

Re: Senate Bill 145

Dear Libby,

In reference to the above bill, I would agree to the Sec. 3 terminology of the bill. We have had cases where expectant mothers have come in on the day of election to vote before they go into the hospital. They or anyone should not have their vote counted because of things beyond their control, such as health.

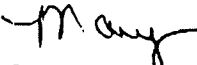
I would agree to the section of allowing faxed applications for advanced voting. We accept them from Federal Services. If we are required to make it easier for people to register (NVRA), voting should be also, within reason. I, however, would not agree if it ever came up to fax ballots, except for Federal Services.

I strongly agree that restrictions need to be in place for delivery and mailing of advanced ballots.

Therefore, Sec. 2 of Senate Bill 145 sounds good to me. We need to ensure that ballots are getting in the applicants hands, and returning them to the County Election Officer.

If you have any questions, please call.

Sincerely,


Mary Arganbright
Ottawa County Clerk

Mary Arganbright
County Clerk

Johnson County Election Office



Connie Schmidt - Election Commissioner

Richard Venturella - Director of Operations

TESTIMONY BEFORE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS

Submitted by Connie Schmidt, Johnson County Election Commissioner

Tuesday, March 18, 1997

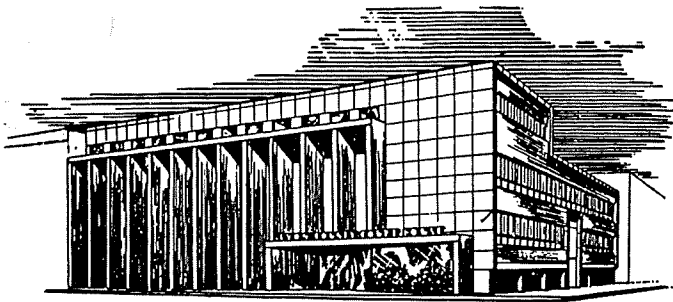
Thank you for the opportunity to speak regarding Senate Bill 145. On behalf of the Johnson County Election Office, I express support of Senate Bill 145, in its entirety.

The following three sections are especially important to Johnson County:

- Section 1 provides the ability to fax an application for an advance ballot to the county election officer. As the popularity of advance voting increases, the ability to print an application from our home page, and fax it to our office will reduce postage and mailing costs for the election office and the voter.
- Section 2 defines the voter address choices for mailing of an advance ballot. This additional guideline provides the needed safeguard to assure the security and timely delivery of the advance voting ballot to the voter.
- Section 3 allows sick, disabled, or illiterate voters to request an advance ballot until the polls close on Election Day. This amendment assures that the right to vote will not be denied should an unforeseen illness or accident occur on Election Day.

For these reasons, we express support of Senate Bill 145.

Thank you.



LYON COUNTY CLERK

KAREN K. HARTENBOWER

LYON COUNTY COURTHOUSE
402 COMMERCIAL
EMPORIA, KANSAS 66801-4000
(316) 342-4950, Ext. 245

Representative Kent Glasscock
Chair Governmental Organization & Election Committee
State Capitol, Room 183W
Topeka, Kansas 66612

March 12, 1997

RECEIVED
SHAWNEE COUNTY
ELECTION OFFICE
1997 MAR 13 A 11:51

Dear Representative Glasscock:

I am writing in support of Senate Bill 145. The changes in the bill will be helpful in my position of directing elections. I have several comments on portions of the bill as follows:

Concerning faxed applications with signature: We faxed applications to voters in the November 6, 1996 Election. It would have been helpful, quicker, and less expensive for the voter to fax back the completed application. Some voters waited until the last minute to do things. We had several voters who had their ballots delivered by overnight mail at a cost of over \$10 each. They would have had a little more time if they could have faxed their completed application back to us.

Concerning where ballots are sent: We need clarification on where ballots may be sent. We do not want ballots going to a Post Office Box, a PAC group, or any other place where there is a chance of voter fraud.

Concerning election day application of advance ballots for sick and disabled: We had one person go to the hospital the evening before the November 6, 1996, Election and one go to the hospital the morning of Election Day. Both wanted to vote but neither could. They had planned to vote at the polls on Election Day. Because of unforeseen events they were unable to vote at all. They were both very unhappy with me.

I am proud of the integrity of Kansas elections. I don't want to see us have problems that other states have. Please consider my remarks.

Sincerely,

Karen K. Hartenbower
Lyon County Clerk/Election Officer

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Rm. 545N-Statehouse, 300 SW 10th /
Topeka, Kansas 66612-1504
(913) 296-3181 ♦ FAX (913) 296-3824

KSLegRes@lr01.wpo.state.ks.us

<http://www.kumc.edu/kansas/ksleg/KLRD/klrd.html>

March 10, 1997

CoA
To: Representative ~~Ralph Farmer~~, Chair, Elections Subcommittee **Office No.:** 426-S
From: Mike Heim, Principal Analyst
Re: S.B. 145 and S.B. 323

The Elections Subcommittee of the House Governmental Organization and Elections Committee met on Monday, March 10, and made the following recommendations.

1. S.B. 145 dealing with advance voting was recommended for favorable consideration by the full Committee.

The Subcommittee recommended adding into S.B. 145: (a) provisions of H.B. 2133 dealing with independent candidate filings, replacement candidates, and various other changes; and (b) provisions of H.B. 2114 dealing with voter registration.

S.B. 145 amends provisions of the state election laws concerning advance voting by:

- allowing individuals who have signed an application for an advance voting ballot to transmit the application to the county election officer by facsimile;
- allowing registered voters who have changed their name through marriage, divorce, or legal proceeding or who have changed their residence within the county to apply for an advance voting ballot;
- allowing a voter who has received an advance voting ballot to vote a regular ballot on election day if the voter first returns the advance ballot to an election judge or clerk at the polling place (the judge or clerk is required to void the advance voting ballot);

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- allowing the county election officer to send the advance voting ballots only to certain specific addresses requested by the voter, such as the voter's permanent or residential address, mailing address listed on the registrations list, and a medical care facility;
- allowing a person who assists the sick or physically disabled or the illiterate to obtain an application for an advance voting ballot on the day of the election and return the completed advance voting ballot to the county election officer before the close of the polls on election day;
- prohibiting a person from intercepting, interfering, or delaying the transmission of an advance voting ballot, except under certain circumstances, from the county election officer to the voter; and
- allowing a person eligible to vote to affiliate with a political party prior to applying for an advance voting ballot for a primary election.

H.B. 2133 would amend several sections of the state election laws concerning independent filing requirements, notification requirements, replacement candidate prohibitions, and certificates of nomination validation.

Amendments to K.S.A. 22a-102 and 25-1903 would clarify language that independent candidates for the office of district attorney and the State Board of Education would be subject to the same filing nomination deadlines as other independent candidates for other offices, *i.e.*, until noon the day before the August primary.

K.S.A. 25-105 is amended to delete the requirement in which county election officers are required to send a copy of the newspaper publication of United States presidential and vice-presidential candidates' names to those candidates.

K.S.A. 25-306b is amended to prohibit party candidates who have won the primary election from withdrawing their name from nomination after the day of the primary election.

K.S.A. 25-308 is amended to authorize the Secretary of State to determine the validity of certificates of nomination filed by third party candidates after their conventions. This section also would increase the deadline for filing mandamus actions concerning ballot access from 30 days to 45 days.

H.B. 2114 would declare a person registered to vote in the State of Kansas when that person completes an application for voter registration and when that applicant's name is added to the county voter registration list by the county election officer.

H.B. 2114 also would remove the requirement mandating county election offices and city clerk offices in cities of the first and second class to remain open extra hours within the last few days prior to the closing date for voter registration. The bill would allow county election officers to have their offices voluntarily remain open extra hours. Under current law, county election offices must remain open during regular business hours, noon hours, and extra hours as county election officers deem necessary. In addition, under current law, city clerk offices in cities of the first and second class have to remain open until 9:00 p.m. during the last few days before closure of registration.

2. S.B. 323 deals with prohibition on campaign and party activities of county election officers and the Secretary of State. The Subcommittee did not reach a consensus on this bill and was split evenly on whether to recommend the bill as is or to delete the party office restrictions.