

Approved: 3-08-00
Date

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon at 3:35 p.m. on February 14, 2000 in Room 521-S of the Capitol.

All members were present except: Joe Shriver (E)

Committee staff present: Dennis Hodgins, Research
Mary Galligan, Research
Theresa Kiernan, Revisor
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Connie Schmidt, Johnson County Election Commissioner
Karen Hartenbower, Lyon County Clerk
Brad Bryant, Secretary of State's Office

Others attending: See attached list.

HB 2328 - Advance voting; transmission of application to county election officer

Chairperson Lisa Benlon opened hearings on **HB 2328**.

Connie Schmidt, Election Commissioner of Johnson County, spoke in support of **HB 2328** which was originally introduced in 1999. She said that the purpose of the bill is to clarify that an application for an advanced mail ballot should be transmitted directly to the County Election Offices. She suggested that a stipulation be inserted in the bill "that no person or group engaged in the distribution of advance voting ballot applications shall cause any such application signed by a voter to be mailed or otherwise delivered to a place other than the County Election Office." She related that during the 1998 election campaign, Johnson County had various political parties, campaign headquarters, and labor organizations mail out large numbers of applications for advance mail ballots. She stated that various offices in Topeka, Salina and Kansas City, KS were on the applications as return addresses and not the County Election Office. Ms. Schmidt recounted that the applications were entered into databases at those various locations, and then the applications were mailed or delivered to the election offices all at once which caused an overload of applications for that day. She said the voters had completed many of the applications seven to ten days prior to their receipt at the election office. She clarified the concern of election officials was the delay in the transmission of the advance mail ballot to the voter and the potential for possible screening or destroying of applications for advance mail ballots. She feels that the proposed **HB 2328** would give additional safeguards to assure the security and timely delivery of the advance mail ballots to the voters. (Attachment 1)

General questions and discussion followed regarding how the advance ballots are mailed out, when the votes are tallied and results announced, delivering applications door to door, and the meaning of the word "directly" as used in Line 19 of the bill. A suggestion was made relating to the use of the word "directly", and that the applications should be transmitted within a certain time frame and delivered to the Election Commissioner's Office.

Ms. Schmidt said that the most important thing was getting the applications back to them as soon as possible, and that they not be transmitted to any other place but the Election Office.

Representative Horst requested that the word "may" in Line 19 be changed to the word "shall" to clarify the handling instructions of the applications. Discussion followed.

Representative Johnston asked if this bill had been tabled last year. The Revisor confirmed that it had been tabled, but nothing was indicated on the bill to signify that it had been tabled.

Representative Huff made a motion to untable this bill in order to work it in Committee. The motion was seconded by Representative Topliker, and the motion carried.

CONTINUATION SHEET

Karen Hartenbower, Lyon County Clerk, testified in support of **HB 2328**, and stated there had been a lot of confusion for the voters in the 1998 General Election concerning the handling of the requests for advance ballots. She stated that when someone else transmits the applications there is a chance for fraud. She said her desire is that the application get to the Election Office as soon as possible in order for the ballot to reach the voter in a timely manner. She did not have a problem with candidates sending the applications out in mailings. (Attachment 2)

Several Committee members communicated a desire for a “no touch” clause on the applications for ballots, and that they be mailed by the voters in order to alleviate the chance for tampering or fraud. A few members expressed a wish for a time limit be written into the law to require the applications to be delivered to the Election Offices within a 24-hr. time period after the voter completing the application form. These Committee members felt it would be too restrictive to just mail the applications, and this was a good campaign tool plus a service to the potential voters. General discussion continued regarding the confusion between the application for ballots and the actual mail ballot.

Representative Storm made a motion to pass HB 2328 favorably with one amendment to change the word “may” to “shall” on page 1, line 19. Representative Johnston seconded the motion.

Representative Welshimer offered a substitute motion for a time restriction to be placed on the return of the application for ballots, but after more Committee discussion involving eliminating the word “directly” withdrew her substitute motion. She then made a revised motion to page 1, line 19, stating “The signed application shall be transmitted to the county election officer”. Representative Gilbert seconded the revised motion. Motion carried.

Representative Johnston asked for a clarification to make sure ballot applications could still be faxed, and he was assured he could as long as it met all requirements of the Election Commissioner Office.

Representative Vining made the motion to move this bill out favorably as amended. Representative Jenkins second and the motion carried. Representative Storm was designated to carry the bill to the Floor.

HB 2928 - Elections; election board, members under age 18

Chairperson Benlon opened the hearings on **HB 2928**.

Connie Schmidt, Election Commissioner of Johnson County, testified in support of **HB 2928** which reduces the age requirement for an election judge or clerk “to at least 17 years of age”, and further added the stipulation that only one person under the age of 18 may be appointed to each election board. She related that the election offices become one of the largest employers in their respective counties, and Johnson County alone hires over 1,500 election workers to staff the voting locations throughout the county. The unemployment rate for Johnson County is at the lowest point ever in Johnson County which is 2%, and it is extremely difficult to find election workers for one day across the state not just in Johnson County but state-wide. She felt that by reducing the age requirement to 17 it would permit students to serve as election workers, and provide an opportunity to reach future voters enabling them to learn a valuable lesson in government and in community support. She said that positive feedback from various election offices in other states that have similar programs help students learn the benefit of good information/communication exchanges and the importance of voting. (Attachment 3)

Karen Hartenbower, Lyon County Clerk and Election Official for Lyon County, spoke in favor of **HB 2928** which would allow for hiring 16 or 17 year olds to serve as judges and clerks for elections. She said they have trouble filling the positions in all their precincts due to winter migration of retirees to the south, a lot of older people do not want to drive at night, more and more board workers work out of precinct, and retired people are very active in all types of activities and are not available to work. She related the positives of hiring young workers was that the youth are more comfortable with the vote tabulators/voting machines, many opportunities made available to students, more people involved will produce a better voter turnout, and the youth would buy into the idea of voting once they are a part of the process. She added that this would be good public relations for older workers to see youth in a positive light, while giving the election officials a better pool of workers to pull from for assignment to the various precincts. Ms. Hartenbower said that this would be at the Election Official option, and that the students

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS

Monday, February 14, 2000

Thank you for the opportunity to speak regarding House Bill 2328. On behalf of the Johnson County Election Office, I express support of this Bill.

This Bill was first introduced in 1999. The purpose of this Bill is to clarify that an application for an advance mail ballot should be transmitted directly to the county election officer, and to add the stipulation that "no person or group engaged in the distribution of advance voting ballot applications shall cause any such application signed by a voter to be mailed or otherwise delivered to a place other than the county election office."

In Johnson County, during the 1998 elections, political parties, campaign headquarters, and labor organizations mailed out large quantities of applications for advance mail ballots. The return addresses on the applications were various offices in Topeka, Salina, and Kansas City, Kansas. At these locations, the applications were accumulated and entered into computer databases. Eventually, the applications were forwarded to the election office.

The statutes currently mandate that election offices provide a ballot to the voter within 48 hours after receiving the application. The statutes do not address the potential of another organization collecting, screening, holding, or destroying applications for ballots.

In 1998, our office received as many as 4,000 applications for mail ballots from these "collection" agencies on one day. The voters had completed many of these applications 7-10 days prior to their receipt in our office.

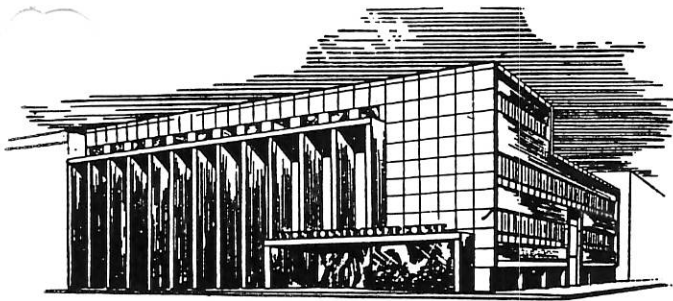
As election officials, we have two major concerns:

1. Possible delay in the transmission of the advance mail ballot to the voter.
2. The potential for possible screening or destroying of applications for advance mail ballots.

We feel that the additional safeguards proposed in House Bill 2328 are necessary to assure the security and timely delivery of the advance mail ballot to the voter.

For this reason, we express support of House Bill 2328. Thank you.

**House Governmental
Organization & Elections
2-14-00**



LYON COUNTY CLERK

KAREN K. HARTENBOWER
LYON COUNTY COURTHOUSE
402 COMMERCIAL
EMPORIA, KANSAS 66801-4000
(316) 342-4950, Ext. 3245

February 14, 2000

I would also like to address House Bill 2328 concerning advance voting and transmission of the applications to the Election Official.

This is the top priority of the Election Committee at this time.

There was a lot of Confusion for the voters at the last General Election in 1998. They knew they had filled out a request for an advance ballot and then they waited for it to come. When we let someone else transmit these applications there is a chance for fraud.

Our Committee discussed having the advance ballot applications in the same format as the voter registration forms. The voter registration forms include the address of each Election Office in the State. All the voter would have to do is look on the back and send the application to their Election Office. The same form would be used State-wide and any person or candidate could mail or hand out the forms. We do not have a problem with candidates sending them out in mailings. We just want the form to come to us as soon as possible so we can get the ballot to the voter in a timely manner. When we have applications going other places we cannot assure the voter will get their ballot in the time line outlined in the statutes. We do not want to erode the integrity of Kansas Elections.

**House Governmental
Organization & Elections
2-14-00
Attachment 2**

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS

Monday, February 14, 2000

Thank you for the opportunity to speak regarding House Bill 2928. On behalf of the Johnson County Election Office, I express support of this Bill.

This Bill reduces the age requirement for an election judge or clerk to “at least 17 years of age”, and further adds the stipulation that only one person under the age of 18 may be appointed to each election board.

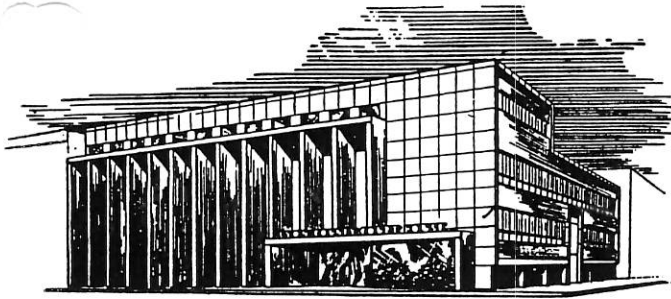
On every Election Day, local election offices become one of the largest employers in their County. In Johnson County, with the current unemployment rate of less than 4%, finding personnel to meet human resource needs on Election Day has become increasingly difficult. On every countywide election, we must hire over 1,500 election workers to staff our voting locations throughout the county. The unemployment rate is only one challenge that we face – others include low pay and long working hours.

Reducing the age requirement to 17 will permit students to serve as election workers, and provides an opportunity to reach future voters in a way that we have not been able to do in the past. These young people will be our future voters and will learn a valuable lesson in government and in community support. Comments received from election offices in other states that have similar programs include: “Their youth and enthusiasm is refreshing!” “The combination of young and old at the polls brought about a good exchange of information/communication and made the day more fun for everyone.” Responding to a survey conducted by teachers in one jurisdiction, “100% felt their absence from school was worthwhile; it helped them understand the importance of voting; and, would recommend the experience to other students.”

During the November 1996 Presidential election, a total of 154 student field assistants volunteered their time after school until the polls closed to provide assistance to the election workers in polling places throughout Johnson County. This was a positive experience for both students and election workers.

For these reasons, our office expresses support of House Bill 2928. Thank you.

**House Governmental
Organization & Elections
2-14-00
Attachment 3**



LYON COUNTY CLERK

KAREN K. HARTENBOWER
LYON COUNTY COURTHOUSE
402 COMMERCIAL
EMPORIA, KANSAS 66801-4000
(316) 342-4950, Ext. 3245

February 14, 2000

Chairman Benlon, Committee, and others attending:

I am Karen K. Hartenbower, Lyon County Clerk. I am also one of the 101 County Clerks who are also the Election Official for their County. This is my second years as Chair of the Kansas County Clerks and Election Officials Election Committee.

Today I would like to speak in favor of House Bill 2928. This Bill addresses the issue of having 16 or 17 year olds to serve as judges and clerks for elections. This has been one of the major priorities of our Committee for the past 2 years for several reasons.

- We have trouble filling the positions in all of our precincts
 - ° We do not have young people as Board Workers because they work and are not available to help
 - ° Our biggest pool of Board Workers is retired people and as you know they are very active anymore and many go south for the winter and we lose them for the spring elections
 - ° We find more and more that older women do not like to drive at night
 - ° Each year I have more and more Board Workers working out of precinct
- Many of our Board Workers are over 70 years old and the ballots, etc. are heavy
- The youth can greet people and direct them where to go (some precincts have 2 precincts voting at the same site)
- The youth will buy into the idea of voting once they are a part of the process
- The youth are more comfortable with the vote tabulators/voting machines

**House Governmental
Organization & Elections
2-14-00
Attachment 4**

I see many opportunities for the students. As we all know if you involve more people in anything there is always a better turnout. This would be at the Election Official option if they would like to use the students. The students would have an excused absence from school. They would receive school credit for the day. The students would be chosen by the Election Official and Teachers. The youth will attend Election Board Training. There will only be 1 youth assigned to a precinct. It will be good public relations for older workers to see youth in a positive light. We need more adults and youth working hand in hand.

I truly see this as a win-win-win situation. One for the Election Officials to have a bigger pool of workers. One for the older Worker to have assistance. And one for the students to take an active part of democracy.

I would like to read some response from other Election Officials from around the State.

Ron Thornburgh
Secretary of State



2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on HB 2928

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

February 14, 2000

Madam Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2928. This bill would allow sixteen and seventeen year olds to serve as election board workers as long as they meet the other qualifications of registered voters. There would be a limit of one per precinct.

There are three reasons we recommend passage of this legislation.

1. It will help ease the shortage of good election board workers. Most county election officers have chronic difficulty finding enough good election workers to staff their precincts on election day. This bill would expand the pool of good, trainable workers.
2. It will foster civic education and political participation among young people. This concept goes hand in hand with other political education efforts such as mock elections and Kids Voting that attempt to reach young voters, even before they're eligible to register, to create lifelong voting habits. High school students will have the chance to observe the electoral process firsthand, perform a civic service, and possibly receive classroom credit for the experience.
3. It could save some money in certain counties. If teenage board workers served through a system where they received school credit for their service, their salaries could be saved by the county.

We believe that most young people have the technological expertise to perform the duties of election board workers with the normal amount of training, and they have the stamina to work the twelve- to fourteen-hour days required of election workers. In states where this type of program is already being used, election officials have found their teenage recruits to be motivated, easily trained and easily adaptable to changing situations.

One part of the board worker recruitment process that should be considered along with this bill is the political party affiliation of the board workers. The law directs county party chairpersons to

Administration (785) 296-4564
FAX (785) 291-3051
Corporations (785) 296-4564
FAX (785) 296-4570

Web Site:
<http://www.ink.org/public/sos>
e-mail:
kssos@ssmail.wpo.state.ks.us

**House Governmental
Organization & Elections
2-14-00
Attachment 5**

submit lists of party members to the county election officer for appointment to the precinct boards. Not more than half of any board may be of the same party. However, this provision in K.S.A. 25-2802 does not apply if the party chairs do not submit names, which is often the case, or if the designated persons refuse to serve.

We ask the committee to view this bill as a positive enhancement to the election board worker recruitment process and to the administration of elections in general. We recommend the committee report the bill favorably for passage.

Thank you.