

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on March 2, 2000, in Room 529-S of the Capitol.

All members were present:

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Ken Wilke, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Deputy Assistant, Secretary of State
Connie Schmidt, Johnson County Election Commissioner
Elizabeth Ensley, Shawnee County Election Commissioner
Karen Hartenbower, Lyon County Clerk

Others attending: See attached list

Chairman Hardenburger opened the hearing on **HB 2844 concerning elections; relating to the distribution of ballots.**

Brad Bryant, Deputy Assistant Secretary of State testified in support of **HB 2844**. He said the bill was proposed by the Secretary of State to provide the authority and flexibility necessary to allow people to vote during emergency circumstances such as war, floods, etc.. (Attachment #1)

Senator Gooch asked how they could confirm if someone is registered to vote. Mr. Bryant informed the Committee that this would be coordinated through the county election officer who registers voters; however, in the case of a ballot being contested, it is held as a provisional ballot. Thereafter, the county canvassers confirm if the ballot is valid.

Seeing no opposition to the bill, Chairman Hardenburger closed the hearing on **HB 2844**.

Senator Becker moved that **HB 2844** be passed out favorably and asked to be placed on the Consent Calendar, seconded by Senator Praeger. Motion carried.

Chairman Hardenburger opened the hearing on **SB 2854 concerning elections; relating to ballots and ballot applications; relating to election machines and repealing the existing section.**

Brad Bryant, Deputy Assistant, Secretary of State, testified in support of the bill that was proposed by the Secretary of State. He informed the Committee the bill would assist county election officers in the administration of elections by eliminating the first class mailing rates, eliminating mechanical models and requiring the date of birth on applications for advance ballots. (Attachment #2)

The Committee discussed if the entire birth date, day, month, and year, should be on the application. Mr. Bryant said the application would not be denied if the year is not furnished on the application.

Connie Smith, Election Commissioner from Johnson County expressed support of **HB 2854**. She said the bill would eliminate the requirement that an election office must provide a mechanically operated model of a voting machine in every polling place; and adds "date of birth" to the required wording on an application for an advance voting ballot would be helpful. (Attachment #3)

Elizabeth Ensley, Shawnee County Commissioner of Elections presented testimony in favor of **HB 2854**. She stated the bill removes a remaining reference to first class postage, and an issue addressed in the bill is the requirement for a birth date on the advance voting application. (Attachment #4)

Not seeing any opposition on **HB 2854**, Chairman Hardenburger closed the hearing on the bill.

CONTINUATION SHEET

Senator Becker moved that definitive terms be added on the birth date (month/day/year), seconded by Senator Gooch. Motion carried.

Senator Praeger moved to pass out **HB 2854** favorably as amended, seconded by Senator Lawrence. Motion carried.

Chairman Hardenburger opened the hearing on **HB 2928 concerning elections; relating to election judges and clerks; and repealing the existing section.**

Brad Bryant, Deputy Assistant Secretary of State testified in support of the bill. He said the 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. (Attachment #5)

Connie Schmidt, Election Commissioner, Johnson County, testified in support of the bill, which would establish the minimum age requirement for an election judge or clerk to at least seventeen years of age, and further adds the stipulation that only one person of that age may be appointed to each election board. (Attachment #6)

Shawnee Election Commissioner Elizabeth Ensley, also expressed support for **HB 2928**. She informed the Committee that any help the Election Board workers received would be appreciated.

Karen Hartenbower, Lyon County Clerk presented testimony in favor of the bill. She told the Committee that she sees many opportunities for the students participating, as well as helping the Board Workers. (Attachment #7)

Seeing no opposition, Chairman Hardenburger closed the hearing on **HB 2928**.

Senator Praeger moved that **HB 2928** be passed out favorably and asked that it be placed on the Consent Calender, seconded by Senator Lawrence. Motion carried.

Meeting was adjourned at 2:30 p.m. Next meeting is scheduled for March 7, 2000.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on HB 2844

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

March 2, 2000

Madam Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2844. This bill was proposed by the Secretary of State to provide the authority and flexibility necessary to allow people to vote during extreme circumstances.

Sometimes situations arise on election day that threaten to disenfranchise certain groups of voters if they follow the normal voting procedures prescribed in law. In such situations, election officers face a choice: either enforce the letter of the law and disenfranchise some voters, or recognize that the constitutional right to vote may outweigh the letter of the law under extreme conditions. We believe that in such cases, when normal procedures are inadequate, the right to vote should be supreme and emergency measures should be allowed to get ballots to voters.

The Desert Shield/Desert Storm conflict in the early 1990s provided a notable example. Large numbers of military and National Guard personnel were called to the Persian Gulf, and as election day approached it became clear that they would be unable to cast their ballots in a timely way due to long transmission times. The Secretary of Defense requested the cooperation of election officers across the nation in a plan to fax ballots overseas. Our office approved the plan and the county election officers who had received federal services ballot applications participated. The Kansas Legislature passed a law in 1994 allowing federal services voters the option of faxing their ballots in any election.

The Federal Voting Assistance Program operates from the Pentagon as part of the Department of Defense and oversees federal services voting. The FVAP has recommended that states pass laws similar to HB 2844 to allow the flexibility needed and to remove any doubt that in certain cases, extreme measures are warranted.

In 1998, many areas of Kansas experienced flooding on election day. The Governor declared a disaster in a number of such areas, and at the request of the Secretary of State he authorized local National Guard units to assist in the delivery of ballots by boat and helicopter. We believe such

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unusual actions are warranted in emergencies, when voters whose homes and property are threatened by floodwaters, and whose normal polling places are completely cut off by floods, take the time to call and ask if they will be allowed to vote. We think they should be allowed to vote if a true emergency exists.

Because a disaster or emergency can happen at any time in any area, and it may disenfranchise any group of voters, not just federal services voters, we think it is time to write into Kansas law a general provision that allows special, temporary ballot distribution measures during emergencies. For that reason, we ask the committee to recommend HB 2844 favorably for passage.

Thank you.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on HB 2854

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

March 2, 2000

Madam Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2854. This bill was proposed by the Secretary of State to assist county election officers in the administration of elections. It contains three provisions.

1. Sections 1 and 4 eliminate the statutory requirements to provide mechanical models of voting machines in the precincts. The bill still provides for voters to receive instruction on how to use the voting equipment if they so desire. They can receive printed materials or demonstration from election board workers upon request.

Currently, the requirements for mechanical models affect only three counties in Kansas. It is expensive and increasingly difficult to obtain mechanical models. Many manufactureres do not normally make models any more because most states do not require them. The requirements for mechanical models date back to the days when the term voting machine meant a lever machine. Modern equipment is computerized, and uses either touch screens or pressure-sensitive buttons. The face of the equipment more closely resembles a paper ballot than lever machines did. We believe voters should receive adequate instruction when needed, but counties should not be required to purchase mechanical models of their voting equipment.

2. Section 2 would require applicants for advance ballots to provide their birth dates on their ballot applications. The birth date would be used by county election officers to accurately identify each applicant and prevent duplicate applications and ballots. This is especially important during the days right before ballot application deadlines, during the busiest times, when it is most difficult to ensure that each advance voter receives one and only one ballot.

3. Section 3 of the bill is a follow-up to a provision in Senate Bill 230 that passed in 1999. The 1999 bill deleted several instances in the laws where county election officers were required to send official election mailings by first class mail. This year's bill eliminates one more such provision that was intended to be included last year but was inadvertently omitted.

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Eliminating the requirement for first class mail allows the county election officer to benefit from the use of the U.S. Postal Service's election logo (see copy attached). This is the first time the Postal Service has allowed a specialized logo, and it allows the user to receive first class service on official mailings without paying first class rates.

We would also recommend the committee consider amending the bill to make it effective upon publication in the Kansas Register because the provisions relating to advance ballot applications and first class mailings are time sensitive.

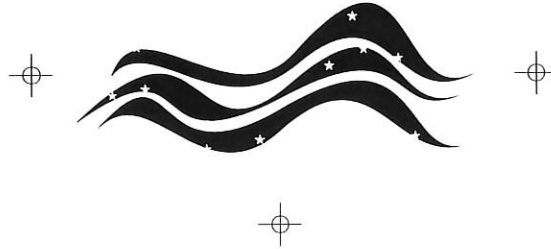
Thank you for your consideration.

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Reproduction Sheet

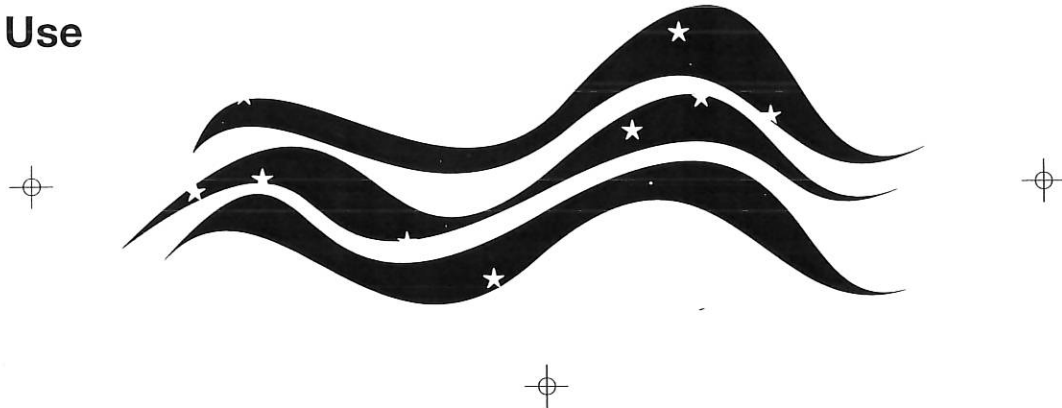
Important: Follow rules and regulations stated in the User Guide and this guideline manual

Small Use



DO NOT RESIZE DO NOT ALTER IN ANY WAY

Large Use



DO NOT RESIZE DO NOT ALTER IN ANY WAY

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE SENATE ELECTIONS COMMITTEE

Thursday, March 2, 2000

Thank you for the opportunity to speak regarding House Bill No. 2854. On behalf of the Johnson County Election Office, I express support of this Bill.

This Bill (1) eliminates the requirement that an election office must provide a mechanically operated model of the face of a voting machine in every polling place; and (2) adds "date of birth" to the required wording on an application for an advance voting ballot.

Johnson County currently owns 400 mechanical voting machine models. A total of 257 of these are the original 1987 version, which require the replacement of rechargeable batteries during each election cycle. The remaining 143 are the newer model, which is equipped with an AC adapter.

Our office spends approximately \$9,500 during each election cycle for batteries and labor to maintain the original 257 models. The newer AC adapter model sells for \$375 each. It would cost Johnson County \$96,375 to replace the old with the new.

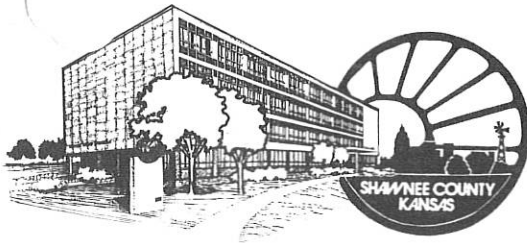
Johnson County currently provides two sample ballots in every polling place on Election Day. These sample ballots are exact paper replications of the face of the voting machine, and can be used to answer voter questions.

Our office also supports the additional date of birth requirement on the application for an advance voting ballot. In Johnson County there are currently 34 voters with the exact same name and address. In these instances, a date of birth on the application would provide the necessary identification to assure issuance of the ballot to the correct person.

For these reasons, we express support of House Bill No. 2854. Thank you.

Senate Elections & Local Government

Date: 3-2-00
Attachment # 3



Shawnee County Commissioner of Elections

Elizabeth Ensley
Election Commissioner
Norine Staab
Asst. Election Commissioner

911 S.W. 37th, Suite A
Topeka, Kansas 66611-2378
(785) 266-0285

M E M O R A N D U M

DATE: March 2, 2000

TO: Senator Janice Hardenburger, Chairman
Committee on Elections and Local Government

FROM: Elizabeth Ensley *EW*
Election Commissioner

RE: SB 2854

Thank you for allowing me to appear in favor of HB 2854. This bill addresses three issues in the statutes.

First, the bill removes a remaining reference to first class postage. Shawnee County has been successful in our use of the new Postal election logo. In a recent mail ballot election the outgoing postage was cut from \$1,003.60 to \$318.45. This meant a savings of \$685.15 for the taxpayers in the school district. In an upcoming mail ballot election, we estimate the outgoing postage will be cut from \$8,840 to \$2,805 which will save \$6,035 for the taxpayers in that school district.

The election logo is not first class postage, but is actually a nonprofit classification. The logo can only be used for mass mailings of over 200 items with at least 150 items to one zip code. Not all counties can make use of this logo at this time. However, the U.S. Post Office is considering changes to the regulations which would open it up for further use. Should this happen, it is important for the statutes to allow the use of this rate.

A second issue addressed in this bill is the requirement for a birthdate on the advance voting application. This would be helpful in trying to determine the identity of voters with similar names.

Finally, Shawnee County used to have voting machines and therefore complied with the requirement for a model at each voting place. I did not see that they were terribly helpful. More effective assistance was given at the voting machine by the board worker. The models were mostly used to entertain children who were waiting for their parents to vote.

Thank you for your time and consideration.

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Ron Thornburgh
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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on HB 2928

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

March 2, 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

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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.

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Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE SENATE ELECTIONS COMMITTEE

Thursday, March 2, 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.”

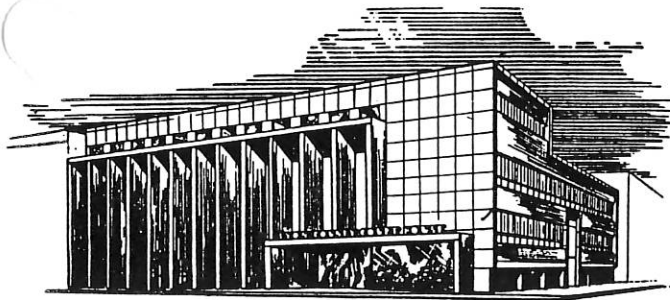
During the November 1996 Presidential election, a total of 154 student field assistants volunteered their time after school until the polls closed to provide assistance to the election workers in polling places throughout Johnson County. This was a positive experience for both students and election workers.

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

Senate Elections & Local Government

Date: *3-2-00*

Attachment # *6*



LYON COUNTY CLERK

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

March 2, 2000

Senate Elections Committee:

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 year as Chair of the Kansas County Clerks & Election Officials - Election Committee.

Today I would like to speak in favor of House Bill 2928. This Bill addresses the issue of having 16 & 17 year olds serving as judges and clerks for elections. This had 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 students will buy into the idea of voting once they are a part of the process
- The students are more comfortable with the vote tabulators/voting machines

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 the Election Official's 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 Election Officials and Teachers would choose the students. The students will attend Election Board Training. There will only be 1 student assigned to a precinct. It will be good

Senate Elections & Local Government

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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 responses from other Election Officials from across the State.

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