

## MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on January 17, 2001 in Room 521-S of the Capitol.

All members were present except: Representative Cindy Hermes, Excused  
Representative Troy Findley, Excused

Committee staff present: Theresa Kiernan, Revisor  
Dennis Hodgins, Research  
Shirley Weideman, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Chair Tony Powell asked the staff to introduce themselves to the committee. A copy of the committee rules was given to each member.

Brad Bryant, Deputy Assistant Secretary of State was introduced by Chair Powell. Mr. Bryant's presentation included an overview of the Kansas election system the National Voter Registration Act of 1993, and the Advance Voting Program the legislature enacted in 1995. He also reviewed the Procedure for Certification of Voting Equipment for Kansas and the Voting Systems Used in Kansas. (attachment #1) Mr. Bryant responded to questions by the committee.

Chair Tony Powell asked for introduction of bills.

Mr. Bryant recommended four bills:

The Recount Bill; providing a procedure for recounts of statewide offices.

The Elections Crimes Bill; voter registration suppression-require persons/groups conducting voter registration drives to deliver completed applications to the county election officer and prohibiting vote trading, voter intimidation through false information, and electioneering during advance voting.

Election Administration Bill; permanent advance voting lists, allowing county election officers to remove permanent advance voters' names from the list if they miss two consecutive elections, change the requirement for petition circulators and allow voters to request the county election officer not disclose residence address for safety reasons.

Cleanup Bill; revise the statute to accommodate five-member boards of commissioners, delete a reference to KSA 25-3802, which was repealed, change year in KSA 25-616 and 25-618 to 19\_\_ and 20\_\_, delete a reference to KSA 25-413 which was repealed, delete the office from ballot forms statutes because there are no elected county surveyors, and update 1992 statutes to provide special deadlines if new districts are not finalized early in 2002.

Without objection, they will be introduced as bills.

Representative Jim Morrison introduced a bill:

Prohibiting data from exit polls being released to the public until all relevant polls are closed. Since there are two times zones in the state, no results would be released in senatorial elections until all polls in the state are closed and for presidential elections, no results would be released until Hawaii polls are closed.

Without objection, it will be introduced as a bill.

Chair Tony Powell introduced three bills:

Dealing with the election of Municipal Court Judges

Application of our lobby laws to counties, cities and school districts, and

The Governor's bill calling for automatic election recounts if the results differ by 0.5% or less.

CONTINUATION SHEET

Minutes of the January 17, 2001 Ethics and Elections Committee Meeting.

Without objection, they will be introduced as bills.

Representative Richard Alldritt introduced two bills:

Providing for non-partisan election of any judges

Providing public financing of campaigns for all five state-wide officers and all 165 legislative races. They would be able to access public funds to fund their campaigns. The details are pending.

Without objection, they will be introduced as bills.

Meeting was adjourned at 4:35 p.m. Next scheduled meeting is January 22, 2001 at 3:30 p.m.



RON THORNBURGH  
Secretary of State



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## STATE OF KANSAS

### Office of the Kansas Secretary of State

## 2001 Proposed Legislation

### Recount Bill

Provide a procedure for recounts of statewide offices

### Election Crimes Bill

Vote trading--prohibit it

Voter intimidation--prohibit campaign tactics that involve false information intended to keep voters from voting

Voter registration suppression--require persons/groups conducting voter registration drives to deliver completed applications to the county election officer

Electioneering--prohibit electioneering during advance voting

### Election Administration Bill

Petition circulators--delete the requirements that petition circulators be registered voters and residents of the county and election district

Permanent advance voting lists--provide an administrative mechanism for county election officers to remove permanent advance voters' names from the permanent advance voting list if they miss two consecutive elections

Voter registration addresses--allow voters to request the county election officer not disclose their residence addresses on the voter registration list if their safety is threatened

## Cleanup Bill

County canvass boards--revise the statute to accommodate five-member boards of commissioners

County party committees--delete a reference to KSA 25-3802, which was repealed

Year 2000--change 19\_\_ to 20\_\_ in KSA 25-616 and 25-618

Oath of challenged ballot--delete a reference to KSA 25-413, which was repealed

County surveyors--delete the office from ballot forms statutes because there are no elected county surveyors

Candidate filings in redistricting years--update 1992 statutes to provide special deadlines if new districts are not finalized early in 2002

**House Committee on Ethics and Elections**

**Secretary of State  
Election Overview**

Wednesday, January 17, 2001

Overview of the Kansas election system

- Ballots
- Canvassing
- Recounts
- Contests

National Voter Registration Act of 1993

- Main provisions
- Effect on Kansas
- Issues

Advance voting

- Origin
- Main provisions

Proposed legislation

Monday, January 22, 2001

Election overview

Electoral College

- 2000 experience
- Kansas issues

Six-Point Election Improvement Plan



## STATE OF KANSAS

### Office of the Kansas Secretary of State

# Procedure for Certification of Voting Equipment

March, 1999

The manufacturer or vendor sends a request for certification in writing to the Secretary of State, accompanied by a \$250 fee.

The Secretary of State requires that the equipment be certified by an independent testing authority. We request a copy of the ITA's report.

The Secretary of State reviews the equipment to ensure that it meets standards established by the Federal Election Commission and the requirements of Kansas law.

The Secretary of State conducts a public hearing in Topeka at which the manufacturer or vendor displays the equipment and members of the Secretary's staff and other interested persons test the equipment.

The Secretary of State may hire a private expert to review the equipment at the manufacturer's expense.

The Secretary of State contacts other jurisdictions in the United States that have certified and used the equipment to inquire about their experiences.

The Secretary of State may grant temporary conditional approval for the equipment to be used in a Kansas jurisdiction before granting final certification.

If the above conditions are met, the Secretary of State makes the final decision whether to grant certification and informs the manufacturer and vendor of the decision in writing.

# Kansas Voting Systems

Revised May, 2000

Allen	ES & S		Norton	Paper	
Anderson	Accu-Vote	<b>21 Paper Ballots</b> <b>81 Optical Scan Ballots</b> <b>3 Electronic Voting</b>	Osage	ES & S	
Atchison	ES & S		Osborne	ES & S	
Barber	Accu-Vote		Ottawa	Accu-Vote	
Barton	ES & S	Hamilton	Accu-Vote	Pawnee	ES & S
Bourbon	ES & S	Harper	Accu-Vote	Phillips	ES & S
Brown	Accu-Vote	Harvey	ES & S	Pottawatomie	ES & S
Butler	Electronic	Haskell	ES & S	Pratt	Accu-Vote
Chase	Paper	Hodgeman	Accu-Vote	Rawlins	Paper
Chautauqua	Paper	Jackson	Accu-Vote	Reno	ES & S
Cherokee	ES & S	Jefferson	Accu-Vote	Republic	Paper
Cheyenne	Paper	Jewell	Paper	Rice	ES & S
Clark	Accu-Vote	Johnson	Electronic	Riley	ES & S
Clay	ES & S	Kearny	Accu-Vote	Rooks	Accu-Vote
Cloud	ES & S	Kingman	Accu-Vote	Rush	Paper
Coffey	ES & S	Kiowa	Paper	Russell	ES & S
Comanche	Paper	Labette	ES & S	Saline	ES & S
Cowley	ES & S	Lane	Paper	Scott	ES & S
Crawford	ES & S	Leavenworth	ES & S	Sedgwick	Electronic
Decatur	Paper	Lincoln	Accu-Vote	Seward	Accu-Vote
Dickinson	ES & S	Linn	ES & S	Shawnee	Accu-Vote
Doniphan	Accu-Vote	Logan	ES & S	Sheridan	ES & S
Douglas	ES & S	Lyon	Accu-Vote	Sherman	ES & S
Edwards	ES & S	Marion	ES & S	Smith	ES & S
Elk	Paper	Marshall	ES & S	Stafford	ES & S
Ellis	ES & S	McPherson	ES & S	Stanton	Accu-Vote
Ellsworth	ES & S	Meade	Accu-Vote	Stevens	ES & S
Finney	ES & S	Miami	ES & S	Sumner	ES & S
Ford	ES & S	Mitchell	Paper	Thomas	ES & S
Franklin	ES & S	Montgomery	ES & S	Trego	ES & S
Geary	ES & S	Morris	Paper	Wabaunsee	Accu-Vote
Gove	Paper	Morton	ES & S	Wallace	Accu-Vote
Graham	Paper	Neosho	ES & S	Washington	Paper
Grant	Accu-Vote	Nemaha	Accu-Vote	Wichita	Paper
Gray	Accu-Vote	Ness	Paper	Wilson	ES & S
Greeley	Accu-Vote			Woodson	Paper
Greenwood	ES & S			Wyandotte	Accu-Vote

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**Office of the Kansas Secretary of State**  
**Overview of Advance Voting Program**

January 17, 2001

The Kansas Legislature enacted advance voting in 1995.

It was proposed as a no-excuse absentee system.

Voters no longer have to provide an excuse of absence from the county on election day, sickness/disability, or religious objection in order to vote early.

Applications

Each voter must sign an application before a ballot is issued.

Faxing of applications to the county election office is specifically allowed by law.

Anyone may distribute blank application forms.

Ballots

The voter may choose to vote by mail or in person

1. By mail--begins 20 days before the election, ends the Friday before the election.
2. In person--begins up to 20 days before the election, but no later than 1 week before the election, ends at noon the day before the election.

Special Provisions

Permanent advance voting

A person with a permanent sickness or disability may apply for permanent advance voting status. They are automatically mailed a ballot each election.

Sick/disabled advance voting

Extends through election day

Allows another person to provide assistance in applying for or returning ballot

Office of the Kansas Secretary of State

Summary of the  
National Voter Registration Act of 1993

The NVRA was the biggest change in U.S. election law in several decades. It represents one of the largest intrusions by the federal government into the states' administration of elections.

Goals of the NVRA

1. To establish procedures that will increase the number of eligible citizens who register to vote
  - Expanded the number of locations and opportunities for voter registration
2. To protect the integrity of the electoral process by ensuring that accurate and current voter registration rolls are maintained
  - Required voter registration file maintenance procedures to identify and remove the names of ineligible voters in a uniform and nondiscriminatory manner
3. To enhance the participation of voters
  - Provided "fail-safe" voting procedures to ensure that an individual's right to vote prevails over bureaucratic or legal technicalities

1. Expansion of Voter Registration Opportunities

Key Points:

*More government offices will provide voter registration opportunities.*

*Agency-based registration must be active and affirmative, not passive.*

*All NVRA-mandated registration agencies except motor vehicle offices must keep declination forms for two years.*

1. Motor-Voter

Voter registration is required in the driver's license application process because 91% of Americans have driver's licenses or nondriver identification cards.

2. Public assistance agencies

These agencies are included to ensure that the poor and persons with disabilities are not excluded from the process.

a. Voter registration is required at all state agencies administering any of 4 federal assistance programs:

- Food Stamps (SRS)
- Medicaid (SRS)
- Aid to Families with Dependent Children (SRS)
- Women, Infants and Children (KDHE)

b. Voter registration is required at offices that operate state-funded programs primarily engaged in providing services to persons with disabilities, including services provided in the home.

3. Armed forces recruitment offices

4. Other offices designated by the state

In Kansas, this means first and second class city clerks' offices.

5. Mail registration

a. Anyone may conduct door-to-door voter registration.

b. Election officers must supply forms free upon request.

## 2. Voter Registration List Maintenance

### Key Points:

*Once registered, a voter's name may never be removed from the rolls for simple nonvoting. The government takes over responsibility for keeping voters' records updated.*

### Basic Requirements

1. County election officers must send notices of disposition to all applicants.

2. County election officers must send confirmation notices to all voters for whom the election officers receive evidence of an address change, either within the county or outside the county.

3. The state must conduct a systematic program for keeping registration lists updated.

- National Change of Address program

- Mass mailings by the counties

### Removal of names is permitted in cases of:

- felony conviction

- death

- mental incapacity

- written request by the voter

- written confirmation by the voter of an address change outside the county

- failure to respond to a confirmation notice sent because of evidence of an address change

outside the county, followed by failure to vote in 2 consecutive federal/state elections

### Results

1. More registrants

2. More duplicates

3. More costs for counties in time, printing and postage

4. Less purging

### 3. Fail-Safe Voting

#### Key Point:

*Once registered, a voter remains on the voter list as long as the individual remains eligible to vote in that jurisdiction (county). No purging for nonvoting.*

#### Basic Rules:

If a voter moves within the county and fails to re-register before the election, the voter may vote a provisional ballot at the new precinct or a central location.

If a voter changes his/her name and fails to re-register before the election, the voter may vote a provisional ballot.

#### Themes of the NVRA

The U.S. Department of Justice has enforcement authority.

Each state designates a chief state election official to coordinate responsibilities.

The NVRA is a voter registration act, not a voting act.

We have seen an increase in registrants, but no noticeable increase in voters.

Loss of election officers' control over procedures, mainly registration.

#### Confidentiality

*Where* a person registers, or *whether* a person registers or declines to register, must be kept confidential.

#### Grievances

Individuals may file grievances with the chief state election official if they believe their rights under the NVRA have been violated.

#### Purging

The rules for purging ineligible or inactive voters have changed, and they are much more limited.

#### Provisional voting

Due to fail-safe voting requirements, the number of challenged/provisional ballots is increasing.

#### Reporting

- The NVRA requires records to be kept regarding the number of registrations received from various sources, the number of cancellations and the number of confirmation notices sent and returned.

- Counties report to the Secretary of State; the Secretary of State reports biennially to the Federal Election Commission; the FEC reports to Congress.