

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 February 25, 2002 in Room 521-S of the Capitol.

All members were present except: Representative Melany Barnes, Excused
Representative Steve Huebert, Excused
Representative Gwen Welshimer, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

HB 2996 Proponents: Marilyn Chapman, Sedgwick County Election Commissioner
Connie Schmidt, Johnson County Election Commissioner

Others attending: See attached list.

Chairman Powell opened the hearing on **HB 2996 - Time of election canvass by county board of canvassers.**

The bill would allow the county election officer to move the canvass from Friday to the Monday next following the election, provided the notice is published prior to the canvass in a newspaper with general circulation in the county.

Marilyn Chapman, Sedgwick County elections commissioner, appeared before the committee as a proponent of **HB 2996**. She said that in November 2000 the Sedgwick County election office had more than 2,000 provisional ballots taken at the polls on election day. Provisional ballots are provided at each voting place for voters who have moved and/or changed their name and failed to reregister prior to the deadline, for voters about whom there is a question concerning their registration and for voters who may be challenged. There are many complicated steps required to process each provisional ballot, therefore with an increased number of provisional ballots, the experienced full time staff must spend a lot of overtime to accomplish this. Ms. Chapman indicated that not every election canvass will need to be changed to Monday, but for those few needing extra time, it ensures that all figures released for certification are "true and correct". (Attachment 1)

Connie Schmidt, Johnson County elections commissioner, also testified in support of **HB 2996**. She said that elections throughout Kansas changed dramatically in 1996 with the implementation of provisional balloting. Prior to 1996, they were referred to as challenged balloting. A large quantity of provisional ballots are a result of voters moving within the county. In the 1996 and the 2000 presidential elections the number of provisional/challenged ballots grew to over 5,000 in both elections in Johnson County. These provisional ballots are sealed in a security envelope and returned to the election office for research prior to presenting to the board of county canvassers on Friday morning following the election. Ms. Schmidt indicated that provisional ballots can determine the outcome of a close election. She also said that larger counties need more time to process provisional ballots. (Attachment 2) Ms. Schmidt responded to questions asked by committee members.

The hearing on **HB 2996** was closed.

Representative Huff moved **HB 2996** favorable for passage. The motion was seconded by Representative Mayans. Motion carried.

Chairman Powell returned **HB 2761** to the attention of the committee. He said that the system being proposed by committee amendment is not workable according to law enforcement officials.

Representative Hermes moved that the committee reconsider **HB 2761**. The motion was seconded by Representative Morrison. Motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE at on February 25, 2002 in Room 521-S of the Capitol.

It was moved by Representative Hermes and seconded by Representative Gilbert to remove the amendment creating the reporting mechanism on felon voting. The motion carried.

Representative Huff moved a technical amendment to change the title; removing "election" and inserting "crimes, criminal procedure and punishment; relating to civil and voting rights of convicted felons;". The motion was seconded by Representative Hermes. Motion passed.

Representative Ray moved and Representative Hermes seconded the motion to pass **HB 2761 as amended** favorably. Motion passed.

Chairman Powell brought the attention of the committee to **HCR 5042**.

Representative Morrison moved a conceptual amendment to **HCR 5042** to allow 17 year olds to vote in the primary election and on any questions on the ballot at the primary election provided they will be 18 on the day of the general election. The motion was seconded by Representative Hermes. The motion carried.

Representative Wilson moved and Representative Powers seconded the motion that **HCR 5042 as amended** be passed favorably from committee. Two members voted for the motion and seven members voted against the motion. The motion failed.

The meeting was adjourned at 4:20 p.m.



SEDGWICK COUNTY, KANSAS

Commissioner of Elections

Marilyn K. Chapman

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DATE: February 25, 2002
TO: House Committee on Ethics and Elections
FROM: Marilyn Chapman, Sedgwick County Election Commissioner
RE: HB 2996

The election of 2000 has brought realization to many people that perhaps there are changes that should be made in the administration of elections. One of the changes recommended by the Ford/Carter Commission on Election Reform, as well as other task forces and election administrators, is to provide more time for election officials to review election returns before having to present them for final canvass.

In November of 2000 the Sedgwick County election office had more than 2,000 provisional ballots taken at the polls on Election Day. Provisional ballots are provided at each voting place for voters who have moved and/or changed their name and failed to reregister prior to the deadline, for voters about whom there is a question concerning their registration, and voters who may be challenged. Providing provisional ballots is an important focus of pending federal legislation.

The steps required to process each ballot are many and complicated. Each voter's registration information must be checked with office records to verify that all provisions of the law have been met. If the voter moved, because he is required to vote in his new precinct where his name is not on the registration book, the registration book of his former precinct must also be checked to ensure that he did not vote at that precinct as well. Then ballots must be organized into categories for easier presentation to the Board of Canvassers. And guess what! There are frequently dozens of different categories represented.

Because of the importance and complexity of checking the provisional ballots, most phases of the job cannot be given to seasonal personnel. It takes the experience of full time staff to guarantee the accuracy of the information gathered. And because the full time staff has been working long hours of overtime for several weeks prior to the election, efficiency is low.

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Attachment 1

In addition to the provisional ballots, write-in votes must be tallied and verified manually in most Kansas counties. All supplies from the polls must be checked to make sure that all necessary items are in hand and signed if they need to be.

Not every election canvass will need to be changed to Monday. And not many counties will ever need to change the day from Friday. But for those few of us who need extra time – probably only in November – it gives us the flexibility to ensure that all figures released for certification are indeed “true and correct”.

Johnson County Election Office



**Connie Schmidt
Election Commissioner**

TESTIMONY BEFORE HOUSE ETHICS AND ELECTIONS COMMITTEE

Submitted by Connie Schmidt, Johnson County Election Commissioner

Monday, February 25, 2002

Thank you for the opportunity to speak regarding House Bill 2996. On behalf of the Johnson County Election Office, I express support of this Bill.

Elections in Johnson County and throughout the State of Kansas changed dramatically in 1996, with the implementation of provisional balloting. Prior to 1996, this was referred to as challenged balloting. As an example, in Johnson County the total number of challenged ballots in 1988 and 1992 were 106 and 141 respectively. In the 1996 and 2000 Presidential elections, the number of provisional/challenged ballots grew significantly, numbering over 5,000 in both elections.

Additional time is necessary in order to adequately research the voter's eligibility on each of the provisional ballots. For example, a large quantity of our provisional ballots is a result of voters moving within the county. State law allows the voter to go to their new voting location, complete a voter registration application, and vote a provisional ballot. These ballots are sealed in a security envelope and returned to the Election Office for research prior to presenting to the Board of County Canvassers on Friday morning.

On each provisional ballot, the Election Office staff must first verify that the voter is an eligible, registered voter; next they must check the registration list from the voter's old precinct to confirm that they did not vote at that location; then they must confirm that the voter voted the correct ballot at their new voting location.

In a close race, the provisional ballots can determine the outcome of an election. The significance of the provisional ballot was reaffirmed in Johnson County in the spring 2001-city/school elections. On Election night, the Mayor's race in one of our cities was within one vote, with eight provisional ballots collected in that race. The county Canvass Board authorized seven of those provisional ballots to be counted. The winner of the race on Election night became the loser by two votes after the provisional ballots were counted.

There is a critical need for more time to process provisional ballots, especially in the two large counties. House Bill 2996 gives the county election officer the ability to move the official canvass date to the Monday following the election. For this reason, I express support of House Bill 2996.