

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on January 22, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Legislative Research  
Martha Dorsey, Legislative Research  
Ken Wilke, Revisor of Statutes  
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Ron Thornburgh, Secretary of State

Others attending:

See Attached List.

Chairperson Allen informed the committee **HB 2288** was passed by the House and Senate last year and the Governor vetoed it. The Chair understands the Governor's office and the Secretary of State are very close to an agreement on a bill. Chairperson Allen welcomed Ron Thornburgh, Secretary of State to give a review to the committee on the Help America Vote Act (Attachment 1).

Chairperson Allen informed the committee the next meeting would be Tuesday, January 27.

The meeting adjourned at 2:20 p.m.



RON THORNBURGH  
Secretary of State



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STATE OF KANSAS  
Office of the Kansas Secretary of State

Presentation to the Senate Committee on Elections and Local Government  
HAVA Update

January 22, 2004

1. Advisory Council

This was required by HAVA to provide advice on the development of a state plan. A 37-member council was appointed in February, 2003 and met four times between February and May.

2. State Plan

HAVA requires each state to develop a state plan and submit it to the newly-created Election Assistance Commission. This is one of the requirements to obtain federal funding. The EAC is to publish the state plans in the Federal Register for public comment.

Because the EAC members were not appointed and confirmed by the dates specified in HAVA, the Federal Election Commission offered to receive the plans until the EAC was established. The Kansas plan was developed with input by the Advisory Council and submitted to the FEC on August 28, 2003. It is subject to annual revision through 2006.

3. Work Groups

In order to obtain advice on implementation of several aspects of HAVA, we appointed two work groups and plan to appoint at least one more.

a. Centralized Voter Registration (CVR) Work Group—This group met several times during the summer and fall of 2003 and offered advice on the structure and functions to be included in the new automated, integrated computerized statewide voter registration database required by HAVA.

b. Training and Education Work Group—This group has met three times during late 2003 and early 2004 and helped design a plan for three training and education programs to be directed by the Secretary of State's office.

The three programs are:

- county election officer training
- precinct election board worker training
- voter education

c. Voting Equipment Work Group—This group has not yet been appointed. It will offer advice on the purchase of HAVA- and ADA-compliant voting machines for each polling place for the 2006 election.

#### 4. Centralized Voter Registration Request for Proposal

The CVR Work Group's recommendations were used by our staff, with advice from a consultant, to develop a request for proposal (RFP) for the new statewide voter registration database required by HAVA. The RFP was formally issued on January 2, 2004, by the Division of Purchasing. The deadline for the submission of proposals by vendors is March 2.

An evaluation committee, which is a subgroup of the CVR Work Group, will review the proposals, conduct demonstrations and assist in selecting a vendor.

A contract will be signed in the middle of 2004, and the new CVR system will be operational before the 2006 elections.

#### 5. Accessibility

HAVA has provisions to improve accessibility to the voting process for individuals who need it. The guiding principle is that an individual with any type of disability may vote a secret ballot without assistance from another person.

Efforts are focused in three areas:

    Polling place accessibility—State and local election officials are working to improve accessibility of polling places to ensure they are ADA compliant. Our office is working with the Kansas Commission on Disability Concerns, the state ADA Coordinator, and various local organizations to survey polling places, identify problems and improve accessibility. Federal grant money was appropriated for this purpose. Kansas' share was \$110,057.

    Ballot accessibility—All voters, regardless of disabilities, must be guaranteed access to a secret, unassisted ballot by 2006. HAVA specifically requires installation of at least one voting device in each polling place that enables individuals with disabilities, including visually impaired voters, to vote privately. This is most commonly accomplished through the use of direct recording electronic voting machines.

    Language accessibility—Six counties in Kansas are already required by federal law to provide ballots and other voting materials in Spanish. Other counties offer assistance on a voluntary basis.

#### 6. Training and Education

Using input from the Training and Education Work Group, the Secretary of State's office is developing curriculum, manuals and training materials for use in training election officials. Training will be conducted by state officials, county officials and other subject matter experts.

    a. County Election Officer Training—The county election officer training program will begin in May, 2004 at the annual spring convention of the Kansas County Clerks and Election Officials Association. Makeup sessions will be held at other sites in late May and June. Each county election office must have at least one person attend eight to twelve hours of training.

    b. Election Board Worker Training—County election officers will be responsible for training their board workers, as they have in the past. Curriculum, manuals and training materials are being developed and will be supplied by our office.

c. Voter Education—We are developing public relations campaigns for the 2004 and 2006 elections. They will include information on how to vote, how to cast a provisional ballot, how to vote correctly so the ballot will count, and information about voter registration and advance voting processes and deadlines.

#### 7. Division of Motor Vehicles

HAVA requires the Division of Motor Vehicles to conduct a computerized check using the driver's license database, the voter registration database, and information supplied by the Social Security Administration to search for possible invalid registrations. Discussions are underway with DMV to conduct this check at least once in 2004. The process will be more automated with the new CVR system.

#### 8. Funding

Title 1—\$5 million has been received from this one-time appropriation.

Title 2—Kansas' share of the first appropriation will be approximately \$7.5 million. It will be disbursed by the EAC when the EAC is operational.

Kansas' share of the second year of Title 2 funding may be nearly \$15 million. The House approved that amount last fall; the Senate is scheduled to consider it this month. This is not a certainty.

Matching funds—HAVA requires each state to match 5% of the Title 2 federal funding. Last year the Kansas Legislature approved a formula whereby the state appropriated 3% (\$225,000 in FY 2004) and the counties collectively paid the other 2% (\$150,000 in FY 2004; due by June 30, 2004).

We are requesting the same formula be used this year, but the amounts may be greater if the federal appropriation is greater.

Maintenance of Effort—HAVA requires the state to fund election administration at the same levels as the fiscal year ending before the 2000 election (FY 2000) in order to ensure that HAVA funding is spent on election improvements, not maintenance of existing programs.

#### 9. Election Assistance Commission

HAVA required the President to appoint four commissioners, subject to Senate confirmation, within 45 days after the effective date of the act. This deadline was not met, but appointments were finalized in late summer 2003, and confirmations were completed in late fall.

As of today the EAC is not functioning, but as soon as it is operational the commissioners intend to publish state plans in the Federal Register and begin disbursing funds to the states.

The Federal Election Commission's Office of Election Administration will become part of the EAC.

#### 10. State Legislation

We submitted HB 2288 in 2003 to put our state laws into compliance with HAVA. That bill did not pass. We are preparing new legislation that we will request this committee introduce this session.