

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 February 12, 2004 in Room 423-S of the Capitol.

All members were present except:

Senator Derek Schmidt- excused

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
Brad Bryant, Deputy Assistant Secretary of State
Mike Donnelly, Director of Policies, Communications and Outreach, Kansas Advocacy & Protection Services
Troy Findley, House Legislative Liaison, Governmental Affairs Office
Kerrie Bacon, Legislative Liaison, Kansas Commission on Disability Concerns; Kansas Department of Human Resources
Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas,

Others attending:

See Attached List.

Hearing on:

SB 479 - elections; changes to comply with the help America vote act

Chairperson Allen opened the hearing on **SB 479**. The Chair stated **SB 479** covers issues that the committee heard in prior hearings. The HAVA bill **HB 2288** passed last session, which the Governor vetoed. The Governor's concerns were identification of voters at the voting place. The Governor's office and Secretary of State have met and come to an agreement on **SB 479**.

Ron Thornburgh, Secretary of State, welcomed to the committee by the Chair, testified in support of **SB 479**. The Secretary explained the handout regarding the federal funding of HAVA (Attachment 1). Brad Bryant, Deputy Assistant Secretary of State spoke as a proponent of **SB 479** reviewing the nine HAVA-related concepts (Attachment 2).

Chairperson Allen recognized Mike Donnelly to the committee. Mr. Donnelly testified in support of **SB 479** with an amendment (Attachment 3). The Chair asked Mr. Donnelly to meet with the Secretary of State with his concerns.

Troy Findley, Legislative Liaison for Governor Sebelius, testified the language regarding voter identification in **SB 479**, which would require all first time voters to show identification in the process, strikes an appropriate balance, and is language the Governor will endorse (Attachment 4).

Kerrie Bacon, Legislative Liaison, testified in support of **SB 479** on behalf of Kansas Commission on Disability Concerns and the Kansas Department of Human Resources. Ms. Bacon's testimony asked for two changes to the current law to make voting accessible to every citizen (Attachment 5).

Written testimony from Shannon Jones, Executive Director (SILCK) in support of **SB 479** was submitted by Jose Torrez (Attachment 6).

There being no others to testify on SB 479, the Chair closed the hearing.

CONTINUATION SHEET

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE at 1:30 p.m. on February 12, 2004 in Room 423-S of the Capitol.

The committee received the follow-up information concerning **SB 328** and local ordinances, which require landlord liability for utility bills (Attachment 7). The Chair had requested this information from Kim Gulley, League of Municipalities after committee questions at the February 10 hearing on **SB 328**.

The Chair informed the committee it would be taking action on **SB 376** - campaign finance; use of unexpended campaign funds, next Tuesday, February 17.

The meeting adjourned at 2:30 p.m.

Senate Elec & Loc Gov
02-12-04
Attachment 1

Help America Vote Act 2002 (HAVA)

Type	Federal Appropriation	State Match	State Match %	County Match	County Match %	Status Federal Money	Total
Title I (FY 03)	\$ 5,000,000	\$ -	0%	\$ -	0%	Received	\$ 5,000,000
Title III (FY 04)	\$ 7,500,000	\$ 225,000	3%	\$ 150,000	2%	Will receive Spring 04	\$ 7,875,000
Title III (FY 05)	\$ 17,850,000	\$ 535,000	3%	\$ 357,000	2%	Will request through GBA. Our original estimate of \$225,000 was requested in our 05 budget but was inadvertently left out by Div of Budget.	\$ 18,742,500
Fed Grant (FY 04)	\$ 110,057	\$ -	0%	\$ -	0%	Draw down grant. Will be available after FY 04 supp app bill is passed.	\$ 110,057
Total	\$ 30,460,057	\$ 760,000		\$ 507,000			\$ 31,727,557

Title III Appropriations: Congress originally planned to appropriate the Title III money over 3 fiscal years. Instead, the entire amount was appropriated in FY 04 and FY 05. The omnibus bill appropriating the FY 05 money is awaiting the Presidents' signature.

2003 COUNTY MATCHING FUND REQUIREMENTS FOR HAVA

COUNTY	VOTING AGE POPULATION	PERCENT VAP	COUNTY MATCH	COUNTY	VOTING AGE POPULATION	PERCENT VAP	COUNTY MATCH
Johnson	328,918	16.650%	\$ 21,881.29	Grant	5,318	0.269%	\$ 599.74
Sedgwick	325,334	16.469%	\$ 21,645.59	Mitchell	5,235	0.265%	\$ 594.28
Shawnee	126,898	6.424%	\$ 8,595.45	Ellsworth	5,129	0.260%	\$ 587.31
Wyandotte	112,926	5.717%	\$ 7,676.58	Sherman	5,100	0.258%	\$ 585.40
Douglas	79,561	4.028%	\$ 5,482.33	Wabaunsee	5,044	0.255%	\$ 581.72
Riley	51,003	2.582%	\$ 3,604.21	Washington	4,948	0.250%	\$ 575.41
Leavenworth	50,357	2.549%	\$ 3,561.73	Harper	4,924	0.249%	\$ 573.83
Reno	48,938	2.477%	\$ 3,468.41	Norton	4,641	0.235%	\$ 555.22
Butler	42,445	2.149%	\$ 3,041.40	Ottawa	4,579	0.232%	\$ 551.14
Saline	39,551	2.002%	\$ 2,851.07	Morris	4,563	0.231%	\$ 550.09
Crawford	29,467	1.492%	\$ 2,187.90	Republic	4,533	0.229%	\$ 548.11
Montgomery	27,173	1.376%	\$ 2,037.03	Phillips	4,530	0.229%	\$ 547.92
Cowley	26,847	1.359%	\$ 2,015.59	Rooks	4,252	0.215%	\$ 529.63
Lyon	26,685	1.351%	\$ 2,004.94	Gray	4,041	0.205%	\$ 515.76
Finney	26,642	1.349%	\$ 2,002.11	Barber	3,981	0.202%	\$ 250.00
Harvey	24,314	1.231%	\$ 1,849.01	Stevens	3,759	0.190%	\$ 250.00
Ford	22,364	1.132%	\$ 1,720.77	Scott	3,730	0.189%	\$ 250.00
McPherson	22,051	1.116%	\$ 1,700.18	Smith	3,551	0.180%	\$ 250.00
Ellis	21,343	1.080%	\$ 1,653.62	Stafford	3,529	0.179%	\$ 250.00
Barton	20,875	1.057%	\$ 1,622.84	Osborne	3,392	0.172%	\$ 250.00
Miami	20,431	1.034%	\$ 1,593.64	Chautauqua	3,340	0.169%	\$ 250.00
Geary	19,666	0.996%	\$ 1,543.33	Meade	3,264	0.165%	\$ 250.00
Sumner	18,543	0.939%	\$ 1,469.48	Kearny	2,977	0.151%	\$ 250.00
Franklin	17,964	0.909%	\$ 1,431.40	Woodson	2,967	0.150%	\$ 250.00
Labette	16,959	0.858%	\$ 1,365.31	Jewell	2,959	0.150%	\$ 250.00
Cherokee	16,614	0.841%	\$ 1,342.62	Haskell	2,889	0.146%	\$ 250.00
Seward	15,302	0.775%	\$ 1,256.34	Rush	2,765	0.140%	\$ 250.00
Dickinson	14,368	0.727%	\$ 1,194.91	Lincoln	2,738	0.139%	\$ 250.00
Jefferson	13,380	0.677%	\$ 1,129.94	Ness	2,663	0.135%	\$ 250.00
Pottawatomie	12,843	0.650%	\$ 1,094.62	Decatur	2,651	0.134%	\$ 250.00
Neosho	12,636	0.640%	\$ 1,081.01	Edwards	2,600	0.132%	\$ 250.00
Atchison	12,301	0.623%	\$ 1,058.98	Elk	2,528	0.128%	\$ 250.00
Osage	12,193	0.617%	\$ 1,051.87	Trego	2,527	0.128%	\$ 250.00
Bourbon	11,418	0.578%	\$ 1,000.90	Kiowa	2,491	0.126%	\$ 250.00
Allen	10,755	0.544%	\$ 957.30	Morton	2,470	0.125%	\$ 250.00
Marion	10,054	0.509%	\$ 911.20	Cheyenne	2,413	0.122%	\$ 250.00
Jackson	9,081	0.460%	\$ 847.21	Chase	2,299	0.116%	\$ 250.00
Marshall	8,227	0.416%	\$ 791.05	Graham	2,282	0.116%	\$ 250.00
Rice	8,106	0.410%	\$ 783.09	Logan	2,272	0.115%	\$ 250.00
Cloud	7,972	0.404%	\$ 774.28	Gove	2,265	0.115%	\$ 250.00
Brown	7,896	0.400%	\$ 769.28	Rawlins	2,253	0.114%	\$ 250.00
Wilson	7,707	0.390%	\$ 756.85	Sheridan	2,072	0.105%	\$ 250.00
Nemaha	7,660	0.388%	\$ 753.76	Hamilton	1,913	0.097%	\$ 250.00
Pratt	7,283	0.369%	\$ 728.97	Wichita	1,805	0.091%	\$ 250.00
Linn	7,173	0.363%	\$ 721.73	Clark	1,755	0.089%	\$ 250.00
Clay	6,622	0.335%	\$ 685.50	Stanton	1,664	0.084%	\$ 250.00
Coffey	6,487	0.328%	\$ 676.62	Lane	1,607	0.081%	\$ 250.00
Kingman	6,295	0.319%	\$ 663.99	Comanche	1,532	0.078%	\$ 250.00
Doniphan	6,161	0.312%	\$ 655.18	Hodgeman	1,481	0.075%	\$ 250.00
Thomas	6,030	0.305%	\$ 646.56	Wallace	1,240	0.063%	\$ 250.00
Anderson	5,987	0.303%	\$ 643.74	Greeley	1,101	0.056%	\$ 250.00
Greenwood	5,853	0.296%	\$ 634.92				
Russell	5,719	0.290%	\$ 626.11				
Pawnee	5,485	0.278%	\$ 610.72				
					1,975,425		\$ 150,000.02

COUNTY MATCHING FUND REQUIREMENTS FOR HAVA**Based on Anticipated Second Year Federal Funding**

COUNTY	VOTING AGE POPULATION	PERCENT VAP	COUNTY ESTIMATE	COUNTY	VOTING AGE POPULATION	PERCENT VAP	COUNTY ESTIMATE
Johnson	328,918	16.650%	\$ 52,502.50	Grant	5,318	0.269%	\$ 1,340.78
Sedgwick	325,334	16.469%	\$ 51,935.86	Mitchell	5,235	0.265%	\$ 1,327.66
Shawnee	126,898	6.424%	\$ 20,562.79	Ellsworth	5,129	0.260%	\$ 1,310.90
Wyandotte	112,926	5.717%	\$ 18,353.79	Sherman	5,100	0.258%	\$ 1,306.32
Douglas	79,561	4.028%	\$ 13,078.73	Wabaunsee	5,044	0.255%	\$ 1,297.47
Riley	51,003	2.582%	\$ 8,563.66	Washington	4,948	0.250%	\$ 1,282.29
Leavenworth	50,357	2.549%	\$ 8,461.53	Harper	4,924	0.249%	\$ 1,278.49
Reno	48,938	2.477%	\$ 8,237.18	Norton	4,641	0.235%	\$ 1,233.75
Butler	42,445	2.149%	\$ 7,210.63	Ottawa	4,579	0.232%	\$ 1,223.95
Saline	39,551	2.002%	\$ 6,753.08	Morris	4,563	0.231%	\$ 1,221.42
Crawford	29,467	1.492%	\$ 5,158.78	Republic	4,533	0.229%	\$ 1,216.68
Montgomery	27,173	1.376%	\$ 4,796.10	Phillips	4,530	0.229%	\$ 1,216.20
Cowley	26,847	1.359%	\$ 4,744.56	Rooks	4,252	0.215%	\$ 1,172.25
Lyon	26,685	1.351%	\$ 4,718.94	Gray	4,041	0.205%	\$ 1,138.89
Finney	26,642	1.349%	\$ 4,712.15	Barber	3,981	0.202%	\$ 500.00
Harvey	24,314	1.231%	\$ 4,344.09	Stevens	3,759	0.190%	\$ 500.00
Ford	22,364	1.132%	\$ 4,035.79	Scott	3,730	0.189%	\$ 500.00
McPherson	22,051	1.116%	\$ 3,986.30	Smith	3,551	0.180%	\$ 500.00
Ellis	21,343	1.080%	\$ 3,874.36	Stafford	3,529	0.179%	\$ 500.00
Barton	20,875	1.057%	\$ 3,800.37	Osborne	3,392	0.172%	\$ 500.00
Miami	20,431	1.034%	\$ 3,730.18	Chautauqua	3,340	0.169%	\$ 500.00
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Greenwood	5,853	0.296%	\$ 1,425.37				
Russell	5,719	0.290%	\$ 1,404.18				
Pawnee	5,485	0.278%	\$ 1,367.19				
					1,975,425		\$ 350,000.00

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on Senate Bill 479 Help America Vote Act of 2002

Ron Thornburgh, Secretary of State

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

February 12, 2004

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of SB 479. We request this bill to put Kansas laws into compliance with the Help America Vote Act of 2002 (HAVA). The bill contains nine HAVA-related concepts, as outlined below in the order they first appear in the bill.

1. Require regular voters and provisional voters to sign an affirmation that they are qualified to vote in the election, and provide information to provisional voters on how to ascertain whether their provisional ballots counted.

Section 1	Amends KSA 25-216
Section 2	Amends KSA 25-409
Section 10	Amends KSA 25-2507

Section 1 specifies the affirmation to be signed by provisional voters in a partisan primary election.

Section 2 specifies the affirmation to be signed by provisional voters in general elections or nonpartisan primaries.

Section 10 specifies the declaration on the poll book signed by all voters.

If an individual claims to be eligible to vote but his/her name is not on the registration list, the person must be permitted to cast a provisional ballot.

This is required by HAVA, Section 302:

Subsection 302(a)(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election. (2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote

in that election.

Subsection 302 (a)(5)(a) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain ... whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

2. Require that when polling hours are extended by court order, votes cast after regular hours are provisional ballots and separated from other provisional ballots.

Section 3 Amends KSA 25-414
Section 15 Amends KSA 25-3008

Section 3 states that ballots cast after normal polling hours must be provisional.
Section 15 states that these provisional ballots must be separated from other ballots.

These sections are required by HAVA, Section 302(c):

Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.

3. Require persons voting for the first time in the county to show identification when voting.

Section 4 Amends KSA 25-1122
Section 5 Amends KSA 25-1122d
Section 6 Amends KSA 25-1123
Section 13 Amends KSA 25-2908
Section 14 Amends KSA 25-3002

Section 4 details the voter identification requirements for first-time voters who are voting advance ballots, either in person or by mail.

Section 5 specifies the form of the ballot applications submitted by advance voters, both in person and by mail.

Section 6 requires the county election officer to compare the voter identification information provided by first-time voters to the voter registration list verified by the Division of Motor Vehicles.

Section 13 specifies the voter identification requirements for first-time voters voting at the polling place on election day.

Section 14 clarifies for county boards of canvassers that ballots are not counted if cast by first-time voters who failed to provide proper identification.

The voter identification procedures are proposed in response to HAVA, Section 303(b)(2), which states in subsection (A):

- (A) In General—An individual meets the requirements of this paragraph if the individual—
 - (i) in the case of an individual who votes in person—
 - (I) presents to the appropriate State or local election official a current and valid photo identification; or
 - (II) presents to the appropriate State or local election official a copy of a current utility

- bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- (ii) in the case of an individual who votes by mail, submits with the ballot—
- (I) a copy of a current and valid photo identification; or
 - (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

4. Allow federal services absentee voters to submit one ballot application for all elections from the date of the application through the second succeeding federal general election.

Section 7 Amends KSA 25-1216(a)

Section 7 specifies that an application submitted by a federal services voter is valid for all elections at which the voter is eligible to vote from the date of the application through the second succeeding November general election.

This section is required by HAVA, Section 704:

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) ... is amended by striking “during that year,” and all that follows and inserting the following: “through the next 2 regularly scheduled general elections for Federal office ... the State shall provide an absentee ballot to the voter for each such subsequent election.”

5. Designate the Secretary of State as the agency for dissemination of federal services voting information.

Section 8 Amends KSA 25-1223

Section 8 designates the Secretary of State, Kansas’ chief state election official, as the officer responsible for disseminating federal services voting information and collecting ballot applications.

This section is required by HAVA, Section 702:

Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office ... to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

6. Add to the requirements of the voter registration application form and require county election officers to notify applicants of incomplete forms.

Section 9 Amends KSA 25-2309

Section 9 revises the Kansas voter registration application form to:

- allow the applicant the option of providing either his/her driver’s license number or the last 4 digits of his/her Social Security number
- add a question and check-box regarding the applicant’s citizenship
- add a question and check-box regarding the applicant’s age
- instruct the applicant not to complete the form if the answer to either the citizenship or the age question is “No”

- inform the applicant that he/she may be required to provide identification when voting if identification is not provided with the registration
- require the county election officer to notify applicants if their applications are incomplete

This section is required by HAVA, Section 303(a)(5):

An application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—(I) in the case of an applicant who has been issued a current and valid driver’s license, the applicant’s driver’s license number; or (II) in the case of any other applicant ... the last 4 digits of the applicant’s social security number.

and Section 303(b)(4):

The mail voter registration form ... shall include the following:

- (i) The question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (ii) The question “Will you be 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.
- (iii) The statement “If you checked ‘no’ in response to either of these questions, do not complete this form.”.
- (iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

and Section 303(b)(4)(B):

INCOMPLETE FORMS.—If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).

7. Require the following to be posted at each polling place on election day: a sample ballot, the date of the election, and polling hours.

Section 11 Amends KSA 25-2706

This section is required by HAVA, Section 302(B):

- (1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.
- (2) VOTING INFORMATION DEFINED.—In this section, the term “voting information” means—
 - (A) a sample version of the ballot that will be used for that election;
 - (B) information regarding the date of the election and the hours during which polling places will be open;
 - (C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
 - (D) instructions for mail-in registrants and first-time voters;
 - (E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

(G) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

8. Require county election officer and election board worker training.

Section 12 Amends KSA 25-2806
Section 16 New law

These sections of the bill are included in response to HAVA, Section 101(b)(1)(d), which states that efforts should be made, and federal funding may be expended, for “training election officials, poll workers, and election volunteers.”

Section 12 requires training of precinct election board workers and Section 16 requires training of county election officers.

9. Administrative complaint procedure.

Sections 17 through 32 New law

This section represents a new addition to Kansas law that would establish a formal administrative complaint procedure. This is required by HAVA, Section 402, which states in subsection (a)(1):

~~If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures...”~~

We urge the committee to report this legislation favorably for passage. Thank you for your consideration.



KANSAS ADVOCACY & PROTECTIVE SERVICES, INC.

3745 SW Wanamaker Road
Topeka KS 66610
(785) 273-9661
(785) 273-9414 Fax
(877) 776-1541 TDD/Voice
Web site: www.ksadv.org
e-mail: info@ksadv.org

Testimony to the Senate Elections And Local Government Committee

Chairwoman Allen and members of the committee, my name is Michael Donnelly. I am Director of Policy and Outreach for Kansas Advocacy and Protective Services. With me today is one of KAPS disability rights attorney's Scott Letts. KAPS (Kansas Advocacy & Protective Services, Inc.) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, KAPS is the officially designated protection and advocacy organization for Kansans with disabilities. KAPS is a private, 501(c)(3) nonprofit corporation, independent of both state government and disability service providers.

Thank you for the opportunity to speak to SB 479. SB 479 gives us the opportunity to ensure that the voice and vote of all Kansans are valued and able to be counted as we elect our leaders, make community decisions and set policies for our state through the voting process. My testimony today will address the voting rights of persons with disabilities as provided in our amended version of SB 479 and other issues that pertain to friendly and usable access to the Kansas voting system.

We offer our amendments to SB 479 to increase access to the voting process for Kansans with disabilities, and believe that by implementing SB 479 as we suggest all Kansans will find the voting process more friendly and accessible. We have suggested some practical revisions to SB 479 as proposed by this Committee including;

- Using disability friendly language
- Defining signature as used in election laws

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- Defining training and education that will be given to election officials and other election workers.

At the same time we are offering a few cleanup amendments to existing Kansas election laws that will further bring us into compliance with existing federal statutes related to accessibility.

Democracy works when all citizens are encouraged to participate in the selection of its leaders, participate in the process of making its laws, and when all are invited to participate in the development of the states' policies regarding the treatment of its people. It is our position that SB 479 does not ensure that opportunity for Kansas voters with disabilities and we are offering amendments that we believe will provide those necessary assurances.

Numerous federal laws prohibit discrimination against people with disabilities in voting. The 1965 Voting Rights Act allowed people with disabilities to be given assistance if needed. The Rehabilitation Act of 1973 prohibits discrimination in any program that receives federal financial assistance. The 1984 Voting Accessibility for the Elderly and Handicapped Act requires all polling places to be accessible, as does the Americans with Disabilities Act of 1990.

Nevertheless, in October 2001, the General Accounting Office evaluated 496 polling locations in 100 counties in 33 states nationwide during the 2000 Election. Using the Americans with Disabilities Act Accessibility Guidelines (ADAAG) as the standard, the GAO found that **67%** of all polling places in the 2000 election had some major form of impediment to voters with disabilities and that only 16% had no barriers whatsoever. GAO-02-107. *See also*, Hollister Bundy, *Election Reform, Polling Place Accessibility, and the Voting Rights of the Disabled*, 2 *Election Law Journal*, 217 (2003); Kingshuk K. Roy, *Sleeping Watchdogs of Personal Liberty: State Laws Disenfranchising the Elderly*, 11 *Elder Law Journal* 109 (2003); Jacob Katz Cogan, *The Look Within: Property, Capacity, and Suffrage In Nineteenth-Century America*, 107 *Yale L. J.* 473 (November 1997); Kay Schriener, *Democratic Dilemmas: Notes on the ADA and Voting*

Rights of People with Cognitive and Emotional Impairments, 21 Berkeley J. Emp. & Lab. L. 437 (2000); and, Thomas H. Earle and Kristi M Bushner, *Effective Participation or Exclusion: The Voting Rights of People with Disabilities*, 11 Temple Political and Civil Rights Law Review 327 (Spring 2002).

Only 41% of people with disabilities voted in the November 2000 elections, far below the national average of 52%. The 2000 Census estimated that 15% of the population, 56 million citizens, were people with disabilities, including 35 million of voting age. A reasonable inference from these statistics is that if people with disabilities voted at the same rate as the national average, 52%, 4 million more voters with disabilities would participate in democracy. Inaccessible voting places and machines is a substantial factor in this failure.

Kansas is no different from the national average. Failure to provide access to polling places, access to a ballot, and failure to provide reasonable accommodations are substantial barriers to Kansans with disabilities exercising the fundamental constitutional right to vote.

SB 479 as introduced does not eliminate the many barriers that voters with disabilities must cross in order to exercise their most basic of rights, the right to vote. KAPS requests that the Kansas Legislature to take this opportunity to correct the many deficiencies in Kansas election laws that impact Kansas voters with disabilities. For example, the terminology used throughout SB 479 referencing persons with disabilities is both archaic and offensive. We have suggested current terminology referencing voters with disabilities, persons who are experiencing limitations due to temporary illnesses, and using current law's terminology for persons who can not read, "person / voter who lacks proficiency in reading the English language." We have suggested amendments that make these terms the words of choice and consistent throughout the bill.

Secondly, we have incorporated proposed amendments to other elections related statutes that will also bring Kansas laws into compliance with federal disability laws. For example, **K.S.A. 25-2710 Standards of Accessibility for Voting Places** needs to be updated to require accessibility for all polling places as required under the Americans With Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 as amended, and others. This technical cleanup simply reminds us of our existing obligations.

KAPS also recommends revisions to **K.S.A. 25-2990 Voting by Persons Requiring Assistance** to make it more clear how and when a voter with a disability can, and may choose to use assistance in casting their ballot.

In addition to the above recommendations KAPS has provided language that would define a “signature” as required under the law. Persons with disabilities utilize numerous methods of signing documents and we suggest that it be clear to all persons involved in the process of elections that those various methods are both normal and acceptable. We also provide guidance on topics to be addressed in the proposed training and education of election officials and various election workers.

Our final comment relates to the definition and requirements that SB 479 puts on “first-time” voters. KAPS strongly opposes the current proposed definition of first time voter because we believe that it does create an disparate impact on persons with disabilities, low income voters and women. Secondly, HAVA requires that a first time voter who “has registered by mail” must provide identification (as described in SB 479) the day they cast their first vote. However, SB 479 goes beyond the federal statute by providing a definition of first time voter that captures a very large percentage of voters, and requires those meeting the definition to show ID when they vote too. KAPS opposes the proposed definition of “first time voter” and recommends that a

first time voter be defined as it is in HAVA, “an individual who is registered to vote in a jurisdiction by mail and the individual has not previously voted in an election for federal office in the state; or, the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in the state that does not have a computerized list that complies with the requirements of . . .” Hava.

Secretary of State Ron Thornburg stated in testimony recently that Kansas has between 300 and 400 hundred inaccessible polling places. It continues to be difficult for persons with disabilities to get to, get in and access a voting booth. His intent is to close the inaccessible locations by 2006 and apparently does not have a plan to relocate them to accessible places. The Kansas Legislature heard testimony from others that closing inaccessible places would create a barrier to voting for others in the respective communities by forcing people to drive further, as well as causing other impediments to the ability of voters to exercise their most basic constitutional right – casting their ballot. In that testimony, the Legislature was told that access standards that support voters with disabilities are to blame.

Although the time to accomplish this task was limited, we believe that we have done a thorough job of reviewing SB 479 and suggesting amendments that meet the needs of Kansans with disabilities and make sense. As I stated earlier we have offered several practical amendments to SB 479 as proposed and suggested revisions to the two other Kansas election laws that specifically related to voting and persons with disabilities.

We are happy to work with this committee to produce legislation that brings Kansas into compliance with the Help America Vote Act and that will improve access to the election and voting process for all Kansans while ensuring equal access and opportunity to voters with disabilities.

We are all looking for ways to encourage people to get out and vote. Closing polling places rather than developing accessible locations discourages voting. Making it more difficult to register, use voting options other than going to the polls, and simply put, putting up more barriers to voting discourages voting. We believe that if SB 479, as we have amended it, is enacted, it will empower people with disabilities to use every tool available to participate in our democracy, and to have their vote count.

SENATE BILL No. 479

By Committee on Elections and Local Government

- 9. AN ACT concerning elections; relating to conformity with the help
- 10. America vote act of 2002; amending K.S.A. 25-216, 25-414, 25-1122d,
- 11. 25-1123, 25-1216, 25-1223, 25-2507 and 25-2806 and K.S.A. 2003
- 12. Supp. 25-409, 25-1122, 25-2309, 25-2706, 25-2908, 25-3002 and 25-
- 13. 3008 and repealing the existing sections.

14.
15. *Be it enacted by the Legislature of the State of Kansas:*

16. Section 1. K.S.A. 25-216 is hereby amended to read as follows: 25-
 17. 216. The right of any person to vote at any national, state, county and
 18. township primary election may be challenged by any elector upon the
 19. same ground and his right to vote be determined in the same manner as
 20. at a national, state, county and township general election, except as otherwise
 21. provided herein.

22. If the person offering his ~~such person's~~ vote ~~he-is~~ challenged as unqualified
 23. on the ground that he ~~the person~~ is not a member of the party
 24. announced by himself, ~~he~~ *such person, the person* shall make and subscribe
 25. an affidavit in the following form, which shall be presented to and
 26. retained by the election board, and returned by the supervising judge
 27. with the poll list:

28. STATE OF KANSAS, COUNTY OF _____ ss.
 29. I, _____, do solemnly swear (or affirm) that I am more than eighteen
 30. ~~years of age and am qualified to vote under and by virtue of the constitution and the laws~~
 31. ~~of the state of Kansas, and I am an elector of this precinct and election district; that I now~~
 32. ~~reside at _____ (insert street and number, if any) in this precinct, and am a~~
 33. ~~member of and registered voter in this jurisdiction and I am qualified to vote in this election.~~
 34. I am affiliated with the _____ party; ~~that~~ I have not signed the petition of a member
 35. of any other party who is seeking a nomination at this primary election; and ~~that~~ I have not
 36. signed the nominating petition of an independent candidate for any office for which candidates
 37. are to be voted for at this primary election.
 38. ~~Subscribed and sworn to before me I declare under penalty of perjury that the foregoing~~
 39. ~~is true and correct, this _____ day of _____, A.D. _____.~~
 40. _____ Voter _____, Judge of Election.

41. Sec. 2. K.S.A. 2003 Supp. 25-409 is hereby amended to read as follows:
 42. 25-409. (a) If any person challenged pursuant to K.S.A. 25-414, and
 43. amendments thereto, shall refuse to subscribe the application for regis

1. tration pursuant to K.S.A. 25-2309, and amendments thereto, the judges
 2. shall reject such person's vote.
3. (b) If a person is challenged pursuant to K.S.A. 25-414, and amendments
 4. thereto, such person shall be permitted to subscribe the application
 5. for registration and mark a ballot. *The person shall then execute the affirmation*
 6. *prescribed in subsection (c) of this section before a member of*
 7. *the election board and the ballot shall thereupon be sealed in an envelope.*
8. The judges shall write on the envelope the word "provisional" and a statement
 9. of the reason for the challenge, and that the ballot contained in the
 10. envelope is the same ballot which was challenged pursuant to K.S.A. 25-
 11. 409 *et seq.* and amendments thereto. Such statement shall be attested by
 12. two of the judges. The judges shall attach the application for registration
 13. to the envelope containing the provisional ballot. The envelope shall be
 14. numbered to correspond to the number of the provisional voter's name
 15. in the registration or poll book, and the word "provisional" shall be written
 16. following the voter's name in the poll book. *The judges shall provide*
 17. *written information stating how the voter may ascertain whether the*
 18. *voter's provisional ballot was counted and, if such ballot was not counted,*
 19. *the reason therefore.* Such provisional ballots, together with objected to
 20. and void ballots packaged in accordance with K.S.A. 25-3008, and amendments
 21. thereto, shall be reviewed by the county board of canvassers at the
 22. time prescribed for canvassing votes, and such board shall determine the
 23. acceptance or rejection of the same. The county board of canvassers shall
 24. open all ballots deemed to be valid and include such ballots in the final
 25. canvass of election returns.
26. (c) *The voter's affirmation shall be sufficient if substantially in the*
 27. *following form, but the voter's affirmation shall not contain less than that*
 28. *prescribed in the form:*
29. *VOTER'S AFFIRMATION*
 30. *STATE OF KANSAS, COUNTY OF _____, ss.*
 31. *I am a registered voter in this jurisdiction and I am qualified to vote in this election. I*
 32. *declare under penalty of perjury that the foregoing is true and correct. This _____ day of*
 33. *_____ A.D. _____, Voter _____, Judge of Election*
34. Sec. 3. K.S.A. 25-414 is hereby amended to read as follows: 25-414.
 35. (a.) It shall be the duty of each judge of election to challenge any person
 36. offering to vote, whom the judge shall know or suspect not to be qualified
 37. as an elector.
38. (b) A person who: (1) Has moved from an address in the registration
 39. book to another address in the same county; or (2) has not moved, but
 40. the registration list indicates otherwise, is a qualified elector, but shall be
 41. challenged by an election judge and entitled to cast only a provisional
 42. ballot pursuant to K.S.A. 25-409, and amendments thereto.
43. (c) *Any person who votes after the polling place hours prescribed in*

1. *K.S.A. 25-106, and amendments thereto, pursuant to a court or other*
2. *order is entitled to cast only a provisional ballot pursuant to K.S.A. 25-*
3. *409, and amendments thereto.*
4. ~~—(e)~~ *(d) The application shall be delivered to the election judges and*
5. *attached to the provisional ballot envelope. Such application and ballot*
6. *envelope containing the ballot shall be transmitted to the county election*
7. *officer with election returns and supplies.*
8. ~~—(d)~~ *(e) Following the determination of acceptance or rejection of any*
9. *provisional ballot by the county board of canvassers, the county election*
10. *officer shall update the registration record, if appropriate, for voting in*
11. *future elections, and send, by nonforwardable first-class mail, to the address*
12. *specified on the application, notice of disposition of the application.*
13. *The registrant's name shall not be removed from the official list of eligible*
14. *voters by reason of such a change of address except as provided in K.S.A.*
15. *25-2316c, and amendments thereto.*
16. *Sec. 4. K.S.A. 2003 Supp. 25-1122 is hereby amended to read as*
17. *follows: 25-1122. (a) Any registered voter may file with the county election*
18. *officer where such person is a resident, or where such person is*
19. *authorized by law to vote as a former precinct resident, an application for*
20. *an advance voting ballot. The signed application shall be transmitted only*
21. *to the county election officer by personal delivery, mail, facsimile or as*
22. *otherwise provided by law.*
23. *(b) If the registered voter is applying for an advance voting ballot to*
24. *be transmitted in person, and such voter is a first-time voter, such voter*
25. *shall provide a form of valid identification such as a current and valid*
26. *Kansas driver's license, nondriver's identification card, utility bill, bank*
27. *statement, paycheck, government check or other government document*
28. *containing the voter's current name and address as indicated on the registration*
29. *book.*
30. *(c) If the registered voter is applying for an advance voting ballot to*
31. *be transmitted by mail, and such voter is a first-time voter, such voter*
32. *shall provide on the application for an advance voting ballot the voter's*
33. *current and valid Kansas driver's license number, nondriver's identification*
34. *card number or the last four digits of the voter's social security*
35. *number, or shall provide with the application a copy of the voter's current*
36. *and valid Kansas driver's license, nondriver's identification card, utility*
37. *bill, bank statement, paycheck, government check or other government*
38. *document containing the voter's current name and address as indicated*
39. *on the registration book.*
40. *(d) If a first-time voter is unable or refuses to provide current and*
41. *valid identification, or if the name and address do not match the voter's*
42. *name and address on the registration book, the voter may vote a provisional*
43. *ballot according to K.S.A. 25-409, and amendments thereto. The*

1. voter shall provide a valid form of identification as defined in subsection
2. (c) of this section to the county election officer in person or provide a
3. copy by mail or electronic means before the meeting of the county board
4. of canvassers. At the meeting of the county board of canvassers the county
5. election officer shall present copies of identification received from provisional
6. voters and the corresponding provisional ballots. If the county
7. board of canvassers determines that a voter's identification is valid and
8. the provisional ballot was properly cast, the ballot shall be counted.
9. (e) Applications for advance voting ballots to be transmitted to the
10. voter by mail shall be filed only at the following times:
11. (1) For the primary election occurring on the first Tuesday in August
12. in even-numbered years, between April 1 of such year and the last business
13. day of the week preceding such primary election.
14. (2) For the general election occurring on the Tuesday succeeding the
15. first Monday in November in even-numbered years, between 90 days
16. prior to such election and the last business day of the week preceding
17. such general election.
18. (3) For the primary election held five weeks preceding the first Tuesday
19. in April, between January 1 of the year of such election and the last
20. business day of the week preceding such primary election.
21. (4) For the general election occurring on the first Tuesday in April,
22. between January 1 of the year of such election and the last business day
23. of the week preceding such general election.
24. (5) For question submitted elections occurring on the date of a primary
25. or general election, the same as is provided for ballots for election
26. of officers at such election.
27. (6) For question submitted elections not occurring on the date of a
28. primary or general election, between the time of the first published notice
29. thereof and the last business day of the week preceding such question
30. submitted election, except that if the question submitted election is held
31. on a day other than a Tuesday, the county election officer shall determine
32. the final date for mailing of advance voting ballots, but such date shall
33. not be more than three business days before such election.
34. (7) For any special election of officers, at such time as is specified by
35. the secretary of state.
36. (8) For the presidential preference primary, between January 1 of
37. the year in which such primary is held and the last business day of the
38. week preceding such primary election.
39. The county election officer of any county may receive applications prior
40. to the time specified in this subsection (b) (e) and hold such applications
41. until the beginning of the prescribed application period. Such applications
42. shall be treated as filed on that date.
43. (e) (f) Unless an earlier date is designated by the county election

1. office, applications for advance voting ballots transmitted to the voter in
 2. person in the office of the county election officer shall be filed on the
 3. Tuesday next preceding the election and on each subsequent business
 4. day until no later than 12:00 noon on the day preceding such election. If
 5. the county election officer so provides, applications for advance voting
 6. ballots transmitted to the voter in person in the office of the county election
 7. officer also may be filed on the Saturday preceding the election.
 8. Upon receipt of any such properly executed application, the county election
 9. officer shall deliver to the voter such ballots and instructions as are
 10. provided for in this act.

11. An application for an advance voting ballot filed by a voter who has a temporary illness, a voter with a disability, a voter

Deleted: sick, physically

12. who lacks proficiency in reading the English language, or by a person rendering assistance to such

Deleted: disabled or illiterate voter

13. voter, may be filed during the regular advance ballot application periods
 14. until the close of the polls on election day.

15. In any county having a population exceeding 250,000, the county election
 16. officer may designate places other than the central county election
 17. office as satellite advance voting sites. At any satellite advance voting site,
 18. a registered voter may obtain an application for advance voting ballots,
 19. such ballots and instructions shall be delivered to the voter in the same
 20. manner and subject to the same limitations as otherwise provided by this
 21. subsection.

22. ~~(d)~~ (g) Any person having a permanent disability is hereby authorized to
 23. make an application for permanent advance voting status. Applications
 24. for permanent advance voting status shall be in the form and contain such
 25. information as is required for application for advance voting ballots and
 26. also shall contain information which establishes the voter's right to permanent
 27. advance voting status.

Comment: It is KAPS position that any person diagnosed with a "permanent illness" will also fall within the currently codified definition of "disability." As a result, the statute needs only to refer to permanent disability.

Deleted: physical

Deleted: or an illness which has been diagnosed as a permanent illness

28. ~~(e)~~ (h) On receipt of any application filed under the provisions of this
 29. section, the county election officer shall prepare and maintain in such
 30. officer's office a list of the names of all persons who have filed such
 31. applications, together with their correct post office address and the precinct,
 32. ward, township or voting area in which such persons claim to be
 33. registered voters or to be authorized by law to vote as former precinct
 34. residents and the present resident address of each applicant. Such names
 35. and addresses shall remain so listed until the day of such election. The
 36. county election officer shall maintain a separate listing of the names and
 37. addresses of persons qualifying for permanent advance voting status. All
 38. such lists shall be available for inspection upon request in compliance
 39. with this subsection by any registered voter during regular business hours.
 40. The county election officer upon receipt of such applications shall enter
 41. upon a record kept by such officer the name and address of each applicant,
 42. which record shall conform to the list above required. Before in

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- 1. inspection of any advance voting ballot application list, the person desiring
- 2. to make such inspection shall provide to the county election officer identification
- 3. in the form of driver's license or other reliable identification and
- 4. shall sign a log book or application form maintained by such officer stating
- 5. such person's name and address and showing the date and time of inspection.
- 6. All records made by the county election officer shall be subject
- 7. to public inspection, except that *the voter identification information required*
- 8. *by subsections (b) and (c) and the identifying number on ballots*
- 9. and ballot envelopes and records of such number *numbers* shall not be
- 10. made public.

- 11. ~~(f)~~ (i) If a person on the permanent advance voting list fails to vote
- 12. in two consecutive general elections held on the Tuesday succeeding the
- 13. first Monday in November of each even-numbered year, the county election
- 14. officer may mail a notice to such voter. Such notice shall inform the
- 15. voter that the voter's name will be removed from the permanent advance
- 16. voting list unless the voter renews the application for permanent advance
- 17. voting status within 30 days after the notice is mailed. If the voter fails to
- 18. renew such application, the county election officer shall remove the
- 19. voter's name from the permanent advance voting list. Failure to renew
- 20. the application for permanent advance voting status shall not result in
- 21. removal of the voter's name from the voter registration list.

22. (j) For the purposes of this section, "first-time voter" means a registered
 23. voter who has not previously voted in any election in the county in
 24. ~~which the voter desires to vote. First-time voter includes a person whose~~
 25. ~~name was removed from the county registration list in accordance with~~
 26. ~~K.S.A. 25-2316e, and amendments thereto, and who has re-registered.~~

Comment: To require re-registration at each address change, name change by marriage or divorce, or other life event will have a disparate impact on persons with disabilities, persons with low-incomes and women. KAPS recommends deletion of this part of the definition of "first time voter."

27. (k) The secretary of state may adopt rules and regulations defining
 28. valid forms of identification.

29. Sec. 5. K.S.A. 25-1122d is hereby amended to read as follows: 25-
 30. 1122d. (a) The application for an advance voting ballot *to be transmitted*
 31. *by mail* shall be accompanied by an affirmation in substance as follows:

32. Affirmation of an Elector of the County of _____ and State of Kansas Desiring
 33. to Vote an Advance Voting Ballot

34. State of _____, County of _____, ss:
 35. I, _____,

36. _____
 (Please print name)
 37. do solemnly affirm *under penalty of perjury* that I am a qualified elector of the _____

38. precinct of the _____ ward, residing at number _____ on _____
 39. street, city of _____, or in the township of _____, county of _____

_____ ,
 40. and state of Kansas. My date of birth is _____ (month/day/year).

41. *I understand that if I have not previously voted in any election in this county, I must*
 42. *provide one of the following forms of identification with this application in order to receive*
 43. *a ballot:*

- 1. (1.) A current and valid Kansas driver's license number or nondriver's identification card number; or
- 2. (2.) the last four digits of my social security number; or
- 3. (3.) a copy of a current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement, paycheck, government check, or other government document that shows my name and address.

4. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on ____ (date). My political party is _____

5. (to be filled in only when requesting primary election ballots). I desire my ballots to be sent to the following address

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

Signature of voter.

14. Note: False statement on this affirmation is a ~~class C misdemeanor~~ severity level 9, non person felony.

15. (b) The application for an advance voting ballot to be transmitted in person shall be accompanied by an affirmation in substance as follows:

16. Affirmation of an Elector of the County of _____ and State of Kansas Desiring to Vote an Advance Voting Ballot

17. State of _____, County of _____, ss:

18. I, _____

19. _____,

20. _____ (Please print name)

21. do solemnly affirm under penalty of perjury that I am a qualified elector of the _____

22. precinct of the _____ ward, residing at number _____ on _____

23. street, city of _____, or in the township of _____, county of _____

24. _____,

25. and state of Kansas. My date of birth is _____ (month/day/year).

26. I understand that if I have not previously voted in any election in this county, I must provide one of the following forms of identification with this application in order to receive a ballot: a current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document that shows my name and address.

27. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on ____ (date). My political party is _____

28. (to be filled in only when requesting primary election ballots).

29. _____

30. _____

31. _____

32. _____

33. _____

34. _____

35. _____

36. _____

37. _____

Signature of voter.

38. Note: False statement on this affirmation is a severity level 9, nonperson felony.

39. (c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or disability.

- (e) (d) Any application by a former precinct resident shall state both
2. the former and present residence, address, precinct and county of such
 3. former precinct resident and the date of change of residence.
 4. Sec. 6. K.S.A. 25-1123 is hereby amended to read as follows: 25-
 5. 1123. (a) When an application for an advance voting ballot has been filed
 6. in accordance with K.S.A. 25-1122, and amendments thereto, the county
 7. election officer shall transmit to the voter applying therefore one each of
 8. the appropriate ballots. Except as provided by subsection (b), the county
 9. election officer shall transmit the advance voting ballots to the voter at
 10. one of the following addresses as specified by the voter on such application:
 11. The voter's residential address or mailing address as indicated
 12. on the registration list; (2) the voter's temporary residential address; or
 13. a medical care facility as defined in K.S.A. 65-425, and amendments
 14. thereto, psychiatric hospital, hospice or adult care home where the voter
 15. resides. No advance voting ballot shall be transmitted by the county election
 16. officer by any means prior to the 20th day before the election for
 17. which an application for an advance voting ballot has been received by
 18. such county election officer. If the advance voting ballot is transmitted
 19. by mail, such ballot shall be transmitted with printed instructions prescribed
 20. by the secretary of state and a ballot envelope bearing upon the
 21. outside a printed form as described in K.S.A. 25-1120, and amendments
 22. thereto, and the same number as the number of the ballot. If the advance
 23. voting ballot is transmitted to the applicant in person in the office of the
 24. county election officer or at a satellite advance voting site, such advance
 25. voting ballot and printed instructions shall be transmitted in an advance
 26. voting ballot envelope bearing upon the outside a printed form as described
 27. in K.S.A. 25-1120, and amendments thereto, and the same number
 28. as the number of the ballot unless the voter elects to deposit the
 29. advance voting ballot into a locked ballot box without an envelope. All
 30. ballots shall be transmitted to the advance voting voter not more than 20
 31. days before the election but within two business days of the receipt of
 32. such voter's application by the election officer or the commencement of
 33. such 20-day period. In primary elections required to be conducted on a
 34. partisan basis, the election officer shall deliver to such voter the ballot of
 35. the political party of the applicant.
 36. (b) The restrictions in subsection (a) relating to where a county election
 37. officer may transmit an advance voting ballot shall not apply to an
 38. advance voting ballot requested pursuant to an application for an advance
 39. voting ballot filed by a voter who has a temporary illness, a voter with a disability, or a
 40. voter who lacks proficiency in reading the English language.
 41. (c) *The county election officer shall compare the driver's license number,*
 42. *nondriver's identification card number, social security number or*
 43. *copy of other valid identification provided by a first-time voter to the*
 44. *voter registration list verified by the division of motor vehicles in accord*

Deleted: sick, physically disabled or illiterate voter.

1. *ance with federal law. If no identification information was provided by*
 2. *the first-time voter, or if such information does not match the information*
 3. *on the voter registration list, the county election officer shall not transmit*
 4. *an advance voting ballot.*

5. Sec. 7. K.S.A. 25-1216 is hereby amended to read as follows: 25-
 6. 1216. (a) Every person who is qualified and eligible to vote by federal
 7. services absentee ballot under the provisions of this act may make application
 8. for such ballot to the county election officer of the county of such
 9. voter's residence or to the secretary of state. Such application shall be
 10. made by postcard application provided for and prescribed in the federal
 11. act or on a form to be prescribed by the secretary of state. Any such
 12. application made before the election to be held in August of any even-numbered
 13. year also may be valid for the election to be held in November
 14. of that year shall be valid for any election at which such voter otherwise
 15. is entitled to vote between the date of the application through the next
 16. two regularly scheduled general elections for national or state office.

17. (b) If the voter is residing outside the United States or is a member
 18. of the United States armed forces or a spouse or dependent of a member
 19. of the armed forces and a qualified elector and cannot vote timely by
 20. mail, the voter may apply for registration and an absentee ballot by facsimile.
 21. The voter may also request that the county election officer transmit
 22. to such voter by facsimile a ballot, or a second ballot, as the case may
 23. be. The voter may then either mail or transmit by facsimile such voter's
 24. voted ballot, back to the county election officer.

25. If the voter chooses to transmit the voted ballot to the county election
 26. officer by facsimile, the transmittal shall contain the following statement:
 27. "I understand that by faxing my voted ballot I am voluntarily waiving my
 28. right to a secret ballot." This statement shall be followed by the voter's
 29. signature and the date. Upon receipt of the transmittal, the county election
 30. officer shall place the voted ballot along with the signed statement
 31. and affidavit in an appropriately marked envelope and seal it. The county
 32. election officer and such officer's staff shall take the steps necessary to
 33. keep the voted ballots received by facsimile as confidential as practicable.

34. Sec. 8. K.S.A. 25-1223 is hereby amended to read as follows: 25-
 35. 1223. (a) *The chief state election official, as defined in K.S.A. 25-2504,*
 36. *and amendments thereto, shall: (1) Be responsible for providing information*
 37. *regarding voter registration and absentee ballot procedures; and*
 38. *(2) accept valid voter registrations and absentee ballot applications*
 39. *as required under the federal act.*

40. (b) The secretary of state may utilize the services of such election
 41. officials and county officers for such purposes and to such extent as he
 42. *the secretary of state* may deem appropriate in the exercise of his *the*
 43. *secretary of state's* powers and duties under this act and it shall be the

1. duty of such election officials and county officers to furnish the secretary of state such services as he *the secretary of state* may require, and within the time which the secretary of state shall prescribe.

2. Sec. 9. K.S.A. 2003 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the mail voter registration application prescribed by the federal election commission. Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant.

3. (b) Applications made under this section shall give voter eligibility requirements and such information as is necessary to identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered, including, but not limited to, the following data:

- 4. (1) Name;
- 5. (2) place of residence, including specific address or location, and mailing address if the residence address is not a permissible postal address;
- 6. (3) date of birth;
- 7. (4) sex;
- 8. (5) the last four digits of the person's social security number *or the person's full driver's license or nondriver's identification card number*;
- 9. (6) telephone number, if available;
- 10. (7) naturalization data (if applicable);
- 11. (8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
- 12. (9) when present residence established;
- 13. (10) name under which applicant last registered or voted, if different from present name;
- 14. (11) an attestation that the applicant meets each eligibility requirement;
- 15. (12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- 16. (13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- 17. (14) a statement that if an applicant does register to vote, the office

Comment: KAPS suggests a more inclusive definition of signature, e.g., "Signature" means a voter's name, mark, initials, or symbol written by the voter and intended to be a signature, or made by another person at the voter's direction. A signature may be handwritten, typed, printed, stamped, or made in any other manner.

1. to which a voter registration application is submitted will remain confidential
2. and will be used only for voter registration purposes; and
3. (15) boxes for the applicant to check to indicate whether the applicant
4. is or is not a citizen of the United States, together with the question "Are
5. you a citizen of the United States of America?";
6. (16) boxes for the applicant to check to indicate whether or not the
7. applicant will be 18 years of age or older on election day, together with
8. the question "Will you be 18 years of age on or before election day?";
9. (17) in reference to paragraphs (15) and (16) the statement "If you
10. checked 'no' in response to either of these questions, do not complete this
11. form.";
12. (18) a statement that the applicant may be required to provide identification
13. when voting; and
14. (15) (19) political party affiliation declaration, if any. An applicant's
15. failure to make a declaration will result in the applicant being registered
16. as an unaffiliated voter.
17. If the application discloses any previous registration in any other county
18. or state, as indicated by paragraph (8) or (10), or otherwise, the county
19. election officer shall upon the registration of the applicant, give notice to
20. the election official of the place of former registration, notifying such
21. official of applicant's present residence and registration, and authorizing
22. cancellation of such former registration.
23. (c) Any person who applies for registration through a voter registration
24. agency shall be provided with, in addition to the application under
25. subsection (b), a form which includes:
26. (1) The question "If you are not registered to vote where you live
27. now, would you like to apply to register to vote here today?";
28. (2) a statement that if the applicant declines to register to vote, this
29. decision will remain confidential and be used only for voter registration
30. purposes;
31. (3) a statement that if the applicant does register to vote, information
32. regarding the office to which the application was submitted will remain
33. confidential and be used only for voter registration purposes; and
34. (4) if the agency provides public assistance, (i) the statement "Applying
35. to register or declining to register to vote will not affect the amount
36. of assistance that you will be provided by this agency.";
37. (ii) boxes for the applicant to check to indicate whether the applicant
38. would like to register or declines to register to vote, together with the
39. statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
40. CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO
41. VOTE AT THIS TIME.";
42. (iii) the statement "If you would like help in filling out the voter
43. registration application form, we will help you. The decision whether to

1. seek or accept help is yours. You may fill out the application form in
2. private.”; and
3. (iv) the statement “If you believe that someone has interfered with
4. your right to register or to decline to register to vote, your right to privacy
5. in deciding whether to register or in applying to register to vote, or your
6. right to choose your own political party or other political preference, you
7. may file a complaint with the Kansas Secretary of State.”
8. (d) If any person, in writing, declines to register to vote, the voter
9. registration agency shall maintain the form prescribed by subsection (c).
10. (e) A voter registration agency shall transmit the completed registration
11. application to the county election officer not later than five days after
12. the date of acceptance. Upon receipt of an application for registration,
13. the county election officer shall send, by nonforwardable mail, a notice
14. of disposition of the application to the applicant at the postal delivery
15. address shown on the application. If a notice of disposition is returned as
16. undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and
17. amendments thereto, shall occur.
18. (f) If an application is received while registration is closed, such application
19. shall be considered to have been received on the next following
20. day during which registration is open.
21. (g) A person who completes an application for voter registration shall
22. be considered a registered voter when the county election officer adds
23. the applicant’s name to the county voter registration list.
24. (h) Any registered voter whose residence address is not a permissible
25. postal delivery address shall designate a postal address for registration
26. records. When a county election officer has reason to believe that a voter’s
27. registration residence is not a permissible postal delivery address, the
28. county election officer shall attempt to determine a proper mailing address
29. for the voter.
30. (i) Any registered voter may request that such person’s residence address
31. be concealed from public inspection on the voter registration list
32. and on the original voter registration application form. Such request shall
33. be made in writing to the county election officer, and shall specify a clearly
34. unwarranted invasion of personal privacy or a threat to the voter’s safety.
35. Upon receipt of such a request, the county election officer shall take
36. appropriate steps to ensure that such person’s residence address is not
37. publicly disclosed. Nothing in this subsection shall be construed as requiring
38. or authorizing the secretary of state to include on the voter registration
39. application form a space or other provision on the form that
40. would allow the applicant to request that such applicant’s residence address
41. be concealed from public inspection.
42. (j) No application for voter registration shall be made available for
43. public inspection or copying unless the information required by para

1. graph (5) of subsection (b) has been removed or otherwise rendered
2. unreadable.
3. (k) *If an applicant fails to answer the question prescribed in paragraph*
4. *(15) of subsection (b), the county election officer shall send the*
5. *application to the applicant at the postal delivery address given on the*
6. *application, by nonforwardable mail, with a notice of incompleteness. The*
7. *notice shall specify a period of time during which the applicant may complete*
8. *the application in accordance with K.S.A. 25-2311, and amendments*
9. *thereto, and be eligible to vote in the next election.*
10. Sec. 10. K.S.A. 25-2507 is hereby amended to read as follows: 25-
11. 2507. (a) "Poll book" means a book in which each voter may sign the
12. voter's signature and a number is assigned by one of the clerks of the
13. election board when the voter is given a ballot or set of ballots. If the
14. county election officer determines that voters shall sign the poll book,
15. such book shall also contain on each page the declaration prescribed by
16. subsection (d).
17. (b) "Registration book" means: (1) A book or list containing the
18. names and other information relating to registered voters. Registration
19. books shall have the names entered therein before the same or copies
20. thereof are delivered to the supervising judges. Registration books may
21. also contain blank lines on which each voter shall sign the voter's signature.
22. If the county election officer determines that voters shall sign the
23. registration book, such book shall also contain on each page the declaration
24. prescribed by subsection (d); or
25. (2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and
26. amendments thereto; containing blank lines on which each voter shall
27. sign the voter's signature; containing on each page the declaration prescribed
28. by subsection (d); and containing the numbers assigned by one
29. of the clerks of the election board when voters are given ballots or sets
30. of ballots.
31. (c) "Party affiliation lists" means a list containing the names of all
32. registered voters of a county who have lawfully designated a party affiliation.
33. (d) "Declaration" means the following: "I, the undersigned, declare
34. under penalty of perjury that I am ~~duly~~ a *qualified registered* voter of in
35. the state of Kansas, county of _____, that I have not signed a name
36. other than my own in order to represent myself as any other registered
37. voter, and that I *am qualified to vote and* have not previously voted and
38. will not vote again at this election.
39. Sec. 11. K.S.A. 2003 Supp. 25-2706 is hereby amended to read as
40. follows: 25-2706. (a) The county election officer shall prepare and furnish
41. copies of all registrations and all books, maps, instructions and blanks
42. needed for the use and guidance of election boards and voters. County

1. election officers may adopt such rules and regulations for elections as may
2. be needed and not in conflict with state law or rules and regulations. Such
3. rules and regulations shall be submitted to the secretary of state for ap
4. proval.

5. (b) The county election officer shall furnish printed instructions to
6. election boards, defining their duties and the law governing elections.

7. (c) (1) The county election officer shall furnish:

8. (A) Printed instructions to voters and;

9. (B) a list of voters' rights and responsibilities;

10. (C) a sample ballot;

11. (D) notification of the date of the election; and

12. (E) the polling place hours. which

13. (2) Each of the items in paragraph (1) shall be posted in every voting
14. place at every election, and.

15. (3) Wherever the secretary of state deems it advisable, the instructions
16. and a list of voters' rights and responsibilities all items listed in
17. subsection (c) shall be printed in English and in a language or languages
18. other than English.

19. (d) The secretary of state shall specify the form and contents of instructions
20. to voters, list of voters' rights and responsibilities and instructions
21. to election boards. Such specifications shall be transmitted to county
22. election officers and may be changed from time to time by the secretary
23. of state.

24. Sec. 13, K.S.A. 25-2806 is hereby amended to read as follows: 25-
25. 2806. The county election officer may hold a school of shall provide instruction
26. for election board judges and clerks before each election. Judges and clerks shall be given
27. written notice stating the time and place at which such instruction will be held. The
28. instruction in such school shall include the content of the uniform manual of polling place
29. procedures developed by the secretary of state pursuant to Section 18 of this Act concerning
30. election law and their duties as judges and clerks, relate to all matters which in the opinion
31. of the county election officer require additional knowledge, explanation
32. to, or training of such judges relating to elections generally, voting machines,
33. ballots or duties in connection with any of the foregoing.

34. Sec. 14, K.S.A. 2003 Supp. 25-2908 is hereby amended to read as
35. follows: 25-2908. (a) Each polling place shall use either: (1) A registration
36. book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
37. 2507(b)(1), and amendments thereto; or (2) a registration book, as defined
38. in K.S.A. 25-2507(b)(2), and amendments thereto. The county election
39. officer shall determine which books are used in each county, and
40. which book voters shall sign.

41. (b) Persons desiring to vote shall give their names, and if required
42. their residence, to the judges of election, one of whom shall announce
43. the name in a loud and distinct tone of voice, and if the name is in the
44. registration books, the member of the election board having the registration
45. record shall repeat the name. For the purpose of identifying voters
46. at the polling place, the voter shall add the voter's signature, as listed in

Comment: INSERT: Sec. 12 K.S.A 25-2710, Standards of accessibility for voting places; exceptions.
(a) Except as hereinafter provided, each voting place provided by the county election officer, in which is to be held national, state, county, township, city and school primary and general elections and question submitted elections, shall be accessible to and usable by elderly persons and by physically handicapped persons by complying when necessary with the following standards of accessibility:
(1) Doors, entrances and exits used to gain access to or egress from the voting place shall have a minimum width of thirty (30) inches;
(2) any curb adjacent to the main entrance to the voting place shall have curb cuts or temporary ramps;
(3) any stairs necessarily used to enter the voting place shall have a temporary handrail and ramp; and
(4) at the voting place, no barrier shall impede the path of the physically handicapped to the voting booth.
(b) The county election officer may select a voting place not meeting the standards of accessibility prescribed in subsection (a) if:
(1) No acceptable and accessible voting place is available within the precinct or other designated voting area; or
(2) it is anticipated that the voting place will be brought into compliance with such standards in the foreseeable future or the voting place will be temporarily made to comply with the standards for the time during which the polls are open.
(c) Any county election officer who selects a voting place which does not meet the standards prescribed in subsection (a) shall report such selection to the board of county commissioners. *Persons with disabilities in compliance with the accessibility guidelines mandated pursuant to Title II of the Americans with Disabilities Act, as amended (42 U.S.C. § 12131 et seq.).*

- Deleted: 2
- Deleted: shall
- Deleted: 3

~~the registration book, to the registration book beside the voter's printed~~
~~name or to the poll book and the voter shall be allowed to vote. An~~
~~election board member shall provide the required signature at the request~~
~~of and on behalf of any voter who is unable to personally affix a handwritten~~
~~signature by reason of physical disability, visual handicap or lack~~
~~of proficiency in reading the English language or any voter 65 or more~~
~~years of age. The judges shall give the voter one and only one of each~~
~~ballot to be cast at the election, on the upper right-hand corner of each~~
~~of which shall be written the number corresponding to the voter's number~~
~~in the registration book or poll books, and the voter's name shall be~~
~~marked in the registration books and the party affiliation list. If the voter~~
~~refuses to sign the registration book or poll book, the election board judge~~
~~shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments~~
~~thereto: A person desiring to vote shall provide to the election~~
~~board: (1) the voter's name; (2) if required, the voter's address; and (3)~~
~~the voter's signature on the registration or poll book.~~
 17. (c) A member of the election board shall:
 18. (1) Announce the voter's name in a loud and distinct tone of voice,
 19. and, if the name is in the registration books, the member of the election
 20. board having the registration record shall repeat the name;
 21. (2) request the voter's signature on the registration or poll book;
 22. (3) provide the required signature at the request of and on behalf of
 23. any voter who is unable to personally affix a handwritten signature by
 24. ~~reason of physical disability, visual handicap or lack of proficiency in~~
 25. ~~reading the English language~~ temporary illness, disability, or lack of proficiency in
reading the English language;
 26. (4) if the voter is a first-time voter as described in subsection (h) of
 27. this section, request valid identification from the voter;
 28. (5) give the voter one ballot, on the upper right-hand corner of which
 29. shall be written the number corresponding to the voter's number in the
 30. registration book or poll book; and
 31. (6) mark the voter's name in the registration book and party affiliation
 32. list.
 33. (d) A first-time voter shall provide to the election board a form of
 34. valid identification such as a current and valid Kansas driver's license,
 35. nondriver's identification card, utility bill, bank statement, paycheck, government
 36. check or other government document. The document provided
 37. in accordance with this section shall contain the voter's current name and
 38. address as indicated on the registration book or poll book.
 39. (e) If a first-time voter is unable or refuses to provide current and
 40. valid identification at the polling place, or if the name and address do not
 41. match the voter's name and address on the registration book or poll book,
 42. the voter may vote a provisional ballot according to K.S.A. 25-409, and
 43. amendments thereto. The voter shall provide a valid form of identification

Comment: INSERT: Definition of "Signature": "Signature" means a voter's name, mark, initials, or symbol written by the voter and intended to be a signature, or made by another person at the voter's direction. A signature may be handwritten, typed, printed, stamped, or made in any other manner.

as defined in subsection (d) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(f) If the name of any person desiring to vote at an election is not in the registration books, an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.

(g) A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot was properly cast and the voter has not otherwise voted at such election.

(h) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. ~~First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and has re-registered.~~

(i) The secretary of state may adopt rules and regulations defining valid forms of identification

Sec. 16. K.S.A. 2003 Supp. 25-3002 is hereby amended to read as follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- (1) The original canvass by election boards.
- (2) Intermediate and final canvasses by county boards of canvassers.
- (3) Final canvass by the state board of canvassers.
- (4) All election contests.
- (5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

- (1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. De termination of the voter's intention shall rest in the discretion of the board

Comment: To require re-registration at each address change, name change by marriage or divorce, or other life event will have a disparate impact on persons with disabilities, persons with low-incomes and women. KAPS recommends deletion of this part of the definition of "first time voter."

Comment: INSERT: Sec. 15 K.S.A. 25-2909. Voting by persons requiring assistance.

- (a) Any voter unable to mark such person's ballot by reason of physical temporary illness, disability, visual handicap or lack of proficiency in reading the English language or any voter 65 or more years of age may request assistance in voting.
- (b) Upon request as provided in subsection (a), the voter shall be accompanied to the voting booth by a person chosen by the voter or, if no person is chosen, by two members of the election board of different political parties, who shall mark the ballot as such voter directs.
- (c) If a voter requests assistance but is challenged, such voter shall be permitted to vote as provided by law for provisional voters.
- (d) ~~If a voting place is inaccessible to a disabled voter by reason of stairs or steps, such voter may request that such person's ballot be brought to the entrance to such voting place, for the purpose of allowing such voter to vote. Two members of the election board of different political parties shall take a ballot to the voter so requesting and shall remain with such voter while such person votes. In voting places where paper ballots are used, such board members shall deposit such voter's ballot in the ballot box. In voting places where voting machines are used, such voter shall vote on an advance voting ballot, and, if the county election officer so directs, the two board members, upon returning to the voting place, shall cast the voter's votes, exactly in the manner shown on such voter's ballot, on a voting machine. If the voter's votes are cast on a voting machine, the advance voting ballots used in this subsection shall be marked "VOID" with a notation indicating that the votes thereon have been tabulated on a voting machine. Any such ballot, together with objected to and provisional ballots, shall be packaged in accordance with K.S.A. 25-3008, and amendments thereto. All polling places shall have parking, paths of travel, entrances, exits and voting areas that are accessible to individuals with disabilities, and otherwise provide accessibility which is in accordance with the accessibility guidelines mandated pursuant to Title II of the Americans with Disabilities Act, as amended (42 U.S.C. § 12131 et seq.).~~
- (e) ~~Intoxication shall not be regarded as a physical disability. "Disability" means, with respect to an individual:~~
 - (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - (2) a record of such an impairment; or
 - (3) being regarded as having such an impairment.

[alternative (e)] "Disability" has the meaning provided by K.S.A. § 44-1002, as amended.

Deleted: 14

1. canvassing in the case of a canvass and in the election court in the case
2. of an election contest.
3. (2) The occurrences listed in this subpart (2) shall not invalidate the
4. whole ballot but shall invalidate that portion, and that portion only, in
5. which the occurrence appears. The votes on such portion of the ballot
6. shall not be counted for any candidate listed or written in such portion,
7. but the remainder of the votes in other portions of the ballot shall be
8. counted. The occurrences to which this subpart (2) shall apply are:
9. (A) Whenever a voting mark shall be made in the square at the left
10. of the name of more than one candidate for the same office, except when
11. the ballot instructs that more than one candidate is to be voted.
12. (B) Whenever a voting mark is placed in the square at the left of a
13. space where no candidate is listed.
14. (3) When a registered voter has cast a provisional ballot intended for
15. a precinct other than the precinct in which the voter resides but located
16. within the same county, the canvassers shall count the votes for those
17. offices or issues which are identical in both precincts. The canvassers shall
18. not count the votes for those offices or issues which differ from the offices
19. or issues appearing on the ballot used in the precinct in which the voter
20. resides.
21. ~~(e)~~ (4) A write-in vote for those candidates for the offices of governor
22. and lieutenant governor shall not be counted unless the pair of candidates
23. have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments
24. thereto, and:
25. ~~(A)~~ (A) Both candidates' names are written on the ballot; or
26. ~~(B)~~ (B) only the name of the candidate for governor is written on the
27. ballot.
28. ~~(d)~~ (5) A write-in vote for those candidates for the offices of president
29. and vice-president shall not be counted unless the pair of candidates have
30. filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments
31. thereto, and:
32. ~~(A)~~ (A) Both candidates' names are written on the ballot; or
33. ~~(B)~~ (B) only the name of the candidate for president is written on the
34. ballot.
35. ~~(e)~~ (6) A write-in vote for candidates for state offices elected on a
36. statewide basis other than offices subject to subsection (c) *paragraph (4)*
37. shall not be counted unless the candidate has filed an affidavit of candidacy
38. pursuant to K.S.A. 25-305, and amendments thereto.
39. ~~(f)~~ (7) Any advance voting or mail ballot whose envelope containing
40. the voter's written declaration is unsigned, shall be wholly void and no
41. vote thereon shall be counted.
42. (8) *No ballot cast by a first-time voter as defined in K.S.A. 25-2908,*
43. *and amendments thereto, or K.S.A. 25-1122, and amendments thereto,*

1. *shall be counted if the voter fails to provide valid identification within timelines prescribed by Sec. 14, K.S.A. 2003 Supp. 25-2908.*
2. Sec. ~~17~~ 17, K.S.A. 2003 Supp. 25-3008 is hereby amended to read as
3. follows: 25-3008. Before leaving the voting place the supervising judge
4. shall ascertain that the election supplies and ballots that are to be returned
5. have been packaged, packed and separated as provided in this section:
6. (a) All ballots both voted and unvoted, except void, objected to and
7. provisional ballots, shall be placed in bags or sacks. Such bags or sacks
8. shall be sealed and appropriately labeled. The method of sealing and
9. labeling shall be a method approved by the secretary of state and directed
10. by the county election officer.
11. (b) Ballots that are spoiled and returned by the voter shall be marked
12. "spoiled" on the back thereof and shall be placed in the bags or envelopes
13. specified in subsection (a) of this section.
14. (c) Provisional ballot envelopes containing ballots, with applications
15. for registration attached, shall be placed in an appropriately labeled envelope,
16. and shall be sealed as in subsection (a) of this section.
17. (d) *Provisional ballot envelopes containing ballots cast after the polling*
18. *place hours prescribed in K.S.A. 25-106, and amendments thereto,*
19. *pursuant to a court or other order shall be separated from the provisional*
20. *ballot envelopes described in subsection (c) of this section and packaged*
21. *and sealed as required by subsection (a) of this section.*
22. ~~(d)~~ (e) Objected to ballots shall be placed in an appropriately labeled
23. envelope, and shall be sealed as in subsection (a) of this section.
24. ~~(e)~~ (f) Ballots that are cast but not counted shall be marked "void"
25. on the back thereof and shall be placed in the same envelope that contains
26. objected to ballots.
27. ~~(f)~~ (g) Ballots specified in subsections (a) and (b) shall be separately
28. packaged from ballots specified in subsections (c), (d) ~~and (e)~~, (e) and (f).
29. ~~(g)~~ (h) Poll books, registration books, party affiliation lists, tally sheets,
30. abstracts and election supplies not listed in the preceding subsections of
31. this section shall be returned sealed but not packaged with the items
32. specified in subsections (a), (b), (c), (d), (e) ~~and (f)~~, (f) and (g).
33. ~~(h)~~ (i) (1) If upon receiving the sealed bags or sacks of ballots after
34. the original canvass, the county election officer discovers that the board
35. which conducted the original canvass failed to provide a tally sheet of
36. write-in votes, the county election officer may appoint a special write-in
37. board to unseal the ballots and count any write-in votes which appear on
38. the ballots. Such write-in votes shall be reported to the county election
39. officer, who shall include them with the official results of the election.
40. When the board completes its tally of write-in votes, the bags or sacks
41. shall be resealed.
42. (2) The special write-in board shall be appointed by the county election
43. officer from the election boards of the county or from a pool of

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1. trained board workers maintained by the county election officer. One
2. member of the board shall be designated by the county election officer
3. as a supervising judge, and the remaining members of the board shall be
4. of different political parties to the extent practicable.

5. New Sec. 18 County election officers, as defined in K.S.A. 25-2504
6. and amendments thereto, shall receive instruction relating to their duties
7. in conducting official elections, including procedures for complying with
8. federal and state laws and regulations. The form and content of the instruction
9. shall be determined by the secretary of state.

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10. New Sec. 20 Sections 17 through 32, and amendments thereto, shall
11. be known and may be cited as the help America vote act of 2002 administrative
12. complaint act.

13. New Sec. 21 Scope. This act provides a uniform, nondiscriminatory
14. administrative procedure for the resolution of any complaint alleging a
15. violation of any provision of title III of the "help America vote act of
16. 2002," including a violation that has occurred, is occurring, or is about to
17. occur.

Comment: INSERT: New Sec. 19. County election officers, as defined in K.S.A. 25-2504 and amendments thereto, shall receive instruction relating to their duties in conducting official elections, including procedures for complying with federal and state laws and regulations. ~~The form and content of the instruction shall be determined by the secretary of state.~~ *The secretary of state shall develop an instruction program for all county election officials and adopt, maintain and supplement a uniform Kansas Election Standards manual of policies and procedures to be used by all county election officials. The Kansas Elections Standards manual and instruction program shall include, but not be limited to, the following information rights of voters at the polls including voters with disabilities; accessibility requirements for polling places; processing voter registration; handling and processing provisional ballots; handling and processing advance ballots; handling and processing permanent advance ballots; proper identification requirements at registration and at the polls; procedures for reasonable accommodations for voters with disabilities; rights of voters to have assistance casting their ballots; proper operation of the voting system; ballot handling procedures; and voter education.*

18. New Sec. 22 As used in this act:
19. (a) "Arbitrator" means a neutral third party selected by the secretary
20. of state who resolves the dispute between the complainant and respondent,
21. and whose decision is final.

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22. (b) "Complainant" means the person who files a complaint with the
23. Kansas secretary of state under this act.

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24. (c) "Respondent" means any state or local election official whose actions
25. are asserted to be in violation of title III in a complaint filed under
26. this act.

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27. (d) "Title III" means title III of the help America vote act of 2002,
28. public law 107-252, 116 Stat. 1666 (2002), codified at 42 United States
29. code §§15481-15485.

30. New Sec. 23 Any person who believes that a violation of any provision
31. of title III is occurring, has occurred, or is about to occur, may file
32. a complaint with the secretary of state.

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33. New Sec. 24. (a) A complaint shall be made in writing and signed by
34. the complainant under oath before a notary public.

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35. (b) The complaint shall be submitted on a form prescribed by the
36. secretary of state. The complaint form shall be available from the secretary
37. of state or from any county election office.

38. New Sec. 25. (a) A complaint shall be filed with the secretary of state
39. within 30 days after the occurrence of the actions or events that form the
40. basis for the complaint. For violations that are occurring or about to occur
41. that may need immediate remedy, the complaint shall be timely filed to
42. allow for resolution.

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43. (b) The secretary of state shall deliver a copy of the complaint to each

- 1. respondent.
- 2. (c) If the secretary of state is the respondent in the complaint, the
- 3. complaint shall be filed and reviewed by the Kansas department of administration
- 4. and all references to the secretary of state as the determinative
- 5. body contained in this act shall be construed to refer to the Kansas
- 6. department of administration.

7. New Sec. ~~26~~. The secretary of state may consolidate complaints if _____ Deleted: 23
 8. such complaints relate to the same actions or events or raise common
 9. questions of law or fact.

10. New Sec. ~~27~~. (a) The secretary of state shall compile and maintain _____ Deleted: 24
 11. an official record in connection with each complaint filed under this act.

- 12. (b) The official record shall contain:
- 13. (1) A copy of the complaint, including any amendments made with
- 14. the permission of the secretary of state;
- 15. (2) a copy of any written submission by the complainant;
- 16. (3) a copy of any written response by any respondent or other interested
- 17. person;
- 18. (4) any written report or review conducted by the secretary of state
- 19. or county election officials;
- 20. (5) copies of all notices and correspondence to or from secretary of
- 21. state in connection with the complaint;
- 22. (6) originals or copies of any tangible evidence received or conside
- 23. red;
- 24. (7) the original recording produced at any hearing conducted on the
- 25. complaint, and a copy of any transcript produced on the complaint; and
- 26. (8) a copy of any final determination made on the complaint.

27. New Sec. ~~28~~. (a) If requested by the complainant, the secretary of _____ Deleted: 5
 28. state shall conduct a hearing on the record to review the complaint. The
 29. secretary of state or other person designated by the secretary of state shall
 30. serve as the hearing officer.

31. (b) The hearing shall be conducted no later than 30 days after the
 32. secretary of state receives the complaint. The secretary of state shall give
 33. at least 5 days advance notice of the date, time, and place of the hearing
 34. to the complainant and each named respondent.

35. New Sec. ~~29~~. (a) To the extent necessary for full disclosure of all _____ Deleted: 26
 36. relevant facts and issues, the hearing officer shall afford all parties the
 37. opportunity to respond, present evidence and argument, and shall not be
 38. bound by the technical rules of evidence; provided, the hearing officer
 39. may place reasonable limits on the length of the hearing.

40. (b) The hearing officer may at such hearing officer's discretion give
 41. any nonparty an opportunity to present oral or written statements.
 42. (c) All testimony of each party and witness shall be made under oath
 43. or affirmation and the hearing officer shall have the power to administer

- 1. an oath or affirmation for that purpose.
- 2. (d) Any part of the evidence may be received in written form if doing
- 3. so will expedite the hearing without substantial prejudice to the interests
- 4. of any party.
- 5. (e) Official notice may be taken of:
- 6. (1) Any matter that could be judicially noticed in the courts of this
- 7. state;
- 8. (2) the record of other proceedings before the secretary of state;
- 9. (3) any technical matter within the secretary of state's specialized
- 10. knowledge; and
- 11. (4) any code of standards that have been adopted by:
- 12. (A) An agency of the United States;
- 13. (B) an agency of this state or of another state; or
- 14. (C) a nationally recognized organization or association.
- 15. (f) The hearing officer may conduct all or part of the hearing by
- 16. telephone or other electronic means, if each participant in the hearing
- 17. has an opportunity to participate in the entire proceeding.
- 18. (g) The hearing shall be recorded at the secretary of state's expense.
- 19. The secretary of state is not required to prepare a transcript at its expense.
- 20. Any party may request, at the party's expense, that the secretary of state
- 21. prepare a transcript from the record, or cause additional recordings to be
- 22. made during the hearing. If a transcript is produced, the secretary of state
- 23. shall include a copy in the official record.
- 24. (h) Except for any part of the hearing that the hearing officer rules
- 25. to be closed pursuant to a provision of law expressly authorizing such
- 26. closure, the hearing shall be open to the public.
- 27. ~~New Sec. 30. (a) The secretary of state may conduct an informal~~
- 28. ~~conference to resolve the filed complaint, if both the complainant and~~
- 29. ~~respondent have an opportunity to participate in the proceeding.~~
- 30. (b) The secretary of state may conduct a pre-hearing conference to
- 31. organize issues and procedures to promote an orderly and prompt hearing.
- 32. (c) The secretary of state shall give advance notice to the complainant
- 33. and respondent of the date, time, and place of any conference.
- 34. ~~New Sec. 31. Subpoenas. The secretary of state may issue subpoenas~~
- 35. ~~for a witness or any material that is relevant to the administration of this~~
- 36. ~~act. The secretary of state may issue subpoenas to compel the attendance~~
- 37. ~~of witnesses and/or production of books, documents and records anywhere~~
- 38. ~~in the state in any hearing held under the provisions of this act.~~
- 39. ~~New Sec. 32. (a) If there has been no hearing, the secretary of state~~
- 40. ~~shall review the record and determine whether a violation of title III has~~
- 41. ~~been established by a preponderance of evidence. Pursuant to paragraph~~
- 42. ~~(3) of subsection (c) of K.S.A. 77-603, the determination of the secretary~~

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1. of state shall be final and shall not be subject to appeal pursuant to the
 2. Kansas act for judicial review and civil enforcement of agency actions.
 3. (b) At the conclusion of any hearing, the secretary of state shall determine
 4. whether a violation of title III has been established by a preponderance
 5. of evidence. The determination of the secretary of state shall be
 6. final and shall not be subject to the Kansas act for judicial review and
 7. civil enforcement of agency actions.

8. (c) If the complaint is not timely filed or if the secretary of state
 9. determines that a violation has not occurred or that there is insufficient
 10. evidence to establish a violation, the secretary of state shall dismiss the
 11. complaint.

12. (d) The secretary of state shall explain in a written decision the reasons
 13. for the determination and for any remedy selected.

14. (e) Except as specified in section 31, and amendments thereto, unless
 15. the complainant consents in writing to an extension of time, the final
 16. determination of the secretary of state shall be issued within 90 days after
 17. the complaint is filed. The final determination shall be mailed to the
 18. complainant and each respondent and published on the secretary of state
 19. website.

20. (f) If the secretary of state cannot make a final determination within
 21. 90 days after the complaint was filed, or within any extension to which
 22. the complainant consents, the complaint shall be referred for final resolution
 23. under section 34, and amendments thereto. The record compiled
 24. pursuant to section 27, and amendments thereto, shall be made available
 25. for use under section 34, and amendments thereto.

26. New Sec. 33. (a) Upon the finding of a violation, the secretary of
 27. state shall provide an appropriate remedy to resolve the grievance. The
 28. remedy may include:

29. (1) An order to any respondent commanding the respondent to take
 30. specified action, or prohibiting the respondent from taking specified action;

31. (2) An order directing the respondent or any of respondent's employees
 32. or agents to obtain additional training or education to prevent
 33. future violations;

34. (3) Any other remedy as deemed appropriate by the secretary of state
 35. to prevent or remedy the violation or future violations.

36. (b) The secretary of state may order either party to pay the costs of
 37. the hearing, based upon a finding by the secretary of state that such
 38. party's actions were egregious, frivolous, harassing, or were for an improper
 39. purpose.

40. New Sec. 34. (a) If the secretary of state does not render a final
 41. determination within 90 days after the complaint is filed, or within any
 42. extension to which the complainant consents, the complaint shall be re

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- 1. solved under this section.
- 2. (b) Within five days after a final determination was due, the secretary
- 3. of state shall designate the name of an arbitrator to resolve the complaint.
- 4. The designation shall be in writing and provided to both the complainant
- 5. and respondent.
- 6. (c) The arbitrator may review the record compiled in connection with
- 7. the complaint, including the tape recording or any transcript of a hearing
- 8. and any briefs or memoranda, but shall not receive additional testimony
- 9. or evidence.
- 10. (d) The arbitrator shall issue a written resolution within 10 days after
- 11. the secretary of state's determination was due. The final resolution of the
- 12. arbitrator shall be mailed to the secretary of state, the complainant, and
- 13. each respondent, and published on the secretary of state website. Pursuant
- 14. to paragraph (3) of subsection (c) of K.S.A. 77-603, and amendments
- 15. thereto, the determination of the arbitrator under this section shall
- 16. be final and shall not be subject to review under the Kansas act for judicial
- 17. review and civil enforcement of agency actions.

18. New Sec. 35. The secretary of state may adopt rules and regulations _ _ _ _ _
 19. to administer this act.

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20. Sec. 36. K.S.A. 25-216, 25-414, 25-1122d, 25-1123, 25-1216, 25- _ _ _ _ _
 21. 1223, 25-2507 and 25-2806 and K.S.A. 2003 Supp. 25-409, 25-1122, 25-
 22. 2309, 25-2706, 25-2908, 25-3002 and 25-3008 are hereby repealed.

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23. Sec. 37. This act shall take effect and be in force from and after its _ _ _ _ _
 24. publication in the statute book.

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K A N S A S

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

Chairman Allen and members of the Senate Elections and Local Government Committee:

I am Troy Findley, Legislative Liaison for Governor Kathleen Sebelius, and I want to thank you very much for the opportunity to provide testimony on behalf of the Governor's office regarding SB 479, which proposes to change Kansas election law to comply with the federal help America vote act of 2002. Specifically, I offer support of the language contained in SB 479, which relates to voter identification.

As committee members know, Governor Sebelius vetoed last session's HAVA bill, 2003 HB 2288, due to concerns over the provision of that bill requiring all voters to show identification at the polls. The minimum federal requirement of HAVA regarding voter identification applies only to "first time voters who register by mail." It was the Governor's desire to adhere as closely as possible to that federal minimum requirement. Therefore, she vetoed HB 2288 containing the universal voter identification language.

During the interim period between legislative sessions, the Governor's office worked with the Secretary of State's office to find a middle ground between the federal minimum requirement and the universal identification requirements included in HB 2288.

The Governor believes the language regarding voter identification in SB 479, which would require all first time voters to show identification in the process, strikes an appropriate balance, and is language she does endorse.

Additionally, I would like to also acknowledge another concern that was mentioned by a number of legislators and others regarding last session's bill relating to voter identification and advance voting. Those concerns centered on how the process might make the advance voting process too cumbersome by requiring actual copies of identification being provided with the application.

Language in Section 4 of SB 479 that will allow a first time voter to simply provide their Kansas drivers license number, nondrivers identification card number, or last 4 digits of their social security number, rather than a full photocopy of one of those pieces of identification, should go a long way to alleviating those concerns and is also supported by the Governor.

I would like to thank Secretary of State Ron Thornburgh and his staff for their willingness to work with the Governor and her office on finding a common ground solution on the voter identification and advance ballot issues. We look forward to working with the Secretary of State and legislators on these and the remaining issues in the bill as it moves through the legislative process.

Thank you again for the opportunity to provide testimony on SB 479.

Capitol, 300 SW 10th Ave., Ste. 212S, Topeka, KS 66612-1590

Voice 785-296-3232

Fax 785-296-7973

www.ksgovernor.org

governor@state.ks.us

Senate Elec & Loc Gov
02-12-04
Attachment 4



KANSAS

DEPARTMENT OF HUMAN RESOURCES
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

Testimony

Before the Elections and Local Government Committee
Thursday, February 12, 2004
Hearing on Senate Bill 479

Respectfully submitted by:
Kerrie J. Bacon, Legislative Liaison
Kansas Commission on Disability Concerns
Kansas Department of Human Resources

Thank you, Chairperson Allen, and members of the Committee. I appreciate the opportunity to testify today regarding S.B. 479. The Kansas Commission on Disability Concerns (KCDC) is charged with providing information to the Governor, the Legislature, and to State agencies about issues of concern to Kansans with disabilities (K.S.A. 74-6706). The purpose of the changes in this bill is mainly to support the independence of people with disabilities in regard to voting. We are in support of making changes to our current law to make voting, which is the right of every U.S. citizen, accessible to every citizen.

There are two changes to S.B. 479 that we would recommend in order to clarify responsibilities in terms of communication and training.

1. On page 14, lines 13 and 17, we would recommend clarifying the format of the information being posted to include alternate languages (as stated in KSA 25-2706 c) and "alternative formats of communication such as large print, Braille, disk, or cassette tape."
2. On page 14, line 26, we would recommend training for election board judges and clerks include "special situations including, but not limited to, alternative languages, alternative formats of communication, accessibility, awareness and sensitivity."

These changes would promote *all* voters having access to information and rights in regard to voting in Kansas. It would also ensure that county clerks (poll workers) would have information and training on making the voting process work well for voters with a disability.

Thank you again for this opportunity to testify. I will be happy to answer any questions.

KANSAS

DEPARTMENT OF HUMAN RESOURCES
Jim Garner, Secretary

KATHLEEN SEBELIUS, Governor

SB 479

14

election officers may adopt such rules and regulations for elections as may be needed and not in conflict with state law or rules and regulations. Such rules and regulations shall be submitted to the secretary of state for approval.

(b) The county election officer shall furnish printed instructions to election boards, defining their duties and the law governing elections.

(c) (1) The county election officer shall furnish:

(A) Printed instructions to voters and;

(B) a list of voters' rights and responsibilities;

(C) a sample ballot;

(D) notification of the date of the election; and

(E) the polling place hours. which

(2) Each of the items in paragraph (1) shall be posted in every voting place at every election in **English and in a language or languages other than English and in alternate formats of communication such as large print, Braille, disk, cassette tape, and.**

(3) Wherever the secretary of state deems it advisable, ~~the instructions and a list of voters' rights and responsibilities~~ **all items listed in subsection (c) shall be printed in English and in a language or languages other than English, and in alternate formats of communication such as large print, Braille, disk, cassette tape.**

(d) The secretary of state shall specify the form and contents of instructions to voters, list of voters' rights and responsibilities and instructions to election boards. Such specifications shall be transmitted to county election officers and may be changed from time to time by the secretary of state.

Sec. 12. K.S.A. 25-2806 is hereby amended to read as follows: 25-2806. The county election officer ~~may hold a school of~~ **shall provide** instruction for election board judges *and clerks* before each election. The instruction in such school shall relate to all matters which in the opinion of the county election officer require additional knowledge, explanation to, or training ~~of such judges~~ relating to elections generally, voting machines, ballots, **special situations including but not limited to, alternative languages, alternative formats of communication, accessibility, awareness and sensitivity,** or duties in connection with any of the foregoing.

**Testimony to
Senate Elections And Local Government Committee
SB 479
Senator Barbara Allen, Chair
February 12, 2004**

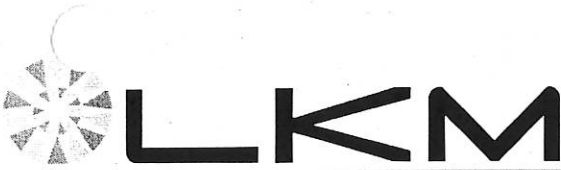
Madame Chair and members of the committee, thank you for the opportunity to provide written testimony to you today. I am Shannon Jones and am the executive director of the Statewide Independent Living Council of Kansas (SILCK). The SILCK is mandated to study existing services for people with disabilities of any age and make recommendations to improve and expand services that will enable seniors and Kansans with disabilities to achieve their optimum level of independence and exercise their rights to full citizenship.

The SILCK supports the amendments offered to SB 479 by KAPS to increase and improve access to the voting process for Kansans with disabilities and senior citizens, and believe that by implementing SB 479 with these amendments all Kansans will find the voting process more friendly and accessible.

One of the KAPS amendments will better define what constitutes a signature. We support this. We also support their suggested amendment regarding when voter assistance is requested.

The amendments suggested, for your consideration by KAPS is a means for all Kansans to be contributing members of democracy.

*Senate Elec & Loc Gov
02-12-04
Attachment 6*



League of Kansas Municipalities

To: Senator Barbara Allen, Chair
Senate Elections and Local Government
From: Kim Gulley, Director of Policy Development & Communications
Date: February 10, 2004
Re: Follow-up Information Concerning SB 328

As requested, I am providing some follow-up information concerning SB 328 and local ordinances which require landlord liability for utility bills.

- **Number of Cities Affected.** Landlord liability is a part of the basic code provided by the League of Kansas Municipalities (LKM). To date, 197 cities have adopted LKM-published codes (complete list attached). In addition, other cities may have adopted separate landlord liability ordinances, but there is no way to know the exact number of cities that have done so. It is safe to say that in excess of 200 city ordinances would be invalidated by this legislation.
- **LKM Ordinance.** I have also attached a copy of the LKM-proposed language that we offer to cities who are codifying their ordinances. Please note that we offer two different options for cities to choose from. One option (15-106) provides for traditional landlord liability and establishes a process of notification and due process for landlords. The other option (15-106A) allows cities to use the state set-off program so that unpaid utility bills can be considered a lien upon the real estate served. This option also provides for notice and due process for landlords.
- **Disconnect Policies.** Since the hearing on this bill, questions have come up regarding my statements about disconnect policies and I wanted to clarify that issue as well. Cities can, and do, have disconnect policies regarding water and sewer service. However, the U.S. Supreme Court has found that individuals have a property interest in water service, and therefore, cities cannot refuse new service to an individual, even if that individual has failed to pay their bills appropriately in the past.
- **Landlord Liability is Not Unique to Kansas.** I researched the issue of landlord liability in the McQuillin *Municipal Corporations* treatise and it is clear that landlord liability for utility service is not unique to Kansas. McQuillin's provides that "where a city has the power to acquire construct and own a public utility, it may adopt an ordinance making a property owner liable for all charges for service and water supplied by the city through connections installed or maintained on the premises." I also discussed this issue with the Kansas Rural Water Association which assures me that landlord liability is the standard throughout the water industry and that their model policies also include landlord liability requirements for rural water districts.

I hope this information is helpful. Please do not hesitate to contact me if I can provide further information.

CITY CODES IN KANSAS

(1974-2003)

League of Kansas Municipalities

	<u>City</u>	<u>Year</u>	<u>Publisher</u>
1	Alma		League of Kansas Municipalities
2	Almena	1988	League of Kansas Municipalities
3	Alta Vista		League of Kansas Municipalities
4	Americus	1998	League of Kansas Municipalities
5	Anthony	1995	League of Kansas Municipalities
6	Ashland	*	League of Kansas Municipalities
7	Attica	1991	League of Kansas Municipalities
8	Auburn	1998	League of Kansas Municipalities
9	Augusta	1991	League of Kansas Municipalities
10	Baldwin City	1998	League of Kansas Municipalities
11	Basehor	1989	League of Kansas Municipalities
12	Baxter Springs	1996	League of Kansas Municipalities
13	Belle Plaine	1998	League of Kansas Municipalities
14	Belleville	*	League of Kansas Municipalities
15	Beloit	1990	League of Kansas Municipalities
16	Bentley	1990	League of Kansas Municipalities
17	Benton	1991	League of Kansas Municipalities
18	Blue Rapids	1988	League of Kansas Municipalities
19	Bonner Springs	1998	League of Kansas Municipalities
20	Brewster	1995	League of Kansas Municipalities
21	Burlingame	1997	League of Kansas Municipalities
22	Burlington	1997	League of Kansas Municipalities
23	Caldwell	1992	League of Kansas Municipalities
24	Caney	1988	League of Kansas Municipalities
25	Canton	1988	League of Kansas Municipalities
26	Cassoday	*	League of Kansas Municipalities
27	Cawker City	1997	League of Kansas Municipalities
28	Cedar Vale	1998	League of Kansas Municipalities
29	Centralia	1988	League of Kansas Municipalities
30	Chapman	1987	League of Kansas Municipalities
31	Chase	1996	League of Kansas Municipalities
32	Chetopa	*	League of Kansas Municipalities
33	Cheney	1996	League of Kansas Municipalities
34	Cherokee		League of Kansas Municipalities
35	Cimarron	1986	League of Kansas Municipalities
36	Clafin	1991	League of Kansas Municipalities
37	Clay Center		League of Kansas Municipalities
38	Colby	*	League of Kansas Municipalities
39	Columbus		League of Kansas Municipalities
40	Colwich	*	League of Kansas Municipalities
41	Copeland	1997	League of Kansas Municipalities
42	Council Grove	1996	League of Kansas Municipalities

43	Cunningham	1993	League of Kansas Municipalities
44	Deerfield	1995	League of Kansas Municipalities
45	DeSoto		League of Kansas Municipalities
46	Dighton	1994	League of Kansas Municipalities
47	Dodge City	1987	League of Kansas Municipalities
48	Douglass	1997	League of Kansas Municipalities
49	Downs	1990	League of Kansas Municipalities
50	Edgerton	1995	League of Kansas Municipalities
51	Edwardsville	1994	League of Kansas Municipalities
52	El Dorado	1989	League of Kansas Municipalities
53	Ellinwood	*	League of Kansas Municipalities
54	Ellis	1998	League of Kansas Municipalities
55	Enterprise	1990	League of Kansas Municipalities
56	Erie	1974	League of Kansas Municipalities
57	Eudora	1997	League of Kansas Municipalities
58	Eureka	1997	League of Kansas Municipalities
59	Fowler	1994	League of Kansas Municipalities
60	Fredonia	1991	League of Kansas Municipalities
61	Galena	1988	League of Kansas Municipalities
62	Galva	1993	League of Kansas Municipalities
63	Gaylord	*	League of Kansas Municipalities
64	Girard	1998	League of Kansas Municipalities
65	Glen Elder	1993	League of Kansas Municipalities
66	Goddard		League of Kansas Municipalities
67	Goessel		League of Kansas Municipalities
68	Goff	1996	League of Kansas Municipalities
69	Goodland	1991	League of Kansas Municipalities
70	Grandview Plaza	*	League of Kansas Municipalities
71	Greanleaf	*	League of Kansas Municipalities
72	Greensburg	1986	League of Kansas Municipalities
73	Gridley	1998	League of Kansas Municipalities
74	Halstead	1994	League of Kansas Municipalities
75	Hamilton	*	League of Kansas Municipalities
76	Harper	1995	League of Kansas Municipalities
77	Harveyville		League of Kansas Municipalities
78	Haysville	1984	League of Kansas Municipalities
79	Herington	1975	League of Kansas Municipalities
80	Hesston	1997	League of Kansas Municipalities
81	Hiawatha	*	League of Kansas Municipalities
82	Hill City	1986	League of Kansas Municipalities
83	Hillsboro	1989	League of Kansas Municipalities
84	Hoisington	1997	League of Kansas Municipalities
85	Holcomb		League of Kansas Municipalities
86	Holyrood	1997	League of Kansas Municipalities
87	Holton	1991	League of Kansas Municipalities
88	Horton	1996	League of Kansas Municipalities
89	Hugoton	1991	League of Kansas Municipalities
90	Humboldt	1995	League of Kansas Municipalities

91	Independence	1977	League of Kansas Municipalities
92	Ingalls		League of Kansas Municipalities
93	Iola		League of Kansas Municipalities
94	Johnson City	*	League of Kansas Municipalities
95	Kanopolis	1997	League of Kansas Municipalities
96	Kanorado		League of Kansas Municipalities
97	Kechi	1992	League of Kansas Municipalities
98	Kincaid		League of Kansas Municipalities
99	Kingman	*	League of Kansas Municipalities
100	Kinsley	1994	League of Kansas Municipalities
101	Kiowa	1988	League of Kansas Municipalities
102	LaCrosse	1991	League of Kansas Municipalities
103	LaHarpe	1992	League of Kansas Municipalities
104	Lakin	1986	League of Kansas Municipalities
105	Lansing	1993	League of Kansas Municipalities
106	Leawood	1984	League of Kansas Municipalities
107	Lecompton	1987	League of Kansas Municipalities
108	Lenora	1988	League of Kansas Municipalities
109	Leoti	*	League of Kansas Municipalities
110	Liberal	1992	League of Kansas Municipalities
111	Lincoln Center	1988	League of Kansas Municipalities
112	Lindsborg	1996	League of Kansas Municipalities
113	Logan	1990	League of Kansas Municipalities
114	Lorraine		League of Kansas Municipalities
115	Louisburg	1988	League of Kansas Municipalities
116	Lyons	1989	League of Kansas Municipalities
117	Macksville	1997	League of Kansas Municipalities
118	Madison	*	League of Kansas Municipalities
119	Maple Hill	*	League of Kansas Municipalities
120	McLouth	1984	League of Kansas Municipalities
121	McPherson	1995	League of Kansas Municipalities
122	Maize	*	League of Kansas Municipalities
123	Mankato	1992	League of Kansas Municipalities
124	Marysville	1987	League of Kansas Municipalities
125	Medicine Lodge	*	League of Kansas Municipalities
126	Miltonvale		League of Kansas Municipalities
127	Minneola	1988	League of Kansas Municipalities
128	Mission	1997	League of Kansas Municipalities
129	Montezuma	1995	League of Kansas Municipalities
130	Morrill		League of Kansas Municipalities
131	Mount Hope	1994	League of Kansas Municipalities
132	Natoma	1991	League of Kansas Municipalities
133	Neodesha	1997	League of Kansas Municipalities
134	Ness City	1988	League of Kansas Municipalities
135	Newton	1998	League of Kansas Municipalities
136	Nickerson	1989	League of Kansas Municipalities
137	Norton	1984	League of Kansas Municipalities
138	Nortonville	*	League of Kansas Municipalities

139	Norwich	1987	League of Kansas Municipalities
140	Oberlin	1997	League of Kansas Municipalities
141	Ogden	1987	League of Kansas Municipalities
142	Olpe		League of Kansas Municipalities
143	Osage City	1998	League of Kansas Municipalities
144	Osawatomie	*	League of Kansas Municipalities
145	Osborne	1988	League of Kansas Municipalities
146	Oskaloosa	1976	League of Kansas Municipalities
147	Oswego	1994	League of Kansas Municipalities
148	Oxford	1988	League of Kansas Municipalities
149	Palco	1990	League of Kansas Municipalities
150	Perry	1990	League of Kansas Municipalities
151	Phillipsburg	1992	League of Kansas Municipalities
152	Plainville	1988	League of Kansas Municipalities
153	Pleasanton		League of Kansas Municipalities
154	Potwin	1990	League of Kansas Municipalities
155	Prairie Village	*	League of Kansas Municipalities
156	Pratt	1986	League of Kansas Municipalities
157	Protection	2003	League of Kansas Municipalities
158	Quenemo		League of Kansas Municipalities
159	Ransom		League of Kansas Municipalities
160	Roeland Park	1998	League of Kansas Municipalities
161	Rose Hill	1995	League of Kansas Municipalities
162	Rossville	1986	League of Kansas Municipalities
163	Russell	1986	League of Kansas Municipalities
164	Sabetha	1996	League of Kansas Municipalities
165	St. Francis	1994	League of Kansas Municipalities
166	St. George	1984	League of Kansas Municipalities
167	St. John	1991	League of Kansas Municipalities
168	St. Marys	1983	League of Kansas Municipalities
169	Scranton	1998	League of Kansas Municipalities
170	Silver Lake	1988	League of Kansas Municipalities
171	Solomon	1990	League of Kansas Municipalities
172	South Hutchinson	1997	League of Kansas Municipalities
173	Spearville	1996	League of Kansas Municipalities
174	Spring Hill	1976	League of Kansas Municipalities
175	Stafford	1996	League of Kansas Municipalities
176	Sterling	1993	League of Kansas Municipalities
177	Stockton	1988	League of Kansas Municipalities
178	Towanda	1988	League of Kansas Municipalities
179	Tribune	1986	League of Kansas Municipalities
180	Turon		League of Kansas Municipalities
181	Udall	*	League of Kansas Municipalities
182	Ulysses	1995	League of Kansas Municipalities
183	Utica	*	League of Kansas Municipalities
184	Valley Falls	*	League of Kansas Municipalities
185	Victoria	1994	League of Kansas Municipalities
186	WaKeeney	1991	League of Kansas Municipalities

187	Wamego	1990	League of Kansas Municipalities
188	Waverly	1989	League of Kansas Municipalities
189	Weir	*	League of Kansas Municipalities
190	Wellington	1996	League of Kansas Municipalities
191	Westwood	1993	League of Kansas Municipalities
192	Wetmore	*	League of Kansas Municipalities
193	White City		League of Kansas Municipalities
194	Whitewater	1990	League of Kansas Municipalities
195	Winchester	1988	League of Kansas Municipalities
196	Windom	1998	League of Kansas Municipalities
197	Yates Center	1997	League of Kansas Municipalities

* Currently Under Re-codification

(d) Deposits collected pursuant to this section shall be governed by the provisions of K.S.A. 12-822 as amended.
(Code 200___)

15-106. **LANDLORD LIABILITY.** (a) Owners of premises served by utility service under this article shall be liable for payment of the cost of any utility service account delinquency arising from service provided to such premises, regardless of whether the utility service was furnished upon the application and request of the owner or the lessee of the premises. This provision shall also apply when the premises are leased by or through an agent or other representative of the owner.

(b) In the event a delinquency arises involving leased premises, the owner or owner's agent shall be notified in writing of the delinquency of the lessee by first class regular mail within 10 days after the billing to the lessee becomes delinquent. Notice shall be sufficient if mailed to the last known address of the owner or owner's agent known to city personnel responsible for said mailing, after reasonable inquiry. If the delinquent billing, interest and penalty are not paid within 15 days of the mailing, the affected utility service may be discontinued and no further such service shall be furnished by the city to the premises until all billings for the utility service to said premises, interest, late payment charges and a reconnection charge, if applicable, is paid in full.
(Code 200___)

15-106A. **LIABILITY OF PROPERTY OWNER; LIEN.** (a) Lessors of leased premises served by utility service furnished by the city shall be ultimately liable for payment of the cost of any utility service furnished by the city to such leased premises, whether the service is furnished upon the application and request of the lessor or the lessee of such premises.

(b) If utility service is furnished by the city to leased premises, upon the application and request of the lessee, then all billings for such service furnished shall be made to the lessee. However, if the cost of such service is not paid, as and when they become payable, the lessor of the premises served shall be liable for the payment of such cost, plus all interest and penalties as provided by the laws of the city. The lessor shall be notified in writing by first class mail within 10 days after a billing becomes delinquent.

(c) If utility service is furnished to leased premises on the application and request of the lessor of the premises, then all billings for utilities furnished to such leased premises shall be made directly to the lessor, and the lessor shall be fully liable for the cost of service furnished.

(d) Such charges shall constitute a lien upon the real estate served, and shall be certified by the city clerk to the county clerk, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes collectible by law.

(Code 200___)

15-107. **PETTY CASH FUND.** A petty cash fund in the amount of \$1,000 is established for the use of the city utilities department, for the purpose of paying postage, freight, temporary labor, and other emergency expenses, including refund of deposits made to secure payment of accounts. (Code 200___)