

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:35 P.M. on January 20, 2005 in Room 423-S of the Capitol.

Committee members absent: None

Committee staff present: Martha Dorsey, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes  
Janet Engel, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Secretary of State's office

Others attending: See attached list.

**Bill Introductions**

Senator Huelskamp asked for and received no additional bill requests.

Brad Bryant from the Secretary of State's office provided a request for two bill introductions related to voting equipment certification. (Attachment 1).

1. Optical scan voting equipment certification
2. Direct recording electronic (DRE) voting equipment certification

Brad Bryant also verbally recapped a request for two bill introductions that were previously intended to be requested in the House of Representatives. A copy was obtained after the meeting and is included as (Attachment 2).

1. Open primary/party affiliation
2. Advance voting ballot security

It was moved by Senator O'Connor and seconded by Senator Peterson that the committee introduce the four bills as requested by the Secretary of State's office. Motion carried.

**HAVA Report**

Brad Bryant recapped the report, "Update on the Help America Vote Act (Attachment 3). This is generally called "HAVA". He fielded numerous questions from committee members and staff.

Senator Huelskamp asked for more in depth detail on CVR (Central Voter Registration) for the committee.

**Closing**

Senator Huelskamp reminded the committee that meetings next week will be Tuesday, Wednesday, and Thursday, January 25, 26, & 27, 2005.

There being no further business, the committee adjourned at 2:24 p.m.



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STATE OF KANSAS  
Senate Committee on Elections and Local Government

Request for Bill Introduction

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

January 20, 2005

Mr. Chairman and Members of the Committee:

The office of the Secretary of State requests introduction of the following committee bills.

1. Optical scan voting equipment certification bill—

This bill would update laws on the testing and certification of optical scan voting equipment and bring them into compliance with the Help America Vote Act.

2. Direct recording electronic (DRE) voting equipment certification bill—

This bill would update laws on the testing and certification of optical scan voting equipment and bring them into compliance with the Help America Vote Act. It would repeal laws providing for lever machines and punch card ballots and update the provisions of the laws regarding electronic voting equipment and optical scan systems.

Thank you for your consideration.

Senate Elections & Local Govt.

Date: 1 / 20 / 2005

Attachment 2

**House Committee on Governmental Organization and Elections**

**Request for Bill Introduction**

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

January 20, 2005

Mr. Chairman and Members of the Committee:

The office of the Secretary of State requests introduction of the following bills.

1. Open primary/party affiliation bill—

This bill would amend the statute imposing a closed primary on the two major political parties in Kansas. This statute is unconstitutional, based on recent court decisions.

The bill also would resolve a discrepancy between two current statutes regarding the deadline before each election by which voters must (a) change party affiliation and (b) register to vote.

2. Ballot security bill—

This bill would (1) define who is authorized to deliver voted advance ballots to the county election office, (2) require the county election officer to compare signatures on envelopes containing returned advance ballots to the signatures on the voters' registration records, and (3) update language regarding voters with disabilities consistent with legislation passed last year.

Thank you for your consideration.

*dealing w/ application, delivery of  
AV ballots*





STATE OF KANSAS  
Senate Committee on Elections and Local Government

Update on the Help America Vote Act

January 20, 2005

**1. Origins of HAVA**

The election of 2000, particularly the presidential election and the so-called "Florida experience," highlighted a number of areas for improvements in the electoral process. Congress passed the Help America Vote Act of 2002 to address these perceived deficiencies nationwide. In its simplest terms, HAVA seeks to promote uniformity and consistency of election procedures, increase states' control over certain aspects of the process, and guarantee voting rights through such means as provisional ballots and improved accessibility to polling places and ballots.

**2. 2004 election**

a. Voter outreach

Section 254 of HAVA requires the state to adopt a plan for voter education and outreach, among many other parts of HAVA implementation. In 2004 this resulted in a much more ambitious voter outreach program than had been undertaken by the Secretary of State's office in past elections. The program involved television advertisements, an Internet web site, a press tour, and printed brochures containing information about provisional voting, a general guide to voting, how to file administrative complaints, and access for voters with disabilities.

b. Voter identification

The 2004 state HAVA legislation, Senate Bill 479, required each person voting for the first time in a given county to show identification. This was in effect for the first time in the August and November elections in 2004.

c. Provisional voting

Provisional voting was not new in Kansas in 2004, but the right to a provisional ballot was guaranteed by HAVA, and the right to know whether one's provisional ballot counted, and if not, why, was added by HAVA. Poll workers are required to provide provisional voters with instructions on how to inquire about the disposition of their ballots.

Provisional voting is an increasingly significant aspect of elections. The statewide number of provisional ballots has nearly doubled from 23,000 in 2000 to 45,000 in 2004.

d. Training of county election officers and precinct poll workers

County election officers are now required to receive training from the state. In May, 2004, 248 individuals representing all 105 county election offices attended a twelve-hour training session. Also, county election officers are required to provide instruction to their poll workers. Poll worker training was optional before the passage of Senate Bill 479.

The Secretary of state appointed a work group of county election officers, education specialists and disabilities experts to help develop the curriculum for the training programs. The curriculum was compiled into a training guide used for the county election officer training, and a separate training guide was provided to counties for incorporation into their respective poll worker training programs.

e. Polling place accessibility

HAVA places added emphasis on improving accessibility of polling places, and part of the federal HAVA funding is in the form of grants for this purpose.

In 2004 the Secretary of State purchased accessibility products for counties, including ramps, parking signs, plastic cones, doorbells, and other materials.

The entire federal grant funds of \$210,057 allotted to Kansas were spent on this process.

f. Polling place postings

In compliance with HAVA and Senate Bill 479, posters were provided to county election officers to display at each polling place. The posters contained information on voting rights, voting instructions, provisional voting, and how to file complaints. Also required at each polling place are sample ballots and notices of the date of the election and the hours the polling places are open.

g. Administrative complaint procedure

HAVA required the state to adopt a formal administrative complaint procedure to allow voters to file complaints regarding various aspects of the requirements of HAVA. The procedure was established by Senate Bill 479 and forms were developed and provided upon request.

No complaints were filed in 2004.

### **3. Central Voter Registration (CVR) system**

Section 303 of HAVA says that "each state, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level..."

The Secretary of State appointed a work group to develop the design criteria for the central voter registration system. The work group met a number of times during late 2003 and early 2004.

The system will go live in all counties before the 2006 elections.

### **4. Voting equipment procurement**

Beginning in 2006, HAVA requires one fully accessible voting machine in each polling place to allow voters with disabilities, including the visually impaired, to vote a secret and independent ballot. [Section 301(a)(3)]

The Secretary of State appointed a work group of county election officers, disabilities experts and technological experts to provide advice on the requirements for the procurement of HAVA-compliant voting equipment. The work group so far has met twice, in late 2004. A request for proposal is planned for March, 2005, and purchase and deployment in late 2005 and early 2006.

## 5. Funding

### Federal funding

Initial "free" funding	\$5 million	received
First year	\$ 7.6 million	received
Second year	\$13.7 million	received

### State 5% match (3% state, 2% counties)

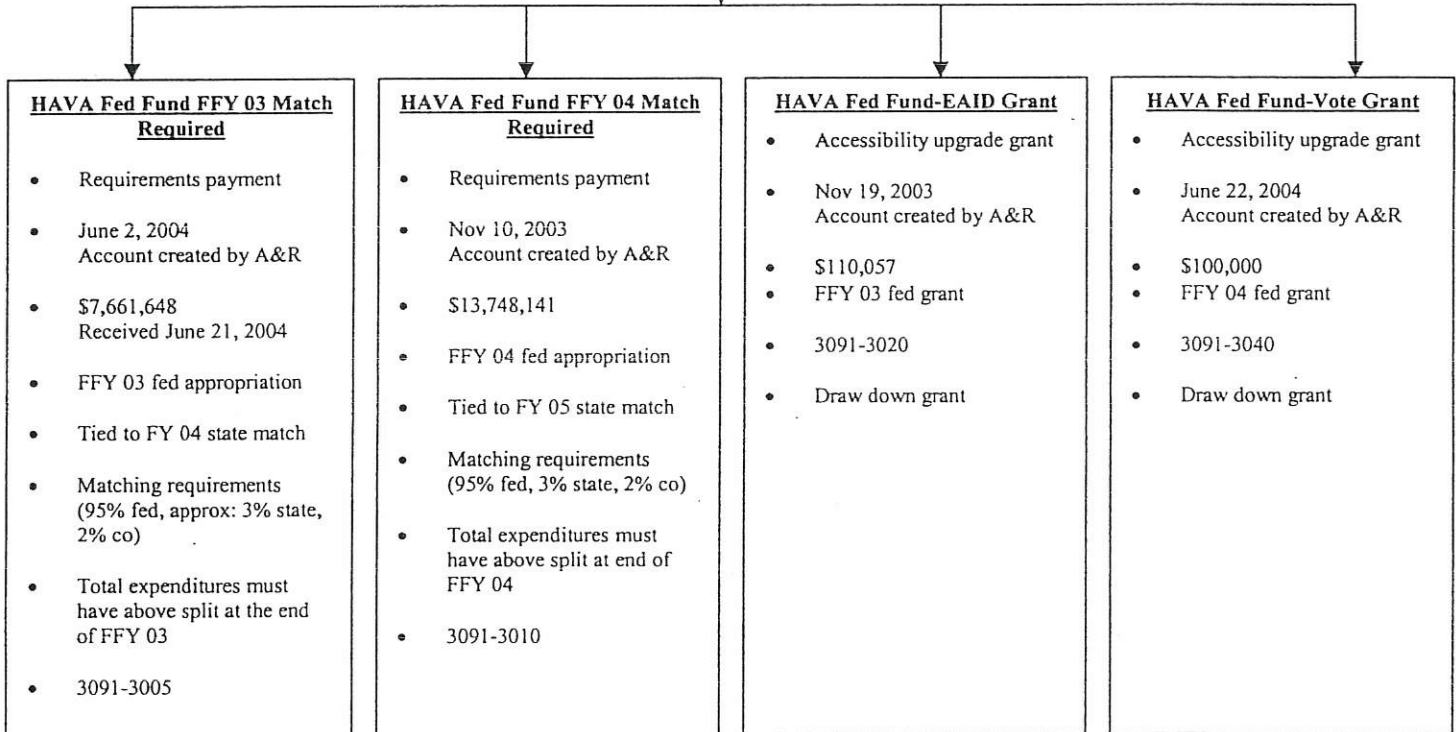
First year	\$403,245 total	received
	(\$253,245 state; \$150,000 counties)	
Second year	\$697,625	received (except 5 counties)
	(\$434,152 state; \$289,435 counties, with \$263,473 received to date)	
	Total second year will be \$723,587.	



# Help America Vote Act of 2002 HAVA Program: 73000

## HAVA Fed Fund FFY 03

- HAVA "umbrella" fund
- Title I money - guarantee payment
- Spring 03 - fund created by A&R
- Nov 03 A&R added FFY 03 to fund title
- \$5,000,000  
Received April 03
- FFY 03 fed appropriation
- "Free money" (no match required)
- 3091-3000
- Interest earnings on fed appropriation deposited here



**HAVA Match**

- 3% state match
- SGF
- July 1, 2004  
Account created by A&R
- \$225,000 FY 04
- \$28,245 FY 04 (supplemental)
- Based on FFY 03 fed appropriation
- \$434,152 FY 05
- Based on FFY 04 fed appropriation
- 1000-00500

**DEMOCRACY**

- Established 02 leg session as primary HAVA fund
- Spring 03 SOS learned state guidelines changed and fed money must be deposited in 3000 level fund; thus, HAVA fed fund created and Title I money transferred to new fund
- July 1, 2003 became fund for receipt of co match money
- 2% county match
- \$150,000 FY 04
- Based on FFY 03 fed appropriation
- Due from counties 6-30-04
- \$289,435 FY 05
- Based on FFY 04 fed appropriation
- Due from counties 1-15-05
- 2702-2400
- Interest earnings on county money deposited here

HAVA Fed Fund FFY 05 (3091-3030) is set up in case federal money is appropriated during FFY 05.

Document revised 11/04