

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Vice Chairman Kay O'Connor at 1:40 P.M. on February 1, 2005 in Room 423-S of the Capitol. Chairman Tim Huelskamp took the chair at 1:45.

All members were present.

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

Conferees appearing before the committee:

Senator Kay O'Connor
Pat Rahija, Wyandotte County Election Commissioner, via letter
Elizabeth Ensley, Shawnee County Election Commissioner
Brad Bryant, Deputy Assistant Secretary of State

Others attending: See attached list.

Bill Introductions

It was moved by Senator Betts and seconded by Senator O'Connor that the committee introduce the bill about reports required of a county as requested by Senator Gilstrap. Motion carried.

It was moved by Senator O'Connor and seconded by Senator Peterson that the committee introduce a bill regarding standardizing poll agents, including provisions for the Secretary of State to develop regulations and training. Motion carried.

Hearing on SB 106- an act concerning advance voting; pertaining to the transmission of ballots; amending K.S.A. 2004 Supp.25-1123 and repealing the existing section.

Ken Wilke described this bill. In answer to previous questions, yes, 14 days is the correct number. There were no questions of staff.

Proponents:

Senator Kay O'Connor provided testimony (Attachment 1)

Neutral or Both:

Pat Rahija, Wyandotte County Election Commissioner testified via Attachment 2.

Elizabeth Ensley provided testimony and fielded questions. She referred to Ms. Rahija's testimony and did not provide another one.

Opponents:

Brad Bryant provided testimony (Attachment 3) and answered questions.

Senator Huelskamp closed the hearing. He also noted that County Clerks will be in town on Thursday. He encouraged the committee to visit with them about this bill. The bill will not be discussed until after that day.

Closing

The next meetings are Wednesday to hear SB 54 and Thursday to hear SB 78 and SB 80

There being no further business, the meeting was adjourned at 2:15 p.m.



TOPEKA

KAY O'CONNOR
 SENATE DISTRICT 9
 LENEXA, DESOTO, EDGERTON
 AND NORTHWESTERN OLATHE

COMMITTEE ASSIGNMENTS

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February 1, 2005

Testimony on Senate Bill 106

Mr. Chairman and members of the committee:

I ask for your support of SB 106, which reduces advance voting from 21 to 14 days prior to the election.

Under current law a person may register and vote on the same day during the first seven days of advance voting. This creates more labor and confusion for those working at the election offices. In Johnson County, approximately 400 voters did this in the last general election.

I was mistaken in thinking this caused voter security problems, as I have been informed that a person registering and voting on the same day is required to vote by a provisional ballot. The voter registration card is always mailed to the newly registered voter, and if it comes back in the mail because of "no such address," the provisional ballot is then pulled and may be challenged.

The Johnson county election office told me that during the three weeks of advance voting in the last general election 98,140 votes were cast. Of these votes only 7,824 were cast during the first week. That is approximately 8% of the total votes cast during the advanced voting in Johnson County. In other words, 92% of the advance voters voted during the last 14 days.

I spoke to the Wyandotte County and Shawnee County election commissioners about this bill and I believe they are testifying today in support of the legislation. I would be happy to stand for questions but it is my expectation that the experts here could answer your questions better than I.

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TESTIMONY ON S. 106

Presented by Patricia Rahija, Wyandotte County Election Commissioner

The intent of this bill is to keep people from registering and voting the same day so that people would not be able to give a bogus address or falsely claim to reside at a valid address.

I am not opposed to reducing advance voting from 20 to 14 days, but I believe we will still have some voters whose actual residency will not be able to be verified before they vote.

Although registration closes 14 days prior to an election, in busy election years, it may take up to a week to get new applications on the system. For example, in 2004, we had over 1,000 new voter applications on the last day of registration. We were able to verify the validity of the address on the voter registration system and then mail the voter a certificate of registration as required by law to verify that the person actually resides at that address. However, it may be another week or more before we receive back the undeliverable certificates.

My main concern is there is not sufficient time between certain statutory deadlines and the beginning of advance voting. Many times we have found it extremely difficult to prepare the ballots for printing, mark test decks, test them through the optical scan voting equipment, and prepare for mailing. This is a very labor-intensive process that must be completed in a very short time frame. Costs also increase because we are working weekends and hiring a greater number of temporary personnel to meet the deadlines. We have also experienced difficulty finding enough qualified temporary personnel.

The elections in even numbered years have statutory deadlines that allow law suits to be filed that are often unresolved by the date we need to send our ballots to the printer. These statutes were written many years ago prior to advance voting and need to be reviewed and updated.

A specific statutory change that I believe would be helpful to election officials is to move the filing deadline for the Spring Elections one week earlier. For example, the filing deadline this year was January 25th. Advance voting begins February 9th. We rushed to get the ballot prepared and proofed and sent to the printer at the end of the day January 28th. We only gave the printer five days to print the ballots (there are few printers willing to print ballots in such a short time frame). The printed ballots will arrive Feb. 3rd. At that point we must mark a test deck of 69 ballots for each of the 159 precincts, and test them through the Accu-Votes. When the testing is completed, then the ballots will be put in envelopes to be mailed to voters.

The Spring Primary election will be finalized on March 4th. Advance voting for the April 5th General Election will begin March 16th. Here again, we have only 11 days to prepare

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a ballot, have it printed and tested, providing we have no recounts. I would encourage you to give consideration to changing this election date.

Listed below are some advance voting statistics for Wyandotte County:

Returned Advance Ballots November 2, 2004 General Election:

First week	45%
Second week	27%
Third week through Election Day.	28%

In-Office Voting: Total 2,051

Between Oct. 13 and Oct. 23 we averaged about 75 to 100 voters per day.

Oct. 25, 26, and 27 we averaged about 200 voters per day.

Oct. 28 we had 620 voters (30% of total in-office)

Nov. 1 we had 265 voters

I would like to suggest amending S. 106 to close in-office voting on the last business day of the week prior to an election. If an election office chose to be open on Saturday, then that would be considered their last business day. Reason: Advance voters who vote on Monday before the election are not marked as "Advance Voters" in the poll books. On election morning we send runners to the polls to take the list of people who voted on that Monday. However, it is impossible to get to all 69 polling locations before the polls open. This leaves the possibility for voter fraud. Voters with last minute emergencies that take them out of town should be allowed to vote a provisional ballot.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 106

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

February 1, 2005

Mr. Chairman and Members of the Committee:

The Secretary of State opposes passage of Senate Bill 106 because it is a restriction on the opportunity to vote.

We have supported and proposed a number of initiatives in the past to expand voting opportunities. One of the most significant of these was the proposal to adopt advance voting in 1995.

In order to encourage voters to participate, we must make the registration and voting processes as easy and convenient as possible while still maintaining security of the vote. We would find it easier to support measures limiting access to voting when needed to ensure security of the process, but that is not the case with SB 106.

If it creates a problem when prospective voters can both register and cast ballots during the six-day period from the 20th day to the 14th day before an election, we would suggest addressing the problem another way, such as by making the ballots provisional.

Advance voting is popular among Kansas voters, and as the number of advance voters grows, reducing the advance voting period will only serve to compress the process and create a greater rush during the final days leading up to the election. Included with this testimony is a chart showing the growth of advance voting in the ten years it has been in existence in Kansas.

We urge the committee not to pass SB 106.

Thank you for your consideration.

Office of the Kansas Secretary of State

Statewide Advance Voting Turnout

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