

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:32 P.M. on March 2, 2005 in Room 423-S of the Capitol.

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:

Representative Frank Miller
Brad Bryant, Deputy Assistant Secretary of State
Brian Newby, Johnson county Election Commissioner

Others attending: See attached list.

Hearing on HCR 5004 - Elections; concurrent resolution urging Congress to simplify the National Voter Registration Act of 1993 regarding removal of voters from voter registration lists.

Ken Wilke, committee staff, reviewed the resolution and fielded questions. Senator Reitz asked about the fiscal note.

Proponents

Representative Frank Miller provided testimony (Attachment 1) and fielded questions.

Brad Bryant provided testimony (Attachment 2) and fielded comments and questions.

Brian Newby provided testimony (Attachment 3) and fielded questions.

Karen Hartenbower, Lyon County Clerk / Election Official provided written testimony (Attachment 4) and was not present.

Opponents:

There were no opponents.

Senator Huelskamp closed the hearing and invited discussion.

Discussion of HCR 5004 - Elections; concurrent resolution urging Congress to simplify the National Voter Registration Act of 1993 regarding removal of voters from voter registration lists.
It was moved by Senator Donovan and seconded by Senator O'Connor to replace "at least" with "the preceding" on page 1, line 31 and page 2, line 7. Motion to amend carried.

While the committee did not use the term "intent", discussion did include comments that this resolution asks the US Senate and US Congress to allow the states more freedom to set their own legislation and procedures to remove voters from registration lists.

Another amendment was moved and seconded, but then withdrawn. Those committee members will work on that language and propose an amendment next week.

Closing

The next meeting is Tuesday, February 8.

There being no further business, the meeting was adjourned at 2:20 p.m.

C. FRANK MILLER
 REPRESENTATIVE, TWELFTH DISTRICT
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TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: EDUCATION
 HEALTH AND HUMAN
 SERVICES
 ETHICS AND ELECTIONS
 LEGISLATIVE POST AUDIT

Wednesday March 2, 2005

Honorable Representative Tim Huelskamp, Chairman
 Members of the Senate Elections and Local Government Committee

It is my pleasure to stand before you today as a PROPONENT of HB 5004.

This is the same bill HCR 5005 that passed the House and the Senate in 2004, but at the very end of the session was made a gut-and-go in order to provide a second opportunity for the Senate and the House to vote again on the Marriage Amendment.

Nationally we continue to read in the press of numerous accusations of voter fraud from both of our major political parties, so I encourage you to join me in sending this strong message to both houses of the Federal Government as well as the President of the United States.

In summary, this bill urges Congress to change the way a voter's name is removed from the Voter Registration List. The present system is time consuming, costly, and ineffective. The present Motor-Voter law requires the County Election Officer to do the following: After three general elections one non-forwardable letter is sent to the voter. If no response is received then a second forwardable letter with included self-addressed return card, postage prepaid, is also sent. If neither of these brings any result, the name is put on the inactive list. But if that person shows up at the voting station he can vote a Provisional ballot. How will this vote be treated?

All legislators know too well the frustration of going door-to-door, and finding vacant homes, lots with no house, homes where we were told the person we are looking for died eons ago, etc, etc. Also we have seen that many times at least 10 to 15 percent of the letters we mailed out are returned, which adds up to thousands of dollars of wasted campaign money – millions Nationally.

HB 5004 provides for the following:

1. Any voter that does not vote in 3 consecutive general elections (6 years), his or her name may be removed from the Voter Registration List
2. However, before each general election two notices must be put into the Newspaper; the first notice two weeks before the election and the second one week before the pending general election. The notice would read, "If you have not voted in the last two general elections you must vote in the coming election or your name will be stricken from the voter list."
3. The voter may re-register following current laws for registration if he or she does miss voting on the third election.

I would like to quote from the written testimony of Ms. Karen Hartenbower, Lyon County Clerk, Election Official. "When the media wants to know the voter turnout I have to report it is lower and lower as we have more and more dead wood. Through my association with an international organization I know of some cities around the country that actually have more voters on file than people who even live there!"

I urge the committee to support this bill. Thank you Mr. Chairman and I stand for questions.

Testimony submitted by

Representative Frank Miller

Senate Elections & Local Govt.
 Date: 3 / 2 / 2005
 Attachment 1

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on HCR 5004

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

March 2, 2005

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Concurrent Resolution 5004. This resolution urges Congress to amend the National Voter Registration Act of 1993 (NVRA) to allow states and localities to purge voter registration lists of names of voters who have not voted in up to three consecutive general elections. We support this resolution as a means of maintaining cleaner voter registration lists, just as we supported Kansas' law before enactment of the NVRA, which allowed purging of voters' names for missing two general elections.

We support the main purpose of the NVRA, which is to increase voter registration opportunities. The NVRA has succeeded in that. But the NVRA transferred much of the responsibility for tracking voters' address changes from the voters themselves to state and county government. This includes keeping track of address changes, eliminating duplicate registrations, and maintaining accurate voter histories. The procedures required by the NVRA are time consuming, expensive and inexact.

Various bills have been proposed in Congress to amend the NVRA, but as yet no significant legislation has passed. We support HCR 5004 in its intent to express to Congress the difficulties experienced by those who administer the NVRA's list maintenance provisions and to seek remedy through federal legislation.

Thank you for your consideration.

Johnson County Election Office



Brian D. Newby
Election Commissioner

TESTIMONY BEFORE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT

March 2, 2005

Ref. Proponent of HCR 5004

Mr. Chairman and committee:

Thank you for the opportunity to speak regarding HCR 5004. On behalf of the Johnson County Election Office, I express **continued support** of HCR 5004, a resolution regarding the procedure for removal of inactive voters from voter registration lists.

We believe this resolution eases the administrative burden of managing records from inactive voters. Further, the resolution supports the benefits of having a voter registration database that accurately reflects, to the best extent possible, current voters in the county.

We ask that you support HCR 5004.

Thank you.

A handwritten signature in black ink, appearing to read 'B. Newby'.

**KAREN K. HARTENBOWER
LYON COUNTY CLERK
ELECTION OFFICIAL
LYON COUNTY COURTHOUSE
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620-341-3245
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FAX 620-341-3415**

February 28, 2005

The Honorable Senator Tim Huelskamp, Chairman
Senate Committee on Elections and Local Government

Ref. Proponenet of HCR 5004

Mr. Chairman and Committee:

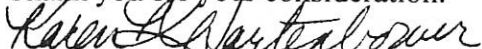
I have worked with the National Voter Registration Act since its enactment. Many ways the Act is very helpful in making voter registration more convenient for voters to register to vote. But there were two drawbacks. The first is voter turnout has not increased and the second is the impossibility of removing voters who have moved from the rolls. This last drawback is the most costly and time consuming.

According to NVRA you cannot remove a voter from the rolls unless you have proof that they moved or have died. We receive the notice of deaths from the Kansas Department of Health. But unless the voter sends us a confirmation of their moving we cannot remove them. The Secretary of State sends us the printout called the National Change of Address but we have had many problems with this and are able to only remove a few.

There is cost to send confirmation mailings, which come back with no information. We must maintain them on the roll which means we have to print ballots to cover our numbers even if the voter is in the inactive files. Our files grow and grow taking up more space. This also takes up staff time in maintaining the rolls.

Emporia is a college town. Many of our 'dead wood' are college students who move from place to place. We do everything we can to clean our files but with NVRA our hands are tied. When the media wants to know the voter turnout I have to report it is lower and lower as we have more and more dead wood. Through my association with an international organization I know of some cities around the country that actually have more voters on file than people who even live there!

Thank you for your consideration.


Karen K. Hartenbower

Senate Elections & Local Govt.
Date: 3 / 2 / 2005
Attachment 4