

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on January 24, 2006 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  
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Arlyn Briggs, UMB Systems Manager  
Maurice Holman, private citizen  
Brad Bryant, Assistant Secretary of State  
Eric Rucker, Secretary of States Office

Others attending:

See attached list.

**Hearing on SB409 - Record keeping on reported election crimes.**

Senator O'Connor addressed this bill and the lack of recording election crimes so action can be taken. She then discussed her findings and testimonies from constituents who investigated possible fraud in registration (Attachment 1).

Proponents:

Arlyn Briggs of UMB in Kansas City, testified on his behalf as a prior election candidate (Attachment 2).

Brad Bryant, Deputy Assistant Secretary of State, addressed issues of investigation and prosecution when election crimes are reported (Attachment 3).

Maurice Holman, private citizen, testified to his own experience with Write In and Absentee Ballot crimes (Attachment 4).

Discussion of SB409 ensued. There were no opponents.

Senator O'Connor introduced resolution regarding eminent domain and was seconded by Senator Pyle. Motioned carried and the resolution will be introduced..

Meeting adjourned by chairman at 2:45 pm.





TOPEKA

**KAY O'CONNOR**

SENATE DISTRICT 9  
LENEXA, DESOTO  
AND NORTHWESTERN OLATHE

COMMITTEE ASSIGNMENTS

CHAIR/VICE-CHAIR: CHILDREN'S ISSUES  
VICE-CHAIR: ELECTIONS AND LOCAL GOVERNMENT  
MEMBER: FEDERAL AND STATE AFFAIRS  
JUDICIARY  
TRANSPORTATION  
CORRECTIONS AND JUVENILE JUSTICE

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DURING SESSION

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KC AREA LOCAL CALL 715-5000

E-MAIL: o'connor@senate.state.ks.us  
www.parentsincontrol.org  
www.kayoconnor.com

January 24, 2006

TO: Chairman Hueslskamp and Committee Members:

FROM: Senator Kay O'Connor



RE: **SB 409, Record keeping of reported election crimes.**

In August 2005 it came to my attention that the office of the Secretary of State keeps no records of any voter complaints it has received regarding "complaints in which it has become involved" because it "is not required to do so."

I have also heard from constituents and other individuals of complaints in which the SOS should probably have become involved. A few of these folks are here today to testify. Whether or not any of their complaints rise to the level of a "crime" or not, is not as important as the fact that little or nothing was done by the SOS in response to their concerns.

If they did not contact the SOS, it may be a reflection of the common knowledge that nothing happens if you do report or complain.

It is the intent of SB409 that a record should be kept of these complaints, so that appropriate action can be taken. This action could include corrective measures within the election process or even prosecution.

It is a mystery to me why these records have not been kept in the past. Perhaps there is a law prohibiting this record keeping. I am not aware of any such law.

Considering the fact that until January of this year there has been, apparently, no effort to identify **convicted felons** who may be registered to vote;

and considering the fact that ballots printed in certain parts of Kansas are printed in a non-English language as required by Federal law, but the SOS office is unable to comply with part of the same law that requires that these "**language minorities**" **also to be citizens**;

(2)

and considering that there is no program, nor any planned program, to identify **non-citizens** who may be registering to vote;

and considering the fact that mail-in ballots in Harvey County this past year resulted in 15% of the ballots being returned because of **bad addresses**;

and considering the fact that only once a year does the SOS do an **NCOA (national change of address)** check with the post office even though, statistically speaking, about 20% of the population moves every year;

and considering that over 270,000 (17%) registered voters have **no possibility of a records match** with the Division of Motor Vehicles;

a very minimal beginning would be some kind of record keeping to find and address problems.

I ask for your support of SB409 and will stand for questions at the pleasure of the Chair.

Written Testimony prepared for the Kansas Senate Committee on Elections and Local Government

Kris W. Kobach

~~Professor of Law, UMKC School of Law~~

Former Republican Candidate for Congress, 2004 (KS-3<sup>rd</sup> District)

January 23, 2006

Dear Chairman and Members of the Committee:

I regret that I cannot appear before you in person as you consider the important topic of election crimes. However, I would like to describe an incident of election fraud that I personally observed during my 2004 campaign for the U.S. Congress.

In October 2004, during the general election cycle of the Kansas 3<sup>rd</sup> District Congressional race, a woman who resides in Wyandotte County walked into my campaign headquarters. She informed my staff that she wanted to describe something very disturbing that had recently happened to her. She said that she was a registered Democrat. She stated that she had recently received in the mail an absentee ballot in her name. However, *she had never requested the absentee ballot*. She surmised that someone had fraudulently requested the ballot and signed her name on the absentee ballot request form.

This woman said that she brought the matter to my attention in the hope that I could do something about it. I contacted the Kansas Secretary of State immediately, hoping that it might be possible for the Secretary to direct the county election offices to verify the signatures on all absentee ballot request forms. I was informed that the powers of the office provided no such authority, and that it would be difficult to implement such precautions so late in the election cycle.

It became clear to me that this woman's story was not an isolated incident. There were other stories of absentee ballots being fraudulently requested in large numbers. However, this woman was the only individual who personally testified about what had happened. Finally, I should note that I am not implying that my opponent directed or participated in what happened. My best guess is that overzealous party operatives in Wyandotte County undertook this operation in an effort to increase Democrat turnout in the general election. In any event, it is a form of voter fraud that could have been prevented, had the signatures on ballot request forms been compared to the signatures voters provide when they register.

I hope that this information proves helpful as you deliberate.

Yours sincerely,

Kris W. Kobach

-----Original Message-----

From: Corrie Kangas [mailto:corrieannie@yahoo.com]

Sent: Thursday, January 05, 2006 8:32 PM

To: [timhuelskamp@rurallink.net](mailto:timhuelskamp@rurallink.net); [huelskamp@senate.state.ks.us](mailto:huelskamp@senate.state.ks.us)

Subject: Voter Fraud

Sen. Huelskamp-

I heard from a couple of people that you were considering investigating voter fraud in your committee during the legislative session. For several election cycles, many activists in Johnson County have been concerned about the voter fraud taking place in Wyandotte County. There have always been some activities that have "skirted" the law, and the general consensus is that these only scratch the surface.

During the last election cycle, I worked for Kris Kobach. During that campaign, we heard from numerous voters in Wyandotte County that the Democratic Party was paying "volunteers" to pick up ballots from people's homes and drop them at the election office, thereby ensuring that the ballots were submitted. Also, we received a call from an elderly woman who received an advance ballot. The interesting thing was that she had not requested one. The campaign did a little checking and discovered that someone had filled out an Advanced Ballot Application for this woman and submitted it to the election office. They had also signed her name to the application. None of this is illegal. As I understand it, the only thing the election office verifies is that the signature on the ballot (not the request for the ballot) matches the signature on file.

By way of background, During the 2002 election, a Wyandotte County activist had complained that people would register to vote at addresses that didn't exist—something that is very hard to prove. After the last election cycle, I decided to do a little investigating about some of this fraud that we all felt was taking place, but could not prove. I started out looking at Wyandotte County precincts that had an unusually low Republican turnout in the last General election. I then took a list of registered voters, and started verifying that there were houses or some sort of residence at the registered address. What I found was somewhat disturbing.

To date, I have gone through 3 precincts house by house and verified that they both exist and/or were occupied. I have attached the issues I have found in each of those precincts to this email, along with pictures of several of the problem residences. I have pictures to back up every single address on the list, but haven't included them all in this email due to the size. Additionally, I found several businesses that had multiple people registered to vote. I have been unable to determine if this is legal or not. These businesses are not included on the list, but I can furnish the addresses if you would like.

Also, during the 2002 election cycle, while I was working for Tim Shallenburger, we had concerns about voter fraud taking place in Cowley County. I think if you contact activists in Wichita, they will be able to supply information about irregularities that have occurred there as well.

Additionally, there are numerous concerns about Kansas' Advance voting laws. Along these lines, I have attached a document with a brief list of many of the concerns from a number of activists across the state. This list was compiled shortly after the 2004 election cycle, and refers to the 2003 legislative session. Some of things mentioned may already be in place.

It would be my hope that there is enough information to garner a more serious investigation into some of these issues. At the very least, I feel that there should be much tighter statutes enacted to prevent some of the fraud from occurring.

Please let me know if I can answer any additional questions, or if I can be of further assistance.

Thanks for looking at this!  
Corrie Kangas

### **Cut advance voting down to 14 days.**

### **Make enticing people to register to vote after the cut-off illegal.**

Sebelius' campaign in 2002 encouraged people to vote (distributed literature and set up a phone number for people to call to get instructions) even though they had not registered. Those individuals obviously have to cast a provisional ballot but in a tight, re-count race some of those provisional ballots could end up being counted.

### **Changing the law to stop collection of ballots at home.**

We have been told that Thornburgh is probably going to be pushing for a change in this law as well. It obviously threatens the integrity of the ballot.

### **Can't register to vote after advance has started.**

People shouldn't be allowed to register to vote once advance voting has started. Currently advance voting starts 20 days out and registration ends 14 days out.

### **Enabling poll watchers to challenge voters and their ability to vote at the polls.**

As it currently stands, if a poll watcher observes a voting irregularity taking place, there is no recourse to stop that from occurring.

### **Must show ID to vote every time. If no ID, can cast a provisional ballot, and provide ID later.**

I believe last year Thornburgh pushed for this but Sebelius vetoed it and the compromise passed during veto session was to require only new registrants to furnish ID. Sebelius said that he would inconvenience voters and then hurt voter turnout. I don't know if this can be passed or not but it would still be good.

### **Checking signatures on advance ballot application forms --- crime if you illegally request ballot.**

Currently county election offices are only required to check signatures on the ballot when it is returned to their office...they aren't required to check the application to ensure it was requested by the actual voter. Cases arose in Wyandotte County during Kris Kobach's race where people were receiving ballots they had not requested and it was apparent someone was just going down the voter file and requesting ballots for registered voters.

### **PSA's from the Secretary of State on voter fraud.**

This really can't be written into statute but Thornburgh should be encouraged to run PSA's on voter fraud and how to safe guard the integrity of your ballot...especially if we can't get the law changed on collection of ballots.

### **Uniform database compliance**

The statewide voter file compiled by the SOS from data provided by each county is a mess. I could go into tons of examples but the biggest problem is there is not uniformity in the database and what information counties keep. Some counties do a great job and others do a terrible job. Essentially what needs to be included in

the database is 7 years of voter history (primary & general), phone numbers, complete addresses, uniform precinct information, advance voting history. Thornburgh says its “unrepublican” to mandate to the county level what they do and do not do....however these are state elections and state law governs these elections. The SOS should also run the list through a National Change of Address (NCOA) service to determine anyone who has moved recently...these people should then be required to vote a provisional ballot until their residence is determined.

**Advance ballot request list --- uniform statewide on how information is provided.**

This falls under a similar category to the database system/structure. Currently it varies greatly by county on what you can and cannot get. Which then creates an unequal playing field for candidates for office when you get more information from one county or another. Obviously I think that each county should provide all information on who requested advance ballots and when but one way or another it needs to be uniform statewide.



**527 Everett Ave.**

\*David Lunn

Reg: U

Last Voted: 2004 General

Status of home: Vacant lot

**3064 Cissna St.**

Mark Scott

Reg: D

Last voted: 1998 General

Status of home: Vacant lot

**3007 N. 18<sup>th</sup> St.**

Ella Baines

Reg: D

Last Voted: 2002 General

Status of home: Gutted

Melinda Houston

Reg: U

Last Voted: Never

Status of home: Gutted

Qurmaque Houston

Reg: D

Last Voted: Never

Status of home: Gutted

\*Dorothy Ighoyivwi

Reg: D

Last Voted: 2004 General

Status of home: Gutted

John Jones

Reg: R

Last Voted: Newly registered

Status of home: Gutted

Yolanda Jones

Reg: D

Last Voted: 2002 General

Status of home: Gutted

Mahogany Whitmill

Reg: D

Last Voted: Never

Status of home: Gutted

**1347 Webster Ave.**

Melvin Thomas  
Reg: D  
Last voted: Never  
Status of home: Vacant lot

**1329 Webster Ave.**

\*Aurelia Moore  
Reg: D  
Last voted: Newly registered  
Status of home: Vacant lot

**1725 Greeley Ave.**

Eddie Moore  
Reg: D  
Last Voted: 1992 Primary  
Status of home: Vacant lot

**1740 Haskell Ave.**

\*Johnnie Mae Harris  
Reg: D  
Last Voted: 2004 Primary  
Status of home: Boarded up/vacant

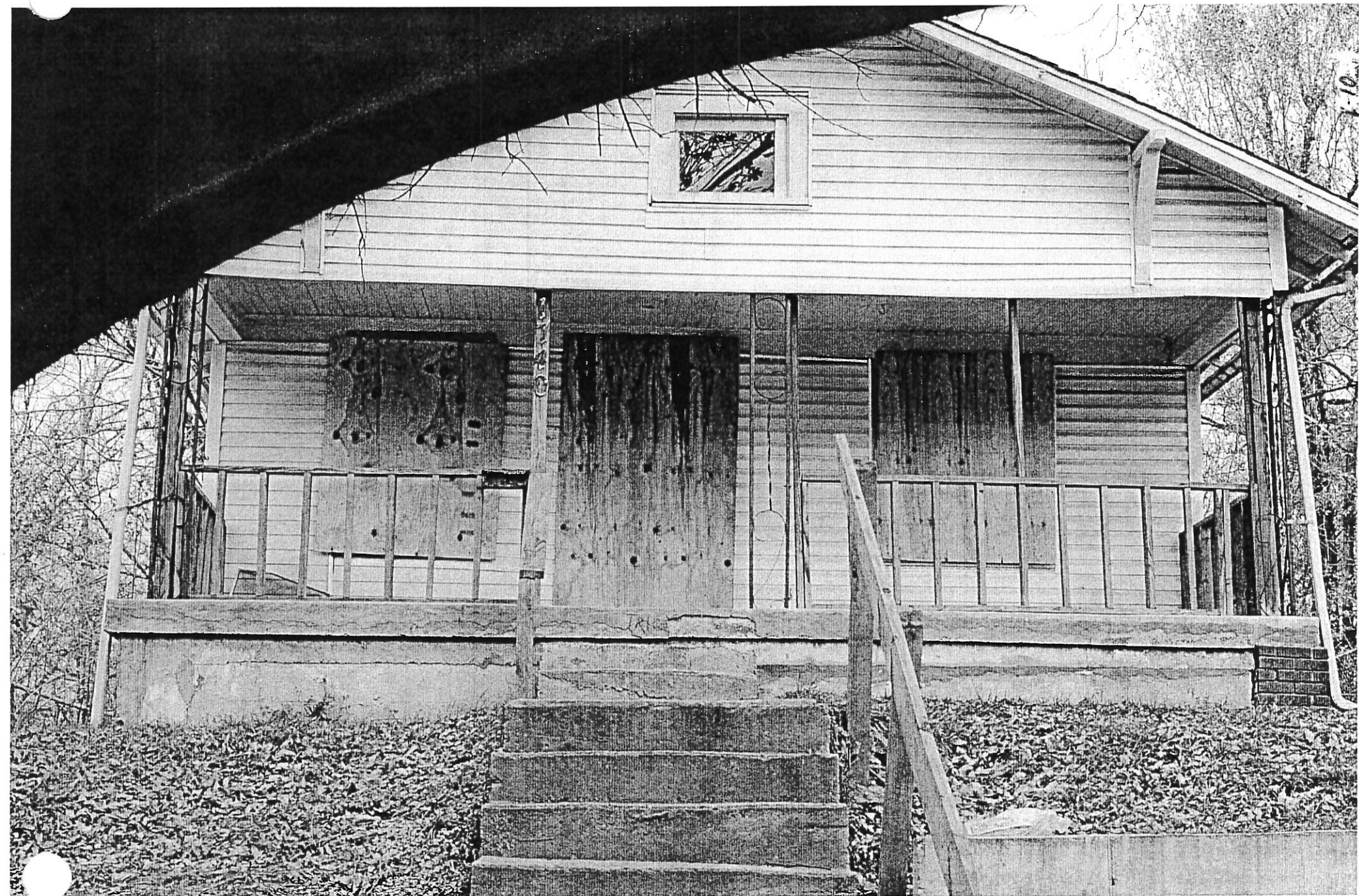
Latrice Harris  
Reg: U  
Last voted: Never  
Status of home: Boarded up/vacant

Quinn Harris  
Reg: U  
Last voted: Never  
Status of home: Boarded up/vacant

\*No one comes up in a Google search or on Whitepages.com.

6-1  
8







2  
January 23, 2006

Good afternoon Senators. Chairman Huelskamp thank you for extending an invitation to address this committee. I must say I was surprised to be invited having run for elected office only this past year, albeit running for two offices at the local level.

I ran for the Olathe school board and an at-large position on the Olathe city council. I have great passion for serving in government and also in the education arena. This passion was fueled by my father who served for a number of years on the school board and also by my high school history and government teacher.

I would like to address several issues that surfaced last year during and following the election. While I ultimately lost in both races, I take heart in the process of electing people to serve in various capacities. I am saddened by the lack of candidates and interest by the general population. This is an area which must be addressed, but it has to be done by individuals. Apathy in many areas of life is rising and the result of it will surely lead to a decline in our society. This is not new, it has been happening for a number of years.

The first issue I would like to address is the lack of action taken at all levels along the elective path. From the local election office to the office of the Secretary of State. While there is much talk about investigating issues and enforcing rules, that is about the extent of the action.

A case in point is the inability of my daughter to vote via an absentee ballot in the primary. She requested the ballot, it was sent via the US Postal Service but it never reached her. It was returned to the local election office where it was filed. Nothing was done to determine what went wrong, even after I questioned the head of the election office. The attitude of "we did our job of mailing the ballot" seemed to prevail; in spite the requested ballot had the correct address. I spoke to a local postmaster who could not explain the reason for the ballot being returned.

The second issue I would bring forward is the inadequate training and understanding of election rules by the people who work at the polling booths. In the general election I ran as a write-in candidate. A neighbor came to me after the election and told me he had not voted for me even though I was his first choice. He indicated he was unclear how to properly cast a vote for a write-in candidate. He said he asked a poll worker for help and was told "Everyone you need to vote for is listed on the ballot." My neighbor indicated he wished to cast a write-in vote but the worker would not help him in his endeavor. Frustrated the man left without voting in the race.

Fortunately neither situation had any bearing on the final outcome of the election. However that does not lessen my desire to see elections improve in those areas. There are other areas within the election process, specifically voter registration that should be addressed by this committee. The identity of voters should be checked to ensure only individuals that are following the laws are allowed to vote. In some cases the laws

should be changed to allow only for verification of the identity of voters, both at registration and at the time the ballot is cast. This must include all types of voting, whether by absentee ballot, electronic or paper ballot.

I would encourage the committee to heed the saying of Charles de Gaulle, "Deliberation is the work of many men. Action, of one alone."

Thank you for your time. I will be happy to answer any questions you might have.

Arlyn Briggs  
21415 W. 105<sup>th</sup> St  
Olathe, KS 66061  
Cell: 913.980.1822  
Email: arlynbriggs@yahoo.com



3737209  
EMILY FRANCES BRIGGS

# Application for Advance Voting Ballot

FAX (913) 791-8931 or (913) 791-8932

Mailing Address: Johnson County Election Office, 2101 E Kansas City Road, Olathe, KS 66061

Election Date: 3/1/05

Affirmation of an Elector of the County of Johnson and State of Kansas Desiring to Vote an Advance Voting Ballot State of Kansas, County of Johnson, ss:

I do solemnly affirm that I am a qualified elector residing at the address below in the County of Johnson, and State of Kansas. I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election.

**NOTE: IDENTIFICATION REQUIREMENTS FOR FIRST-TIME VOTERS.** I understand that if I am a first-time voter in this county I must provide with this application a copy of a current and valid photo identification, such as a Kansas driver's license, or a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows my name and address. If I do not provide a copy I understand that I must provide my Kansas driver's license number \_\_\_\_\_ or last 4 digits of my Social Security number \_\_\_\_\_.

**NOTE: A SEPARATE APPLICATION IS REQUIRED FOR EACH ELECTION**

1. Print Name Briggs Emily F ✓  
Last First Middle Initial

2. 2415 W. 105<sup>th</sup> St. Olathe, KS 66061

Johnson County Street Address City State Zip Code

3. My Political Party is republican 4. Date of Birth 9/15/85 ✓

(For Primary Elections Only)

5. 913-980-4648  Emily F. Briggs  
Daytime Telephone Signature of Voter Date

6. I desire my ballot to be sent to the following temporary residential address (if different from above):

50 W. 34<sup>th</sup> St. 4B6  
NY, NY 10001  
Street Address City, State, Zip Code

Note: The ballot may be mailed only to the voter's residential or mailing address as indicated on the county voter registration list, to the voter's temporary residential address, or to a medical care facility where the voter resides. These restrictions do not apply to sick, disabled or illiterate voters.

7. If applying for Permanent Advance Voting Status, complete the following section:

The nature of my permanent illness or disability is:

Note: Applicants for permanent advance voter status must have a permanent physical disability or have been diagnosed as having a permanent illness.

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

12/2004  
Johnson County Election Office, 2101 East Kansas City Road, Olathe, KS 66061 (913) 782-3441 Web: www.jocoelection.org E-mail: election@jocoelection.org

1106367 2/18/05 SR



JOHNSON COUNTY ELECTION OFFICE  
2101 E KANSAS CITY RD  
OLATHE KS 66061-3007



GREETINGS FROM  
U.S. POSTAGE  
\$00.37

OLATHE, KS 66061  
FEB 18 2005 00370 013762  
FP0594486 JMC01 079E0DCA

RETURN SERVICE REQUESTED

# OFFICIAL BALLOT

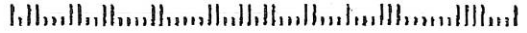
1106367  
EMILY FRANCES BRIGGS  
50 W 34th St 4B6  
NEW YORK, NY 10001

NIXIE 100 1 39 02/23/05

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 88061300701 \*1460-02881-18-40

66061300701



3  
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

Hearing on Voter Impropriety and Fraud

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

January 24, 2006

Introduction

- Opportunity and security
- Authority to investigate and prosecute
- Threefold efforts

Publicity

- Sources of reports
- Process
- Media
- Educating local officials
- Educating the public
- Voter outreach

Prosecution

- Recent discussions
- Successful prosecutions
- Tools

Legislation

- Voter identification
- Advance voting ballot security

The Future

- Legislative proposals
- Technology

Elections & Local Government  
Attachment 3  
January 24, 2006

August 9, 2004

Secretary of State Ron Thornburgh  
Memorial Hall, 1<sup>st</sup> Floor  
120 SW 10<sup>th</sup> Avenue  
Topeka, Ks. 66612-1594

COPY

Dear Sir,

Re: This letter is a formal request to have Leeann Daniels, Supervisor Judge in Kansas City, Kansas, WD-2-Pct 2 reassigned and a letter of reprimand put in the personnel file of Silvia Hilton, Election Supervisor of Kansas City, Kansas.

My name is Maurice R. Holman, Republican Precinct Committeeman for 2-3 in Kansas City Kansas. This year I volunteer to work as a clerk in my precinct which votes at Olivet Baptist Church with another precinct 2-2. Although I have reported violations of elections procedures before (see attachment) this year, I wanted to see the books for myself. My Wyandotte County Republican Chairperson had me appointed a clerk in 2-3.

While I am not complaining about the verbal abuse that took place all day because of being a republican, I am complaining about the decision to make me deliver the acc-vote machine to the election office. Leeann Daniels, supervisor judge and Silvia Hilton of the Wyandotte County Election Commission's Office, made the decision at the end of the day. My supervisor judge was not Leeann Daniels, but she called Silvia at the office at 6:30pm to have me take this equipment back. My biggest complaint was that I was not driving that day and I had a person staying with my 91 year old mother, while I worked for 13 hours for the election commissioner, then pay a person \$10.00 an hour to stay with my mother. Then to have to take further abuse and that be supported by Silvia was too much. The election of August 3, 2004 was a continuation of abuse and fraud that took place in November 2002 in Wd. 2 Precinct 3 and Wd. 2 Precinct 2. Enclosed you will find an affidavit for 2002. The supervisor judge in 2-2 was Leeann Daniel. This year after a day of violation of election procedures, I was instructed that I had to deliver the machine back because "Everyone else is experienced and they needed to stay and do the books". This was said to me by Silvia. Since we all had to sign the three different sheets of paper and **NO ONE** could leave until we finished, this decision was only revenge against me.

I request an investigation into the actions taken by both persons.

Very truly yours,

Maurice R. Holman  
Precinct Committeeman (913)621-7497  
P.O. 171101  
Kansas City, Ks 66117-0101  
Cc: Senator Sam Brownback  
Senator Pat Roberts

Elections & Local Government  
Attachment 4  
January 24, 2006

Results for working polls at 2-2 & 2-3

On November 5, 2002 I was asked to be a poll watcher for Tim Shallenburger who was running for Governor of Kansas. I was challenging ballots of a Milton Cole, who gave an address of 1970 N. 5<sup>th</sup>, Leslie E. McIntosh, 1936 N. 5<sup>th</sup> St. Apt. 1 and Calvin Cunningham, who gave an address of 647 Troup. I knew from personal experience that Mr. Cole was not living at that address at the time he voted, Leslie McIntosh address was his barber shop and that Mr. Cunningham's address was boarded up. A judge by the name of Leeann Daniels got very upset and said that she was not filling out the necessary paper work an envelope that we both would have to sign, and "she wasn't signing anything". She told me to sign my name next to the people I was challenging which I did, even though it may have been illegal, I followed her instructions to try to record my dissatisfaction with those two votes,

*Maurice R. Halman*

Notary Public State of Kansas

Quintelle N Davis

My Appt Exp 4-23-2003