

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Tim Huelskamp at 1:30 P.M. on March 6, 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:

Brad Bryant - Secretary of State Office
Brian D. Newby -
Don Merriman -
Bill Gale -
Jamie Shew -

Others attending:

See attached list.

HB 2744 - An act concerning elections; relating to advance voting; amending K.S.A 2005 Supp. 25-1122 and repealing the existing section.

HB 2118 - An act concerning elections; relating to advance voting.

Opening statement made by Senator Huelskamp to amend **HB 2744** to **HB 2118**.

Senator Donovan motioned to accept the amendment and it was seconded by Senator Petersen.

Motion Carried.

Hearing on **HB 2118** - Cemetery merchandise trust funds; disclosure of certain information.

Ken Wilke of the Revisor of Statutes Office reviewed **HB 2118** and amendment **HB2744** - Course of instructions in schools, obscene material only if parent/guardian gives written consent.

Brad Bryant testified in favor of **HB 2744 now HB 2118** (Attachment 1).

Brian D. Newby testified in favor of **HB 2744 now HB 2118** (Attachment 2).

Don Merriman testified in favor of **HB 2744 now HB 2118** (Attachment 3).

Bill Gale testified in favor of **HB 2744 now HB 2118** (Attachment 4).

Jamie Shew testified in favor of **HB 2744 now HB 2118** (Attachment 5).

R.J. Wilson, Crawford County Clerk submitted written testimony in favor of **HB 2744 now HB 2118** (Attachment 6).

There were no opponents.

Closed hearing on **HB 2118**.

Senator Reitz moved to report bill **HB 2118** favorably to Senate.

Senator Francisco seconded the move.

Motion carried.

Meeting adjourned.

Respectfully submitted,

CONTINUATION SHEET

MINUTES OF THE Senate Elections and Local Government Committee at 1:30 P.M. on March 6, 2006
in Room 423-S of the Capitol.

Zoie C. Kern, Committee Secretary

RON THORNBURGH
Secretary of State



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120 S.W. 10th Avenue
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STATE OF KANSAS

Senate Committee on Elections and Local Government

Testimony on Satellite Advance Voting

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

March 7, 2006

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of satellite advance voting. The Secretary of State's office coordinated with the Kansas County Clerks and Election Officials Association to sponsor House Bill 2744 this year. That bill would expand voting opportunities for Kansans by allowing more counties to establish satellite advance voting sites. Current law restricts satellite advance voting to those counties with populations greater than 250,000—Johnson and Sedgwick Counties.

The Secretary of State has frequently proposed and supported legislation to expand voting opportunities, including proposing the original bill to adopt advance voting in 1995. It is imperative that any expansion in voting opportunities be considered only if it can be accomplished with adequate security measures to protect the integrity of the electoral process. The experience we have with satellite voting since its inception in 1999 has proven that it can be done in a secure fashion, and recent technological advancements will enable the effective expansion of satellite advance voting as proposed in this legislation.

We support this expansion of satellite advance voting for the following reasons:

- It represents an expansion of a program that has already proven to be popular among voters.
- It offers voters additional opportunity and convenience, thereby encouraging higher turnout.
- It can be done without compromising the security or integrity of the process.

We recommend the committee support the expansion of satellite advance voting by passing legislation similar to HB 2744. Thank you for your consideration.

Elections and Local Government
3-06-06
Attachment 1

Johnson County Election Office



Brian D. Newby
Election Commissioner

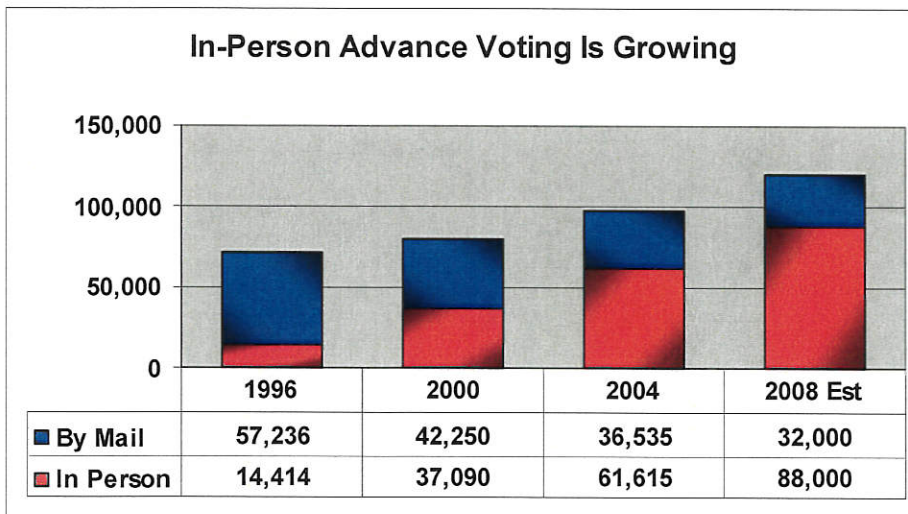
TESTIMONY BEFORE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT

Tuesday, March 7, 2006

Thank you for the opportunity to speak briefly in support your bill on satellite advance voting.

Although Johnson County has had advance voting for several years, this bill impacts our residents and voters as well in a way I will explain in a moment.

First, however, let me provide a brief history of the impact of advance voting for our presidential elections. The chart below shows the growth of advance voting since 1996. We have seen the number of advance voters in person increase dramatically and we expect continued growth in 2008.



We have utilized 3 advance voting locations in the past and anticipate using either 3 or 4 this fall, with a target of 8 advance voting locations in 2008.

Securing polling locations is a major challenge for us. Schools have security apprehensions, churches can be seen by voters as having conflicts of interests in some races, and counties generally do not have funds to pay for polling location rental. So, the movement to advance voting is important as preparation for the potential of having fewer polling locations available on election day.

As time permits, either today or at another time, I would be glad to go through a deep dive of the various benefits and challenges of advance voting, although it is more than fair to say generally that advance voting has been a major success in Johnson County.

Beyond supporting other counties by testifying, I also think there is a fairness aspect that impacts Johnson County races and should be considered by the Committee as another reason to allow statewide advance voting.

Often, races cross county boundaries. For instance, my particular U.S. Congressional Representative has part of his district in Wyandotte and Douglas counties. It's possible that advance voting, for instance, in Johnson County but not in Douglas County could create an unfair advantage or disadvantage for a particular candidate because the voting processes are not uniform between the counties. Allowing advance voting universally would further ensure a level playing field for all candidates in races that cross county lines.

I know your time is short. I support this endeavor and stand for questions.

Thank you.

Brian D. Newby



Saline County Clerk

Donald R. Merriman - County Clerk
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P.O. Box 5040
300 West Ash
Salina, Kansas 67402-5040

March 7, 2006

Honorable Tim Huelskamp
Chairperson – Senate Committee on Elections and Local Government
and Committee Members

Re: Satellite Advance Voting Testimony

Chairman Huelskamp:

As Saline County Election Officer and County Clerk, I am supportive of this bill (formerly HB 2744) to allow any county to plan for and offer Satellite Advance Voting sites. I am always in favor of making voting more available and accessible for the voting public. As Election Officers, we hope that enhancements, such as this bill, will increase voter turnout.

This amendment of K.S.A. 2005 Supp. 25-1122, also, has support of the Kansas County Clerks' and Election Officials' Association and members of the Election Committee of the Association.

Thank you for the time allotted today and I would be happy to answer any questions at the appropriate time.

Sincerely,

Donald R. Merriman
Saline County Election Officer and County Clerk
(Chair of the Election Committee – KCCEOA)

DRM: *ll*



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Testimony before Senate Committee on Elections and Local Government

by Bill Gale, Sedgwick County Election Commissioner

3/7/06

Thank you for the opportunity to appear before you in support of the provisions of HB 2744.

I appreciate the chance to highlight some of the benefits of satellite advance voting in Sedgwick County.

- Advance voting grows in popularity with the voters each election cycle.
- In-person advance voting is the fastest growing advance voting option (it increased 50% from the 2000 Presidential election to the next one in 2004, while advance voting by mail decreased by 16%).
- In 2004 and 2005 Sedgwick County experimented with a “roving” satellite that succeeded in providing greater convenience to voters throughout the county.
- We have found that more voters are using the in-person option each day leading up to Election day, with the vast majority doing so the final week before Election day.
- The Sedgwick County Election Office is now working to increase the advance voting satellite options for the 2006 elections with more locations throughout the county in the week before Election day.
- The functionality of the new statewide election computer system and our new voting machines will make it easier for us to provide this popular option to the voters.

These are a few of the reasons why I support the provisions of HB 2744 and expanding this opportunity to other counties. I am available for any questions you may have.



JAMIE SHEW
DOUGLAS COUNTY CLERK

1100 Massachusetts
Lawrence, KS 66044

Connie S. Ingle
Deputy Clerk - Elections

Phone: 785-832-5267
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Marni D. Penrod
Chief Deputy Clerk

Senate Committee on Elections and Local Government

Testimony on Satellite Advance Voting in All Kansas Counties

Jamie Shew, Douglas County Clerk

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of satellite advance voting for all Kansas counties as found in the language of HB 2744. The language of that bill represents a great opportunity for the citizens of Douglas County to increase their access to the democratic process. Advance voting has become an increasingly popular way for citizens to participate in elections. During the 2004 General Election, 10,020 citizens advance voted in Douglas County, representing 19.6% of the total cast votes. Of these, 4,661 were in-person advance voters. The 2004 in-person advance totals surpass the *total* number of advance votes cast in 2000, when 4,421 citizens advance voted. In 2000, the advance vote represented 11.10% of the total votes cast. All indications exhibit that participation in advance voting will continue to increase in future elections.

The current law restricts any form of satellite advance voting in Douglas County. As a result, my ability to respond to citizens' needs and increase their opportunities for access to the polls is limited. While most testimonies will concentrate on the impact of advance voting on larger elections, the opportunity presented in this bill for the citizens of my county are best highlighted in an example involving a smaller election.

On December 22, 2005, Baldwin City in Douglas County held a very important special election regarding Sunday liquor sales in response to a citizen petition. The timing of the election caused concern about voter participation. Due to the current law I could not offer in-person advance voting in Baldwin City, which may have increased opportunities for citizen participation. Therefore, under the current law, citizens who live in or around Lawrence have additional access to voting that can not be offered to the other citizens in the county. By approving satellite advance voting, you will give me the tools to offer equal voting access to *all* voters in Douglas County.

In addition to equal access within the county, approving satellite advance voting provides equity throughout the state of Kansas. By allowing only two counties the privilege of additional access to the polls, citizens in the other counties are denied the same right. While offering in-person advance voting may not be the choice for every county, it should at least be an option for those of us who want to meet citizen needs and increase opportunities for their involvement in the elections process.

Elections and Local Government

3-06-06

Thank you for your time, and I am available to stand for any questions.

Attachment 5

Testimony in Support of the Provisions of House Bill 2744
Provided by R.j. Wilson, Crawford County Clerk

Mr. Chairman Huelskamp and Honorable members of the Senate Elections and Local Government Committee:

Thank you for this opportunity to submit testimony today in support of the provisions contained in House Bill 2744. I certainly wish I were in Topeka with you today, but the recent birth of my third child has been keeping me close to home for several weeks. I sincerely wish I were there in person today to speak with you directly about this important issue. But in my absence, I want you to know that I will always be eternally grateful for the experience and the friendships fostered during my years in the Kansas Legislature. As the administration of elections becomes more scrutinized through the final implementation of the Help America Vote Act it becomes more and more important for local election officials to have additional tools at their disposal to assure that every vote is counted and every voice is heard. I am writing to each of you today to ask for your favorable consideration in providing a powerful and effective tool to my office, and the 104 offices like mine, as we prepare for the 2006 Primary and General elections. Your expansion of Satellite Advance Voting will be of great service to the taxpayer and the voting public of Kansas.

The implementation of electronic voting equipment in every polling place in the state has proven expensive. In Crawford County, the cost of technology is at a minimum \$10,200 per polling place. This cost is forcing many counties to consider consolidation of polling places. As Crawford County moves toward consolidation (50 polling places to fewer than 25) it is clear that polling places on Election Day will become more congested and there will be potential for longer wait times for the voting population. No matter how hard an election official tries to alleviate these problems there is simply a finite number of people you can get in the door and back out the door of a polling place before congestion becomes a problem. We plan to add additional boards, more technological assistance, improved polling place design, and a better business process for addressing voters' needs; but in the end our consolidated polling places can only absorb so many people in a limited space in a short amount of time. Furthermore, almost 70% of our county's population resides within, or around Pittsburg, 20 minutes away from the County Courthouse, the only place in our county currently allowed to offer in person advance voting. Satellite Advance Voting will be a useful tool in coping with the size of the community and its distance from the County Seat.

Furthermore, our office has contemplated a system by which we are able to deliver to a community adversely affected by consolidation a one day polling place prior to Election Day. For instance, if the polling place in a rural community is consolidated because of the small number of voters in that community and the high cost of the technology then satellite advance voting provisions would allow us to open a polling place in that community for one day prior to the election which would allow many of the elderly and others without a means of transportation to make their usual short walk to their polling place. We can not achieve that convenience however, without the provisions of this bill.

Your committee's thoughtful consideration of expanding satellite advance voting will allow the voting population a more convenient opportunity to vote in advance of the election. More advance voters means less stress for our consolidated polling places on Election Day, and less stress on the polling place equates to a better experience for the voter and more successful administration of the election. For this reason I can not stress enough the importance of more opportunities for advance voting, either by mail or by satellite, for the voting population of our state. Your decisions on this bill will have a profound and lasting positive impact on the administration of elections in this state. Your support would be most appreciated.

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Attachment 6

Testimony in Support of the Provisions of House Bill 2744

Page Two

I believe that the fiscal note for this legislation will be manageable for the counties and I believe the rewards will greatly outweigh any potential negatives as we bring better service to the people of Kansas. Thank you for your potentially favorable consideration of the provisions contained in HB 2744 and thank you again for the opportunity to testify in writing today.

Best wishes:

R.J. Wilson
Crawford County Clerk

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