

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on February 5, 2007 in Room 231-N of the Capitol.

All members were present except:

- Representative Steve Huebert- excused
- Representative Ted Powers- excused
- Representative Melody McCray-Miller- excused
- Representative Mike Peterson- excused

Committee staff present:

- Martha Dorsey, Legislative Research Department
- Matt Spurgin, Legislative Research Department
- Mike Heim, Revisor of Statutes Office
- Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

- Brad Bryant, Secretary of State
- Harriet Lange, KAB

Others attending:

See attached list.

**HB 2173** Elections; advance voting; identification clarification

Chairman Burgess opened the hearing on **HB 2173**.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of the bill (Attachment 1). He recommended one amendment. He explained that they proposed the bill to clarify and define some provisions of the current laws regarding voter identification that were passed in 2004 as part of the legislation to comply with the Help America Vote Act of 2002 (HAVA).

The Chairman closed the hearing on **HB 2173**.

Chairman Burgess opened the hearing on **HB 2129**.

**HB 2129** Elections; corrupt political advertising; repeal of conflicting statutes

Harriet Lange, KS Association of Broadcasters, testified in support of the bill (Attachment 2). She explained that the bill would repeal KSA 25-2407, a section of election law which defines "corrupt political advertising" differently than what is found in the campaign finance act (KSA 25-4156).

The Chairman closed the hearing on **HB 2129**.

The meeting was adjourned.

The next meeting is scheduled for Tuesday, February 6, 2007.



RON THORNBURGH  
Secretary of State



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STATE OF KANSAS  
House Committee on Elections and Governmental Organization

Testimony on House Bill 2173

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

February 7, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2173. We have proposed this bill to clarify and define some provisions of the current laws regarding voter identification that were passed in 2004 as part of the legislation to comply with the Help America Vote Act of 2002 (HAVA). House Bill 2173 would accomplish four things:

- clarify the definition of what constitutes valid identification,
- clarify that once a first-time voter has provided valid identification, that voter is not required to provide identification again unless the voter's status changes,
- codify procedures for verification and maintenance of the statewide voter registration list as required by Section 303(a) of HAVA, and
- resolve a discrepancy in two laws dealing with the voter registration deadline before elections.

We recommend one amendment to House Bill 2173:

In Section 5, page 9, Subsection (d), line 34—

Delete the words "such as a current and valid identification" so the sentence would read as follows:

*A first-time voter shall provide to the election board a form of valid identification unless such voter has previously submitted current and valid identification in the county where registered, or if the voter's registration has been verified pursuant to K.S.A. 25-2354, and amendments thereto.*

The remainder of Subsection (d) would remain unchanged.

On the attached pages we have provided a summary of the individual sections of the bill.

We urge the committee to amend HB 2173 as proposed and to report it, as amended, favorably for passage. Thank you for your consideration.

House Elections & Gov. Org.  
Date: 2-5-2007  
Attachment # 31

## House Bill 2173 Summary of Sections

Following is a summary of the sections of the bill:

Sections 1, 2 and 3 deal with advance voters.

### Section 1

A first-time voter who is applying to vote an advance ballot must provide identification that contains, at minimum, the voter's name and address. Once the voter has provided valid identification, that voter will not be asked to provide it again. The same rules are applied to permanent advance voters in Subsection (h).

### Section 2

This section prescribes the advance ballot application form. The bill clarifies that the advance voter must provide an identification that contains, at minimum, the voter's name and address. It states again that once an advance voter has provided valid identification, that voter will not be asked to provide it again. This section also specifies that voters who vote as former precinct residents, which is allowed by the Kansas Constitution, are required to meet the same requirements as advance voters with regard to signing an affirmation and providing identification.

### Section 3

Subsection (c) of Section 3 directs the Secretary of State or the county election officer to check Social Security or driver's license numbers provided by advance voters against the voter registration file verified by the Division of Motor Vehicles and the Social Security Administration. If the information matches, no further identification is required unless a voter changes registration status. If the information does not match, a provisional ballot is issued and the voter has an opportunity to provide valid identification prior to the county canvass of the election in order to ensure that the provisional ballot will count.

### Section 4

Section 4 of HB 2173 codifies three voter registration list maintenance activities that are required by Section 303(a) of HAVA. These activities include: (1) verifying voter registration records against the driver's license records that are verified by the Social Security Administration, (2) using state felony conviction records to cancel the registrations of ineligible voters, and (3) using state records on death to cancel ineligible voters.

### Section 5

Section 5 amends the statute governing the voting process when a voter goes to the polling place to vote. The bill rearranges the steps in the voting procedure to more accurately reflect the sequence that voters and poll workers go through. This section clarifies that a first-time voter at the polling place is not required to provide identification if the voter has either: (1) previously provided valid identification, or (2) been verified through the Division of Motor Vehicles and the Social Security Administration as

required by HAVA.

This section also defines valid identification as containing the voter's current name and either the voter's photograph or current residential address.

Section 6

This section does not deal with voter identification, but rather the voter registration process. It resolves a discrepancy between two laws specifying the deadline to register to vote before any election. Section 6 clarifies that the voter registration deadline is the fifteenth day before the election, not the fourteenth day.

1-3  
~~2-3~~



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Testimony – HB 2129  
Before House Committee on Elections and Governmental Organization  
February 5, 2007  
By Harriet Lange, President  
Kansas Association of Broadcasters

Mr. Chairman, Members of the Committee, I am Harriet Lange with the Kansas Association of Broadcasters. Our membership is comprised of free-over-the-air radio and television stations which serve Kansas. We appreciate the opportunity to appear in support of HB 2129.

HB 2129 would repeal KSA 25-2407, a section of election law which defines “corrupt political advertising” differently than what is found in the campaign finance act – KSA 25-4156. When KSA 25-4156 was amended in 1998 to include the language - “expressly advocate the nomination, election or defeat” of a candidate”, KSA 25-2407 was not amended to reflect the same language.

Both deal with what is required for sponsor identification on political advertising, but the conflicting language leaves in doubt what the specific requirements are for sponsor IDs on some third-party advertisements.

Attached are each of the statutes to allow you to compare the conflicting language.

There are a number of ways to address the problem:

- 1) Repeal KSA 25-2407 in its entirety, which HB 2129 does in its current form; or
- 2) remove paragraphs (a) and (b) from KSA 25-2407; or
- 3) amend the language in paragraphs (a) and (b) of KSA 25-2407 to reflect the same language as contained in KSA 25-4156.

Thank you for your consideration.

I would be happy to respond to questions.

House Elections & Gov. Org.  
Date: 2-5-2007  
Attachment # 2

25-2407

Chapter 25.--ELECTIONS

Article 24.--ELECTION CRIMES

**25-2407. Corrupt political advertising; penalty.** Corrupt political advertising is:

(a) Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to public office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

(b) broadcasting or causing to be broadcast by any radio or television station any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to public office, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairman of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(c) publishing or causing to be published in a newspaper or other periodical any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

(d) broadcasting or causing to be broadcast by any radio or television station any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the statement that the preceding was an advertisement together with the name of the chairman of the political or other organization sponsoring the same or the name of the person who is responsible therefor.

Corrupt political advertising is a class C misdemeanor.

**History:** L. 1973, ch. 173, § 1; Feb. 23.

25-4156

Chapter 25.--ELECTIONS

Article 41.--ELECTION CAMPAIGN FINANCE; GENERAL

**25-4156. Charges for space in newspapers and other periodicals; excess charges; corrupt political advertising; misdemeanor.** (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) **Corrupt political advertising of a state or local office is:**

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(C) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (C) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

**History:** L. 1981, ch. 171, § 15; L. 1985, ch. 124, § 1; L. 1990, ch. 122, § 9; L. 1998, ch. 117, § 11; July 1.