

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 March 5, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Representative Steven Brunk- 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

Donald Merriman

Bryan Caskey

Others attending:

See attached list.

SB 65 Advance Voting - satellite voting sites

Chairman Burgess opened the hearing on **SB 65**.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of the bill (Attachment 1). He explained that the bill is identical to HB 2019. He said the bill will expand voting opportunities for Kansas by allowing more counties to establish satellite advance voting sites.

Donald Merriman, Saline County Election Officer and County Clerk, testified in support of the bill (Attachment 2). He said that this amendment of K.S.A. 2006 Supp. 25-1122, also has the support of the Kansas County Clerks' and Elections Officials' Association and members of the Election Committee of the Association.

Written testimony in support of the bill was submitted by R. J. Wilson, Crawford County Clerk (Attachment 3).

Chairman Burgess closed the hearing on **SB 65**.

Chairman Burgess opened the hearing on **SB 99**.

SB 99 Recall petitions; requiring court actions to be filed within 30 days of decision

Bryan Caskey, Administrative Assistant, Elections and Legislative Matters, Office of the Secretary of State, testified in support of the bill (Attachment 4). He explained that the bill clarifies the time frame when mandamus or injunction proceedings to compel or restrain a recall election must begin. He said the bill also requires the officer sought to be recalled in a local recall effort to be notified by the county or district attorney of his/her determination of validity of the petition form.

Chairman Burgess closed the hearing on **SB 99**.

Rep. Steve Huebert made a motion for the favorable approval of the minutes of the February 15, 2007, February 19, 2007, and February 20, 2007 meetings. Rep. Metsker seconded the motion. The motion carried.

The meeting was adjourned.

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

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

House Committee on Elections and Governmental Organization

Testimony on Senate Bill 65

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

March 5, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 65. This bill will 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.

This bill is identical to House Bill 2019 which this committee and the full House of Representatives passed earlier this session.

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.
- It will help alleviate the loss of polling places that has occurred in recent years as a result of the Help America Vote Act.

We recommend the committee report Senate Bill 65 favorably for passage. Thank you for your consideration.

House Elections & Gov. Org.
Date: 3-5-2007
Attachment # 1



Saline County Clerk

Donald R. Merriman - County Clerk

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P.O. Box 5040

300 West Ash

Salina, Kansas 67402-5040

March 5, 2007

Honorable Mike Burgess
Chairperson – Elections and Governmental Organization Committee
and Committee Members

Re: S.B. #65 for Satellite Advance Voting Testimony

Chairman Burgess and Committee Members:

As Saline County Election Officer and County Clerk, I am supportive of S.B. #65, 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. Currently, our in-office Advance Voting is proving more popular each year.

This amendment of K.S.A. 2006 Supp. 25-1122, also, has support of the Kansas County Clerks' and Election Officials' Association and members of the Election Committee of the Association.

I believe this change in statute could help with voter turnout in spring primaries. Our recent primary held on February 27th only had a 13% voter turnout (4,000 voters with a cost of approximately \$20,000.00).

Thank you for the time allotted today.

Sincerely,

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

DRM: lb

House Elections & Gov. Org.

Date: 3-5-2007

Attachment # 2

Crawford County Clerk
R.J. Wilson

Written Only



Written testimony in support of Senate Bill 65
Provided by R.J. Wilson, Crawford County Clerk

Mr. Chairman Burgess and Honorable members of the House Elections and Local Government Committee:

The following testimony is the same as was placed into the record previously concerning Satellite Advance Voting with changes to the Bill Number. Thank you for your favorable consideration of this measure and I am hopeful for its immediate passage.

Thank you for this opportunity to submit testimony today in support of Senate Bill 65. Four years as a member of the House Elections Committee (now GO&E) provided me an invaluable opportunity to learn about elections and campaign finance and I will always be eternally grateful for the experience and the friendships fostered during my years in the Kansas Legislature. During that time I enjoyed the opportunity to serve with my colleagues across the rotunda on several conference committees. Those negotiations and new relationships are valuable to me in my position as Crawford County Clerk.

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 conferring with you by written testimony today to ask for your favorable consideration in providing a powerful and effective tool to my office, and the 102 offices like mine currently not allowed to provide in-person advance voting away from the county courthouse, as we prepare for the 2008 Primary and General elections. Your expansion of Satellite Advance Voting will be of great service to the taxpayers 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. The cost at an average polling place is in our county is \$25,800. This cost is forcing many counties to consider consolidation of polling places. Crawford County has completed its consolidation (50 polling places to 16) and it is clear that polling places on Election Day have become more congested and there is 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.

Testimony in support of SB 65

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House Elections & Gov. Org.
Date: 3-5-2007
Attachment # 3

Crawford County Clerk
R. J. Wilson

We have added 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 60% 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.

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.

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. Please consider that the fiscal note you have received of nearly \$1 million statewide will be lowered significantly if some counties decide not to participate in the opportunities presented by this bill.

Also please be aware that cost savings will be realized in the eventual reduction of staff at current polling places. I would encourage the members of the committee to confer with the Johnson and Sedgwick County Election Officers to learn of their cost for implementation of satellite advance.

Thank you for your potentially favorable consideration of SB 65 and thank you again for the opportunity to confer today.

Best wishes:



R.J. Wilson
Crawford County Clerk

Testimony in support of SB 65

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STATE OF KANSAS
House Committee on Elections and Government Organization

Testimony on SB 99

Bryan A. Caskey, Administrative Assistant
Elections and Legislative Matters
Office of the Secretary of State

March 5, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 99. This bill does two things. First, it clarifies the time frame when mandamus or injunction proceedings to compel or restrain a recall election must begin. This bill changes the words "not less than" to "within." The recall statutes are designed to promote an orderly and efficient process leading up to an election. There are statutes that give the county attorney five days to review the petition and the county election officer 30 days to review the petition. By changing these words, we believe the recall process will move to a speedier resolution. The current language was adopted in a 2003 bill that tightened the language surrounding the authority of the county attorney when reviewing the petition for sufficiency. I have included a copy of the conference committee report brief prepared by the Kansas Legislative Research Department on this bill. The committee report on 2003 Senate Bill 103, in describing this section, uses the phrase "not later than" which has an opposite meaning from "not less than".

Second, the bill requires the officer sought to be recalled in a local recall effort to be notified by the county or district attorney of his / her determination of validity of the petition form. Current law requires in local recall elections that the county or district attorney must make a determination of the validity of the grounds of a petition submitted before it is circulated for signatures. The attorney notifies the recall committee and the county election office but not the person who is the subject of the recall.

This makes it impossible to determine when the 30-day period should begin for mandamus actions by the person subject of the recall. K.S.A. 25-4331 requires that any person aggrieved by the county attorney's decision may bring an action to have the determination reviewed by the district court of that county. The recall committee is informed of that decision, while the person who is the subject of the recall is not.

This bill, with identical language, was passed by the Senate during the 2006 and 2007 legislative sessions.

Thank you and I stand for questions.

House Elections & Gov. Org.
Date: 3-5-2007
Attachment # 4