

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 8, 2007 in Room 231-N of the Capitol.

All members were present.

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:

Representative Larry Powell  
Deputy Assistant Secretary of State Brad Bryant  
Senator Julia Lynn

Others attending:

See attached list.

**HB 2464**      Library boards; membership

Chairman Burgess opened the hearing on **HB 2464**.

Representative Larry Powell testified in support of the bill (Attachment 1). He explained that members of some of these boards rotate chairmen every year so they cannot get up to speed on the board before a change is made. He said that if the ex-officio member is appointed, they could serve more than one year.

Chairman Burgess closed the hearing on **HB 2464**.

**SB 131**      Authorized poll agents; limitation on time for authorization

Chairman Burgess opened the hearing on **SB 131**.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of the bill (Attachment 2). He explained that their office supports the amendments made by the Senate Committee on Elections and Governmental Organization.

**SB 135**      Authorized poll agents; qualifications

Chairman Burgess opened the hearing on **SB 135**.

Senator Julia Lynn testified in support of the bill (Attachment 3). She explained that the bill will tighten qualifications of those allowed to work at the polling sites to ensure local control and prevent inappropriate tactics from occurring.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of the bill (Attachment 4). He said their office supports the bill because it requires poll agents to meet a reasonable set of qualifications and it adds accountability to poll agents' role in the election process.

Chairman Burgess closed the hearing on **SB 135**

Rep. Huebert made a motion for the favorable approval of the March 7, 2007 minutes. Rep. Storm seconded the motion.

The meeting was adjourned.

The next meeting is scheduled for Monday, March 12, 2007.



STATE OF KANSAS

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COMMITTEE ASSIGNMENTS  
MEMBER: APPROPRIATIONS  
AGRICULTURE AND NATURAL  
RESOURCES

CHAIRMAN

AGRICULTURE AND NATURAL RESOURCES BUDGET COMMITTEE

March 6, 2007

Chairman Burgess and Members of the Committee:

Thank you for allowing me to testify in favor of **HB 2464**.

The only change this bill makes to current law is that instead of the official head of each county or township serving as the ex-officio member of the governing board, the ex-officio member could be appointed.

Members of some of these boards rotate chairmen every year so they cannot get up to speed on the board before a change is made. If the ex-officio member is appointed, they could serve more than one year.

Thank you for your attention.

I will stand for questions.

House Elections & Gov. Org.  
Date: 3-8-2007  
Attachment # 1

**RON THORNBURGH**  
Secretary of State



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**STATE OF KANSAS**  
**House Committee on Elections and Governmental Organization**

**Testimony on Senate Bill 131**

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

March 8, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 131. This bill would establish a deadline for the appointment of authorized poll agents before any election.

The Secretary of State supports tighter procedures for appointing poll agents and creation of a public record of who is authorized to act as a poll agent in a given jurisdiction. We have received an increasing number of reports in recent years of poll agent activity that is disruptive to the voting process. More controls on who may be appointed as a poll agent and a public record of who has been appointed, as required in Senate Bill 131, are a step in the right direction.

The Senate amended the bill in three ways:

- (1) The deadline to appoint poll agents was changed from the Friday before an election to the second business day before the election.
- (2) Advance voting locations were included.
- (3) A requirement to file the appointments with the county election office was added.

The Secretary of State supports these amendments.

We urge the committee to recommend Senate Bill 131 favorably for passage.

Thank you for your consideration.

House Elections & Gov. Org.  
Date: 3-8-2007  
Attachment # 2

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FEDERAL AND STATE AFFAIRS  
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VICE-CHAIR, CHILDREN'S ISSUES (JOINT)  
SENATE PRESIDENT'S TASK FORCE  
ON HEALTHCARE

INTERIM INFORMATION:  
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SENATOR JULIA LYNN

## Testimony on SB 135

### House Committee on Elections and Governmental Organization

Thank you Chairman Burgess and other members of the Committee for allowing me the opportunity to stand and testify regarding SB 135. I am Senator Julia Lynn and I am a member of the Senate Committee on Elections and Local Government, which heard and worked this bill on the Senate side earlier in the session.

Under current law, an authorized poll agent can be:

1. Chairperson of County Party Committee
2. Chairpersons of Committees concerned with question submitted elections
3. Chairperson of State Party Committee
4. Any Candidate
5. Any Precinct Committeeman or Committeewoman
6. Any Write-in Candidate
7. Any person appointed as provided in Section 1, subsection (a) by any of the persons specified in the subsection.

Any of the above persons may appoint one authorized poll agent per polling place, in writing, and proof of such appointment shall be carried at all times by the person appointed, and shall be displayed upon demand of any election officer or member of any election board.. Appointees must be at least 16 years of age and meet all requirements for qualification of an elector, except that such person need not be a registered voter. Poll agents shall wear a badge issued by the county election officer.

This bill will tighten qualifications of those allowed to work at the polling sites to ensure local control and prevent inappropriate tactics from occurring. This bill will allow poll watchers to be easily identified by those coming to vote, which will increase the legitimacy of those working at the polls, and thereby raises confidence in our election process.

With an election year coming in 2008, it is important for the public to have confidence in the integrity of our election process. Because of issues arising in the last election cycle involving out of state poll agents apparently utilizing disruptive tactics which interfered with normal operations at various polling places, voter confidence seems to have eroded.

This concludes my testimony, and I would be happy to stand for questions at the appropriate time.

House Elections & Gov. Org.  
Date: 3-8-2007  
Attachment # 3

# THE WICHITA EAGLE

## **[REDACTED] FILE ELECTION COMPLAINT**

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Sunday, December 10, 2006

Section: LOCAL & STATE

Edition: main

Page: 1B

BY DION LEFLER, The Wichita Eagle

The [REDACTED] County [REDACTED] Party has filed a complaint alleging that state-[REDACTED] and [REDACTED] supporters violated state law prohibiting campaigning near polling places on Election Day.

[REDACTED] and [REDACTED] Party leaders say they didn't do anything illegal and the complaint is nothing more than retaliation over a lost election.

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[REDACTED], [REDACTED] who served as polling judge at the location where the violations were alleged, said [REDACTED] saw no illegal activity by [REDACTED] or any of [REDACTED] supporters on Nov. 7.

However, there were two incidents where tempers flared on Election Day and once [REDACTED] called police to the site - [REDACTED]  
[REDACTED]

The [REDACTED] sent its complaint to Kansas Secretary of State Ron Thornburgh and [REDACTED]. Thornburgh forwarded the complaint to District Attorney [REDACTED]

"We have observed an increase in this type of activity in recent elections, but reports to my office usually amount to mere allegations and are not accompanied by written statements or other evidence," Thornburgh wrote in a letter to [REDACTED]. "I urge you to review this matter and determine whether criminal charges are appropriate."

District attorney spokesman [REDACTED] said the issue is being investigated by the sheriff's office.

The [REDACTED] complaint alleges that the [REDACTED] violated a state law that prohibits electioneering within 250 feet of a polling place on Election Day, "resulting in intimidation and havoc" at [REDACTED]

"There were [REDACTED] campaign supporters swarming all over the polling site," the complaint said.

That never happened, said [REDACTED]

"I and the people in my campaign know the law and follow the law at all times," [REDACTED] said.

The [REDACTED] complaint "sure sounds like sour grapes to me," [REDACTED] added.

In the election, [REDACTED] garnered [REDACTED] percent of the vote and defeated [REDACTED]  
[REDACTED]

The [REDACTED] complaint alleges:

- That [REDACTED] was talking to voters inside the polling place.
- That a campaign supporter in a [REDACTED] T-shirt welcomed voters at the door and later was seen inside the polling place.
- That [REDACTED] *poll watchers* intimidated voters.
- That campaign workers in [REDACTED] T-shirts and carrying signs were on [REDACTED] property.

State law prohibits almost all stickers, signs or other campaign paraphernalia within 250 feet of a polling place.

██████████ the poll judge, said ██████████ did not observe any improper behavior by ██████████ or ██████████ supporters, although ██████████ was in and around the polling station throughout the day.

██████████ said at one point, a ██████████ party operative loudly complained to ██████████ that ██████████ supporters were inside the 250-foot limit, so ██████████ went outside with the ██████████ to check.

The only ██████████ supporter visible was well outside the limit, ██████████ said.

A ██████████ reporter who went to the polling site on Election Day observed ██████████ supporters near the entrance to driveway of the ██████████

So did ██████████, a ██████████ campaign volunteer who said ██████████ had been interviewed by sheriff's investigators.

██████████ said ██████████ and other ██████████ campaigners paced off 250 feet from the ██████████ driveway to wave their signs, believing that was necessary to comply with the law.

It's not, according to state officials.

██████████ County Election Commissioner ██████████ said -and secretary of state spokeswoman Stephanie Wing confirmed - that the prohibited area is measured from the door of the polling place.

██████████ is set back substantially from ██████████ and satellite photo maps show that the driveway entrance is about 300 feet from the building.

It's about 550 feet from the voting entrance on the extreme west side of the complex, which includes a church, school and gymnasium.

██████████ said ██████████ came to the polling place three times during the day.

██████████ said ██████████ had proper credentials as a *poll watcher* and "all ██████████ was doing was checking with ██████████ observers."

"I didn't see ██████████ talk to any voters - and I was watching ██████████," ██████████ said.

Observers, both Republican and Democrat, sat behind poll workers and wrote down people's names as they signed in to vote, ██████████ said.

State law allows that, ██████████ said.

However, one man in line objected to their presence and began shouting that it was like Nazi Germany, ██████████ said. Others joined him and ██████████ said at

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that point, [REDACTED] called police to maintain order.

The man voted and left before police arrived, [REDACTED] said.

[REDACTED], executive director of the [REDACTED] County [REDACTED] Party, said poll observers were marking off who had voted so the party's phone bank would know who to call later in the day with a reminder to get out and vote.

[REDACTED], a lawyer who supervised the [REDACTED] observers at the site, said they did nothing wrong.

"Part of it was that people did not understand that the (parties') poll agents are allowed to be there," [REDACTED] said. "And somebody was stirring the crowd up."

[REDACTED] said the observers were mostly college-age.

"The sad thing is, here they are trying to assist in the Democratic process and they get called Nazis and verbally abused," [REDACTED] said.

Reach Dion Lefler at 316-268-6527.

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# THE WICHITA EAGLE

## FEW PROBLEMS AT LOCAL POLLS

Wednesday, November 8, 2006

Section: MAIN NEWS

Edition: main

Page: 7A

BY SUZANNE PEREZ TOBIAS AND KAREN SHIDELER, The Wichita Eagle

**Illustration:** PHOTO

**Caption:** Mike Hutmacher/The Wichita Eagle

Voters in the foreground cast ballots on paper as a line snakes toward the voting machines Tuesday at [REDACTED]

Scattered complaints about long waits, potential "dirty tricks," and candidates and party workers at polling places surfaced Tuesday, but in general voting went smoothly and voters said they were happy with changes that had been made since the August primary.

Voter turnout was heavy during the morning rush and steady through the day, leading to 30-minute waits at some polling places, said League of Women Voters co-president [REDACTED]

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*[Handwritten signature]*

She said some poll workers thought that such a wait in a non-presidential election was reason to add more polling places before the next presidential vote.

But at many polling places, packed parking lots and long lines didn't mean long waits. At [REDACTED] for example, early-rising voters needed only five minutes to sign in, vote and head to the car again.

At [REDACTED], near [REDACTED], and at [REDACTED], near [REDACTED], representatives for both major political parties complained that their opponents' *poll watchers* were harassing or intimidating voters.

At [REDACTED] the incident involved [REDACTED] running for the [REDACTED] District seat in the [REDACTED], and representatives for [REDACTED] opponent, [REDACTED]

[REDACTED], a *poll watcher* for [REDACTED] and the local [REDACTED], said [REDACTED] was "standing inside the polling place, talking to people." [REDACTED] also complained to election officials that [REDACTED] supporters were standing outside the [REDACTED] doors wearing campaign T-shirts.

"Although it's legal for [REDACTED] to be there, it's unprecedented for a candidate to stand there like that," [REDACTED] said. "[REDACTED] a very visible candidate, and that's intimidating."

[REDACTED] said [REDACTED] was following the rules, merely monitoring the polling place and not electioneering. State law prohibits candidates from actively campaigning within 250 feet of a polling place.

"It's the [REDACTED] activists who were going into that polling place, acting very unprofessionally and intimidating the voters and the poll judge," [REDACTED] said.

[REDACTED], the supervising judge at [REDACTED], said several voters had asked who the *poll watchers* were and why they were there.

"We just have to explain that it's part of the process and that they're just monitoring everything," [REDACTED] said. "Everybody here knows what they're doing, and they're doing it very well."

Similar complaints came from [REDACTED], where representatives of both parties met with [REDACTED] County election commissioner [REDACTED] to make sure the rules were clear.

In other parts of [REDACTED], two voters reported potential "dirty tricks" when they found fliers on their doors reminding them to vote - but listing incorrect voting places. One of the voters was a registered [REDACTED] the other a

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[Handwritten signature]

registered [REDACTED] and the incorrect information appeared to be an honest mistake. [REDACTED] volunteers, who had placed the fliers, retraced their steps after learning of the problem.

A handful of people said that they'd voted for one candidate for governor but found the opposing candidate marked when they reviewed their selections.

Election Commissioner [REDACTED] said the machines were tested after the reports, which came from two polling places. "It's possible they accidentally hit the wrong button. I'm not sure if that's what's happening in those cases," [REDACTED] said, but a check "found everything was working properly."

Jim Cross, spokesman for U.S. Attorney Eric Melgren, said his office had received 10 to 20 voting-related complaints, including ones related to the [REDACTED] machines. He said complaints about federal issues, such as deliberate voter fraud or intentional denial of someone's right to vote, would be looked at, but issues such as whether a machine is working correctly "are matters really for the election commissioner or the secretary of state."

For the most part, concerns brought up during the primary election in August seemed to have disappeared.

Voting machines were arranged so that voters' backs were to the walls and the voting screens couldn't be seen. Shields on the tops of the machines added to the privacy.

At [REDACTED], several voters used paper ballots first thing in the morning, as election workers struggled to get the machines going. But the electronic delay didn't last long, and most voters chose the touch screens over paper when they had a choice.

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# THE WICHITA EAGLE

## LAWYERS VISIT POLLS TO WATCH FOR FRAUD

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Tuesday, November 5, 2002

Section: MAIN NEWS

Edition: main

Page: 3A

BY JILL ZUCKMAN AND JEFF ZELENY, Chicago Tribune

As Americans vote today, Democrats and Republicans have sent out teams of lawyers across the nation to watch for voter fraud, intimidation and other illegal tactics that could mean the difference in some of the closest races.

Already, [REDACTED] were crying foul Monday about a pamphlet distributed in Baltimore's largely black precincts warning voters to pay their unpaid traffic tickets, overdue rent "and most important any warrants" before going to the polls. The pamphlet, which was distributed anonymously, also gave the wrong date for Election Day.

To watch for such problems, the [REDACTED] National Committee, for example, has trained and deployed 10,000 lawyers, paralegals and *poll watchers* in some of the tightest contests, including Minnesota, South Dakota, Missouri, Arkansas and Florida. They also have set up a toll-free number - (866) VOTE-411 - monitored by teams of lawyers to allow voters anywhere in the country to report problems at polling places.

A spokesman for the [REDACTED] National Committee insisted the party has no comparable operation.

"What we're really focused on is getting people out to vote," spokesman [REDACTED] said. "We have not seen Election Day as an opportunity to file 10,000 lawsuits."

Nevertheless, a group called the [REDACTED] National Lawyers Association has launched a "ballot integrity program," similarly dispatching lawyers to select locations around the country to watch for voter fraud.

And the Justice Department has sent out more than 400 lawyers to monitor polling places in 14 states, the federal government's largest oversight effort since the Voting Rights Act was passed in 1965.

On the eve of Election Day, criminal lawyers at the Justice Department were investigating 16 alleged cases of voting fraud and voter intimidation.

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Attorney General John Ashcroft pledged Monday that the department would work to guarantee every citizen the right to vote and the right to have the vote counted.

"It's likely to be the cleanest election this country has had in many, many years," said David King, an expert on voting problems at Harvard's Kennedy School of Government.

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**RON THORNBURGH**  
Secretary of State



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## STATE OF KANSAS

### House Committee on Elections and Governmental Organization

#### Testimony on Senate Bill 135

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

March 8, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 135. This bill would establish voter registration and residency requirements for authorized poll agents.

The Secretary of State supports initiatives to promote an orderly voting process, and we believe passage of Senate Bill 135 will enhance the process. We have received reports of poll agents coming from out of state who are not familiar with Kansas election procedures and who have become disruptive to the process. Some voters have said they felt intimidated, and election board workers have had people in the polling places not knowing if they were legitimate poll agents or not. We support Senate Bill 135 because it requires poll agents to meet a reasonable set of qualifications and it adds accountability to poll agents' role in the election process.

The Senate amended the bill in the following ways: (1) Poll agents are required to be residents of Kansas counties. (2) An exception for state legislative candidates was included in the requirement that poll agents be residents of the counties, or contiguous counties, where they will be serving as poll agents. (3) Poll agents may be sixteen or seventeen years of age as long as they possess the other qualifications of qualified electors. (4) Poll agents must wear badges supplied by the county election officer identifying them as observers.

We urge the committee to recommend Senate Bill 135 favorably for passage. Thank you for your consideration.

House Elections & Gov. Org.  
Date: 3-8-2007  
Attachment # 4