

Approved: 3-22-07
Date

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 January 31, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes
Zoie Kern, Committee Secretary

Conferees appearing before the committee:

Senator Huelskamp
Brad Bryant - Secretary of State Office
Ronald Roberts-Butler County

Others attending:

See attached list.

Ken Wilke of Revisor of Statutes office gave a summary of **SB169 Concerning elections; photo identifications**.

Questions.

Senator Huelskamp gave his testimony on **SB169 (Attachment 1)** and referred to **(Attachment 2)** to substantiate his findings.

Brad Bryant from Secretary of States office gave testimony in support of Senator Huleskamp bill **SB169 (Attachment 3)**.

Ronald Roberts testified in favor of **SB169 (Attachment 4)**.

Written testimony in favor of **SB169** was submitted for Stacia Long, Seward County Clerk (Attachment 5).

Written testimony opposing **SB 169** was submitted by Leonore Rowe from the League of Women's voters **(Attachment 6)**.

Meeting Adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Secretary

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STATE OF KANSAS

Senator Tim Huelskamp, Ph.D.

Committee Assignments

Elections & Local Government,
Chairman
Information Technology, Co-Chairman
Kansas Legislative Education &
Research, Past President
Agriculture
Medicaid Reform Task Force
Natural Resources
Natural Resources Legacy Alliance

Testimony by Senator Tim Huelskamp
Senate Elections & Local Government Committee – SB 169
Wednesday, January 31, 2007

Dear Fellow committee members:

Thank you for the opportunity to testify on SB 169, the Photo Voter proposal.

During and since the last election cycle, I have heard a growing drumbeat of questions about election integrity from Kansas citizens: Are those who vote in Kansas elections who they say they are? Are these voters legally qualified to vote? What protections are in place to guarantee the integrity of our election process?

Friends, in our personal and business lives, we require photo identification for a multitude of purposes. From the purchase of alcohol and cigarettes, to workplace security, to writing or cashing a check, society requires photo identification. SB 169 proposes to implement similar, reasonable photo identification safeguards to protect the integrity of something much more important -- our election system.

There are three key provisions in this bill:

- First, all voters would be required to provide some form of photo identification prior to their ballot being counted. (This is modeled on a recently-implemented Florida law and exempts certain military, disabled, and elderly persons.)
- Second, though inadvertently omitted from the bill, all new voter applicants would be required to provide photo identification prior to registration.
- Third, though inadvertently omitted from the bill, the Secretary of State would be authorized, if possible, to participate in a national program to verify citizenship.

These proposals are not new or untried – seven other states already have photo identification requirements. Additionally, another seventeen states have broader voter identification requirements than mandated under federal law or what we currently have here in Kansas.

I am certain that these integrity measures will enhance the confidence of the citizens of Kansas in our election process by providing additional security protections to eliminate further the possibilities of voter fraud in our state.

I encourage your support of SB 169. Thank you for your time and attention.

Senate Elections and Local
Government Committee

1-31-07
Attachment



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

State Requirements for Voter Identification

Updated January 16, 2007

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-four states have broader voter identification requirements than what HAVA mandates. In these states, all voters are asked to show identification prior to voting. Seven of these states specify that voters must show a *photo* ID; the other seventeen states accept additional forms of identification that do not necessarily include a photo (Table 1). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.

<i>Table 1: State Requirements for Voter Identification</i>	
States that Request or Require <i>Photo</i> ID	States that Require ID (Photo not Required)
Arizona	Alabama
Florida	Alaska
Hawaii	Arkansas
Indiana	Colorado
Louisiana	Connecticut
Ohio	Delaware
South Dakota	Georgia
	Kentucky
	Missouri
	Montana
	New Mexico
	North Dakota
	South Carolina
	Tennessee
	Texas
	Virginia
	Washington

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court upheld Arizona's photo ID requirement and requirements that people registering to vote prove their U.S. citizenship. This ruling vacated an October 6th Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation.

Georgia: On October 27, 2006, the 11th U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge.

Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007.

Source: National Conference of State Legislatures
January 16, 2007

For more information, contact Jennie Drage Bowser or Tim Storey
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+202 364-7700
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Attachment 2-1

Missouri: On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement.

Ohio: On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order does not apply to future elections.

Recent Legislative Action

New voter ID laws passed in 2003: Alabama, Colorado, Montana, North Dakota, South Dakota

New voter ID laws passed in 2005: Indiana, New Mexico, Washington

Also in 2005: Georgia tightened its existing voter ID law to require *photo* ID

New voter ID laws passed in 2006: Ohio

Also in 2006: Georgia passed SB 84, providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card. Georgia's voter photo ID law was enjoined from enforcement in July 2006. This affects the primary, general and any runoff elections in 2006.

Also in 2006: Missouri tightened its existing voter ID law to require *photo* ID although a state court stayed the provision in September.

Source: National Conference of State Legislatures

January 16, 2007

For more information, contact Jennie Drage Bowser or Tim Storey at 303-364-7700.

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RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 169

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

January 31, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 169. The Secretary of State has consistently supported the idea of requiring all voters to provide identification each time they vote. We proposed voter identification in 2003 as part of the state legislation to implement the Help America Vote Act of 2002. That legislation did not become law, and we were left in 2004 with compromise legislation that requires only those voters who are voting for the first time in their respective counties to provide identification.

Voter identification is an important part of the total security of the electoral process, and we believe it will help prevent election fraud.

We wish to raise several points about the provisions in Senate Bill 169 that could lead to questions during implementation.

1. Identification documents in current law have been deleted. These documents are specifically listed in HAVA as acceptable forms of identification. It may be a violation of HAVA to not accept them.

Section 1, page 2, lines 12-13

2. Exempting certain groups from the identification requirement means people are treated differently and could raise questions of equal protection.

Section 1, page 5, Subsection (k)

Section 2, page 6, Subsection (d)

Section 3, page 9, Subsection (k)

3. Poll workers are required to compare signatures on identification documents to signatures on poll books. This is a new duty assigned to poll workers for which they are not trained.

Section 3, page 7, lines 25-32

4. A buyer's club identification is listed as an acceptable identification document. We are concerned that the standard for obtaining a buyer's club identification is too low. Some minimal standard should be required, especially when the issuing agency is a non-governmental third party.

Section 3, page 9, Subsection (j)

We urge the committee to pass a full voter identification bill to improve the security of the Kansas voting process. If the committee wishes to address any of the specific points we have raised, we offer our assistance if needed.

January 31, 2007

Elections and Local Government Committee

Senator Huelskamp – Chair

Chairman Huelskamp and members of the Elections and Local Government Committee. I would like to thank you for this opportunity to testify on behalf of Senate Bill 169.

Butler County spends a considerable amount of time and money trying to keep our voter registration data base as accurate and up to date as we possibly can. At this time, we make no effort to verify that the voter is the same person listed in our voter registration records. We continually work to improve security in the voting process, and this bill just adds another piece to that program, with one more way to help stop double voting or other voting fraud. What would stop someone from taking a name and address from the phone book and voting under that name? The answer is nothing, unless a poll clerk happens to know the voter or that person has already signed in and voted. The trend to combine poll sites, for more efficiency, certainly makes it increasingly more difficult for election workers to know voters by name.

Showing ID has become routine for most Americans. People are so conditioned to showing proof of ID that there is very little stigma attached to providing proof of identity. What problems might arise at the polls from this requirement? In speaking to other County Election Officers, they express concerns as to the effect on their poll site process. Confusing voters and election clerks and slowing down the voting check-in lines are all valid concerns. 4 years ago Butler County had a Special Recall Election for a City Council Member in Andover. We decided to find out what would happen if ID was required at the poll sites when checking in. This was a small election in a city of about 7,500 at that time with some 4,600 plus registered voters and two polling locations. Signs were posted at the entrance doors and on the check-in tables simply stating “Please show valid ID when checking in”.

These are good size sites with about 3,000 voters at one and 1,500 at the other. The lines were not slower. Indeed they actually went slightly faster as the election workers did not have to ask for the spelling on unusual names. The names and addresses were visually there. Voters were not complaining about showing ID and were taking it in stride.

We received less than 10 complaints, most were from women, who were surprised by the requirement and came to the voting site with their husbands without their purses. Spending time at the sites visiting with voters about the ID requirements, most either had no objections or did not realize it was not a mandatory requirement. Of course, in this small election, voters were allowed to vote on the machines if they were in the poll register, even those without ID.

This was a very small test and it was in an upscale, conservative area and so I do not know how it would play out across the whole state. But it is my opinion that the problems and concerns will be much less than imagined.

I wish to thank you for allowing me the opportunity to share my views with you and recommend your support for the amendments in SB 169.

Ronald Roberts
Butler County Clerk & Election Officer

Senate Elections and Local
Government Committee

1/31/07

Attachment

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Stacia D. Long
Seward County Clerk/Election Official
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Honorable Tim Huelskamp
Chairperson – Elections and Local Government
And Committee Members

January 30, 2007

RE: S. B. #169
Testimony Proponent

Thank you for this opportunity to testify on Senate Bill #169. As the Seward County Election Officer and County Clerk, I have always been supportive of full voter ID requirements. I appreciate your leadership and initiative to explore voter ID solutions. However, I have concerns with some of the proposed changes.

- 1 The additional requirements placed on board workers in regards to comparing the voters signature concerns me as they are not currently trained to check signatures and they may find this additional step intimidating.
- 2 Only limited persons should be exempt from the identification requirement. Persons 65 years of age or older should not be exempt. It is important that all voters have the same requirements so as not to appear discriminatory.

I am confident an ID process can be developed that protects and includes all voters while not becoming burdensome to election workers. I would be glad to provide feedback to committee members as you explore additional options associated with voter ID.

Sincerely,

Stacia D. Long, CPM
Seward County Election Officer and County Clerk

Senate Elections and Local
Government Committee
4/31/07
Attachment



LEAGUE OF WOMEN VOTERS® OF KANSAS

January 31, 2007

President
Janis McMillen
Overland Park

The Honorable Tim Huelskamp, Chair
Elections and Local Government Committee
The Kansas Senate

1st Vice President
Sharon Aillslieger
Wichita

Chairman Huelskamp and members of the Committee, I am Leonore Rowe, a Board member of the League of Women Voters of Kansas. I appreciate the opportunity to speak on behalf of the League in opposition to SB 169.

2nd Vice President
Cathy Hoy
Emporia

The right to vote is the most treasured hallmark of modern democracy, and ensuring free and fair access to the polls is of vital importance. The League of Women Voters supports full voting participation by all eligible American citizens, and we oppose any efforts to create new barriers that block citizen voter participation.

Secretary
Carol Snyder
Overland Park

The proposed legislation creates what we believe is a new barrier – a requirement for a photo identification when voting in person or by advance ballot. Many of us may assume that the vast majority of citizens have photo identification; however, recent figures from the U.S. Department of Transportation estimate that 6 – 12% of voters do not have government-issued photo IDs. A number of studies have shown that certain segments of the population - young people, people of color, rural voters, persons with disabilities and frequent movers - are far less likely to have ID than other Americans. The cost associated with obtaining the supporting documents required to obtain a government issued photo ID is particularly burdensome for low income citizens.

Treasurer
Leonore Rowe
Overland Park

Directors
Gwen Elliott
Topeka

Following the 2000 election in Missouri, it was determined that only 0.01% of voting irregularities would have been prevented by a voter ID requirement, and even those could have been addressed by rigorous implementation of HAVA voter database procedures.

Ellen Estes
Wichita

Linda Johnson
Manhattan

Some have suggested that illegal voting by non-citizens is a problem in Kansas. While we acknowledge that election misconduct occurs, the lack of evidence of instances where voters misrepresent their identity at the polls suggests that the kind of voter fraud ameliorated by a photo ID requirement is rare. In 2001, the Kansas League of Women Voters undertook a study of election administration in our state. Not one of the 96% of county election officials responding identified a problem with non-citizens attempting to register to vote or to vote. League members from around the state have served for years as poll workers and supervising judges, and we have not seen credible evidence of non-citizens attempting to vote. Since it is illegal in every state for a non-citizen to vote in any election, we would expect to see reports of prosecutions and convictions if meaningful numbers of non-citizens were, in fact, voting.

Bob Kruh
Manhattan

Janice Norlin
Salina

Nona Ponder
Wichita

Webmaster
Carol Yoho
Topeka

From our perspective, any proposal that restricts voter registration, or raises barriers to voting in order to deal with the supposed problem of non-citizen voting, provokes fear rather than providing a fact-based solution. We simply have not seen evidence of facts that would justify restricting the franchise. The voter turn-out in the U.S. is shamefully low compared to other democracies. We believe it is vitally important that officials who are responsible for establishing and administering election systems act only after careful consideration of the facts, rather than acting on assumptions or people's fears.

Senate Elections and Local
Government Committee

Attachment

1/31/07