

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 February 7, 2007 in Room 423-S of the Capitol.

All members except Senator Donovan 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:

Brad Bryant - Secretary of States office

Others attending:

See attached list.

Ken Wilke gave summary of **SB 159 Elections; security of advance voting ballots** (Attachment 1).

Brad Bryant of Secretary of States office testified in favor of **SB 159** and submitted language change (Attachment 2).

Questions.

References given to **SB142** from last year and companion for **SB 159, SB133**.

Written testimony submitted by Topeka Independent Resource Center (Attachment 3).

Hearing closed.

Motion made by Senator Francisco and second by Senator Lynn to accept language from Secretary of States office to amendment to **SB 159**.

Motion carried.

Senator Francisco motioned to change language from member of voters family to - person other than voter.

Motion carried.

Senator Petersen motion and Senator Pyle second to accept proposed balloon amendment by Secretary of State.

Motion carried.

Discussion on **SB 169 Concerning elections; photo identification**.

Motion made by Senator Huelskamp and second by Senator Petersen to accept changes (Attachment4).

Discussion.

Motion carried.

Motion made by Senator Huelskamp and second by Senator Wilson to accept amendment to **SB 169** requiring proof of citizenship at time of registration.

Senator Francisco motioned to strike on page 9 of **SB 169**, lines e, i & j and everywhere else this is mentioned.

Motion second by Senator Reitz.

Motion carried to report out **SB 169** favorably.

Meeting adjourned.

Respectfully submitted,

Zoie C. Kern, Committee Secretary

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Testimony on Senate Bill 159

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 Senate Bill 159. This bill was proposed by the Secretary of State as an advance ballot security bill. It contains two main provisions:

- It would prohibit anyone from signing another person's application for an advance voting ballot, but it would maintain current exceptions for voters with disabilities.
- If a voter wishes to designate another person to mail or deliver his/her ballot to the election office, the voter must designate the person in writing and the person designated must sign a statement that he/she has not exercised undue influence on the voter's decisions.

Section 2 also contains some cleanup language to update references to voters with disabilities or lack of proficiency in reading the English language. This is consistent with updates of similar language in other statutes made in recent years.

We have security procedures and chain of custody for voting machines and ballots in all other aspects of the electoral process. Advance voting by mail is one part of the process where election officials do not have control over who handles ballots. Senate Bill 159 will create a record of who has handled a ballot in the event of an investigation about improper activities.

Senate Bill 159 is similar to Senate Bill 142 in 2005 after it was amended. We believe this bill contains language acceptable to all who expressed opinions on it during the past two legislative sessions, and it represents an important step in improving the security of advance voting by mail. In order to bring Senate Bill 159 into agreement with the amended version of SB 142, we propose the following amendment.

Proposed amendment

Section 3, page 3, line 17

We recommend deleting the words "request of" and replacing them with "written designation by" and deleting the words "member of the voter's family" and replacing them with "person other than the voter".

Based on testimony last year by representatives of the disabilities community on Senate Bill 142, it is preferable not to restrict persons who may be designated to deliver ballots to family members only.

We have attached a page to indicate how Subsection (f) would read if the committee adopts this proposed amendment.

We urge the committee to amend Senate Bill 159 as proposed and to report it favorably, as amended, for passage. Thank you for your consideration.

25-1128

(f) ~~Nothing in this section shall be construed to prohibit any person from mailing, carrying or otherwise conveying advance voting ballots or sets of advance voting ballots to the county election officer upon request of advance voting voters. A voter may return such voter's advance voting ballot to the county election office by personal delivery or by mail. Upon request of written designation by the voter, a member of the voter's family~~ person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter. Any person designated by a voter to deliver such voter's advance voting ballot shall mail or deliver the ballot and the designation and statement required by this section to the county election office. Such delivery shall occur within two business days after receiving the ballot from the voter but not later than the close of polls on election day.



Topeka Independent Living Resource Center

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Testimony on SB 159 before the Senate Committee on Elections and Local Government February 5, 2007

Chairman Huelskamp and members of the committee, thank you for the opportunity to provide testimony on SB 159. My name is Kevin Siek and I am a disability rights advocate for the Topeka Independent Living Resource Center. Our agency is a civil and human rights organization with a mission to advocate for justice, equality and essential services for all people with disabilities.

SB 159 would clarify who may assist voters with disabilities who cast an advance ballot. This same issue came up during the 2006 Legislative Session and was addressed in SB 142.

Topeka Independent Living Resource Center, other disability rights advocates and the Secretary of State's office worked with the conference committee on SB 142 and agreed upon the following language to address the issue:

“A voter may return such voter’s advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation on the ballot envelope by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.”

This same language appears in HB 2281, which is currently before the House Committee on Elections and Governmental Organization.

We ask the committee to replace the language in SB 159 with the language from HB 2281 which advocates and legislators worked so diligently to craft through last Session's negotiations.

Senate Elections and Local
Government Committee

Advocacy and services provided by and for people with disabilities 2-7-07

Attachment

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1 which book voters shall sign.
 2 (b) A person desiring to vote shall provide to the election board: (1)
 3 the voter's name; (2) if required, the voter's address; and (3) the voter's
 4 signature on the registration or poll book; and (4) a current and valid
 5 form of identification listed in subsection (j). A current and valid form of
 6 identification listed in subsection (j) shall be presented in addition to any
 7 other form of identification required pursuant to this section. A signature
 8 may be made by mark, initials, typewriter, print, stamp, symbol or any
 9 other manner if by placing the signature on the document the person
 10 intends the signature to be binding. A signature may be made by another
 11 person at the voter's direction if the signature reflects such voter's
 12 intention.

13 (c) A member of the election board shall:
 14 (1) Announce the voter's name in a loud and distinct tone of voice,
 15 and, if the name is in the registration books, the member of the election
 16 board having the registration record shall repeat the name;
 17 (2) request the voter's signature on the registration or poll book;
 18 (3) provide the required signature at the request of and on behalf of
 19 any voter who is unable to personally affix a signature by reason of tem-
 20 porary illness or disability, or lack of proficiency in reading the English
 21 language;
 22 (4) ~~if the voter is a first-time voter as described in subsection (h) of~~
 23 ~~this section, request valid identification from the voter unless such voter~~
 24 ~~has previously submitted current and valid identification in the county~~
 25 ~~where registered; compare the signature on the registration or poll book~~
 26 ~~with the signature on the photographic identification provided by the~~
 27 ~~voter. If the member of the election board is satisfied as to the identity of~~
 28 ~~the voter, the member of the election board shall place such member's~~
 29 ~~initials in the space provided and allow the voter to vote. If the photo-~~
 30 ~~graphic identification does not contain the signature of the voter, an ad-~~
 31 ~~ditional form of identification that provides the voter's signature shall be~~
 32 ~~required from the voter;~~

verify whether the photographic identification provided
 by the voter bears a signature

33 (5) give the voter one ballot, on the upper right-hand corner of which
 34 shall be written the number corresponding to the voter's number in the
 35 registration book or poll book; and
 36 (6) mark the voter's name in the registration book and party affiliation
 37 list.
 38 (d) A ~~first-time~~ voter shall provide to the election board a form of
 39 valid identification such as a current and valid Kansas driver's license,
 40 nondriver's identification card, utility bill, bank statement, paycheck, gov-
 41 ernment check or other government document unless such voter has
 42 previously submitted current and valid identification in the county where
 43 registered. The document provided in accordance with this section shall

4-2

- 1 revenue;
- 2 (C) a United States passport;
- 3 (D) an employee badge or identification;
- 4 (E) a buyer's club identification;
- 5 (F) a debit or credit card;
- 6 (G) a military identification;
- 7 (H) a student identification;
- 8 (I) a retirement center identification;
- 9 (J) a neighborhood association identification; or
- 10 (K) a public assistance identification.

11 (2) If the voter fails to furnish the identification required by this sub-
 12 section, the voter shall be allowed to vote a provisional ballot. The can-
 13 vassing board shall determine the validity of the ballot pursuant to K.S.A.
 14 25-3002 and amendments thereto.

15 (k) The following persons are exempt from the identification require-
 16 ments of this section:

- 17 (1) Persons 65 years of age or older;
- 18 (2) persons with a temporary or permanent physical disability;
- 19 (3) members of the uniformed service on active duty who, by reason
 20 of such active duty, are absent from the county on election day;
- 21 (4) members of the merchant marine who, by reason of service in the
 22 merchant marine, are absent from the county on election day;
- 23 (5) the spouse or dependent of a member referred to in paragraph (3)
 24 or (4) who, by reason of the active duty or service of the member, is absent
 25 from the county on election day; and
- 26 (6) persons currently residing outside the United States who are eli-
 27 gible to vote in Kansas.

28 Sec. 4. K.S.A. 2006 Supp. 25-3002 is hereby amended to read as
 29 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- 30 (1) The original canvass by election boards.
- 31 (2) Intermediate and final canvasses by county boards of canvassers.
- 32 (3) Final canvass by the state board of canvassers.
- 33 (4) All election contests.
- 34 (5) All other officers canvassing or having a part in the canvass of any
 35 election.

36 (b) Rules for canvassers:

37 (1) No ballot, or any portion thereof, shall be invalidated by any tech-
 38 nical error unless it is impossible to determine the voter's intention. De-
 39 termination of the voter's intention shall rest in the discretion of the board
 40 canvassing in the case of a canvass and in the election court in the case
 41 of an election contest.

42 (2) The occurrences listed in this subpart (2) shall not invalidate the
 43 whole ballot but shall invalidate that portion, and that portion only, in

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(1) Applications made under this section must be accompanied by documentary proof of citizenship in the United States of America. In the case of a voter making an application by mail, the voter must enclose a copy of a document proving his citizenship in the United States of America with his application. Any of the following documents shall be sufficient to establish that the applicant is a citizen of the United States of America:

- (1) a United States passport;
- (2) a birth certificate indicating that the applicant was born in the United States of America;
- (3) a document issued by the federal government indicating that the applicant is a naturalized U.S. citizen.