

Approved: February 16, 2009
Date

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on February 9, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Mike Peterson- excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Brad Bryant, Deputy Assistant, Office of Secretary of State
Representative Mike Burgess, District 51
Richard Fry, November Patriots
Nancy Sargent, Topeka League of Women Voters
Dan Winter, Executive Director, American Civil Liberties Union

Others attending:

See attached list.

Hearing on **HB 2066 - Elections; Help American Vote Act (HAVA) compliance, voter identification requirements, party affiliation declaration.**

Ken Wilke, Office of the Revisor of Statutes commented on the changes in the bill and said the intent is to make all items uniform throughout the statutes. He said that various issues, including first time voters, provisional ballots, an amendment to clarify HAVA, register of new and changes of address, and identification requirements at polling places all need to be in compliance with and verified through a state-wide database.

Brad Bryant, Deputy Assistant, Office of Secretary of State, provided testimony on the bill, stating there is no change in current state policy; the intent is to bring state law in compliance with federal law for the purpose of resolving the conflict between two state laws passed in 2004. His testimony included a summary of each section of the bill (Attachment 1). A proposal of some "if then" amendments are listed on page four of his testimony. Mr. Bryant recommended passage of the bill with the proposed amendment.

The Chairman asked if anyone wished to speak in opposition to the bill. Mr. Paul Deneger, founder, lobbyist and President of Citizens Against Illegal Immigration, Topeka, gave oral testimony to the committee as an opponent stating the number of illegal voters has influenced the outcome of elections. He said this is a states' rights issue and holds the position that HAVA is non-constitutional.

After committee discussion, the Chairman closed the hearing on **HB 2066.**

Hearing on **HB2077 - Elections; voters; photo identification required; free photo identification, certain persons.**

Mr. Wilke provided an overview, saying the changes proposed by the Secretary of State's Office would require voters to provide their name, photograph and signature. Persons exempt from the requirement are those with disability, military personnel serving on active duty and their spouses and persons over 65 years of age. He said the Department of Revenue would be required to issue non-driver's identification cards free of charge for certain individuals.

Representative Mike Burgess, District 51, addressed the committee as a proponent of **HB 2077**, stating the bill is based on a conference committee report passed by the legislature in 2008 (Attachment 2). He noted the statistics from some states indicating the increase in voter registration and turnout. Representative Burgess recommended **HB 2077** be passed favorably by the committee.

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CONTINUATION SHEET

Minutes of the House Elections And Governmental Organization Committee at 3:30 p.m. on February 9, 2009, in Room 446-N of the Capitol.

Brad Bryant spoke to the committee as a proponent of **HB 2077**, saying the Secretary of State has supported voter identification for many years. He asked committee members to consider two specific points regarding the provisions offered in this bill (Attachment 3). Mr. Bryant offered to provide full assistance from the office of the Secretary of State should the committee require additional information. He recommended the passage of the bill in order to improve security in the voting process.

Staff provided a corrected fiscal note for **HB 2077** showing estimated revenue and expenditures for FY 2010 (Attachment 4).

Staff distributed a document from National Conference of State Legislatures for committee members. The document provides detailed information on State Requirements for Voter Identification (Attachment 5).

Richard Fry, November Patriots, spoke to the committee regarding voter and registration fraud (Attachment 6). He is concerned about the number of foreign nationals who are voting and said Kansas has a sub-component of illegal aliens estimated at 80,000 to 150,000. He quoted statistics from the Department of Revenue provided in January of 2008, saying that 50,000 Kansas driver's licenses are in the hands of individuals who could not prove "legal residency."

Nancy Sargent, a member of Kansas League of Women Voters of Topeka-Shawnee County read testimony provided by Diane Kuhn, President, League of Women Voters of Kansas, stating opposition to any new barriers this bill might require, such as photo identification (Attachment 7). She noted the League's involvement in the voting process includes poll workers and supervisory judges; no credible evidence of non-citizens attempting to vote has been apparent during their watch. The League opposes any efforts to block citizen voter participation.

Dan Winters, Executive Director, American Civil Liberties Union of Kansas and Western Missouri, spoke in opposition to the proposed voter identification program (Attachment 8). He cited problems of discrimination, voting rights, the possibility of increased identity theft, and significant cost increases to monitor all the necessary changes.

Martha Dorsey, staff of Kansas Legislative Research, indicated a study from Rutgers/Eagleton Institute on issues pertinent to voter registration and identification was presented to the committee during the 2008 session. In addition, the author of a study from Heritage Institute provided testimony last year. It can be given to members at the next meeting; however the Rutgers/Eagleton document is not available.

Tom Stoffers, Coordinator, Leavenworth County November Patriots, gave verbal testimony stating protection of the right to vote must be provided through some type of voter identification. (His written testimony coincides with Mr. Fry's (see Attachment 6).

The Chairman closed the hearing on **HB 2077**.

Hearing on **HB 2244 - Campaign finance; report of unitemized contributions.**

Staff provided an overview explaining the requirements a candidate must file when \$1,000 or more per calendar year is given; unitemized contributions are \$50 or less.

Representative Scott Schwab provided testimony giving an example of donations made online, which does not allow documentation as to where the money was procured (Attachment 9). After some discussion among members, the Chairman closed the hearing on **HB 2244**.

Hearing on **HB 2193** - Campaign finance; filing of certain reports by certain candidates for state office.

Staff provided information on the issue of a candidate having to file with both the Secretary of State and the office of the county in which the candidate is residing. The bill seeks to remove the dual requirement and require filing only with the Secretary of State.

CONTINUATION SHEET

Minutes of the House Elections And Governmental Organization Committee at 3:30 p.m. on February 9, 2009, in Room 446-N of the Capitol.

The hearing on **HB 2193** was closed.

The meeting was adjourned at 5:10 p.m. The next meeting is scheduled for February 11, 2009 at 3:30 p.m.

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
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STATE OF KANSAS

House Committee on Elections

Testimony on House Bill 2066

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

February 4, 2009

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2066. This bill was proposed by the Secretary of State as a voter registration and voter identification cleanup bill. It will not change current state policy, but it will bring state laws into compliance with federal laws and resolve a contradiction between two state laws. Some of the laws that would be amended by House Bill 2066 were passed in 2004 as part of the legislation to implement the Help America Vote Act of 2002 (HAVA).

House Bill 2066 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 state laws dealing with the voter registration deadline before elections.

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

Proposed Amendment

In order to increase the consistency of the language in the bill, we recommend the committee consider an amendment to two sections of the bill. We have provided proposed language for the amendment at the end of this testimony.

We recommend the committee amend House Bill 2066 as proposed and report it favorably, as amended, for passage. Thank you for your consideration.

House Elections
2-9-09
Attachment # 1

House Bill 2066

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

This section slightly rearranges a section on the voter registration application form to first ask the applicant for his/her driver's license number, then ask for the last four digits of the person's Social Security number if the person does not have a driver's license. This complies with HAVA, which has a preference for the driver's license number.

Section 5

Section 5 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 6

Section 6 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 7

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.

Proposed Amendment to House Bill 2066

We propose the committee amend House Bill 2066 as follows.

Section 1, page 1, line 27:

After “and” insert “either the voter’s photograph or the voter’s current residential”

Section 1, page 1, line 39:

After “and” insert “either the voter’s photograph or the voter’s current residential”

Section 1, page 2, lines 1 and 2:

After “and” insert “either the voter’s photograph or the voter’s current”

Section 2, page 5, line 25:

After “my” insert “current”

After “and” insert “either my photograph or my”

Section 2, page 6, line 6:

After “my” insert “current”

After “and” insert “either my photograph or my”

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Testimony in Support of HB2077

Chairman Huebert and members of the House Elections Committee:

The citizens of Kansas have a justified expectation for a secure and accessible election process. Over the last couple of years, we have taken several steps to make our process more accessible including passing a Satellite Advance Voting Bill and a bill to allow special polling places at nursing homes.

I have spent quite a bit of time working on election issues over the last couple of years as have a number of people here in this room. This bill is based on the conference committee report the legislature passed last year. Many bills improve as they go through the legislative process, and in my opinion this one has become a much better bill.

The bill requires all in-person voters to provide photographic identification at every election. It provides a number of photo identification options, including a current Kansas driver's license, current Kansas nondriver's identification card, United States passport, employee badge or identification, debit or credit card, military identification, student identification or public assistance identification.

The bill exempts a number of groups – those 65 and older; persons with a temporary or permanent disability; military members and their spouses serving overseas; registered voters living overseas; etc.

The bill also allows people who are 18 to 65, registered to vote or who plan to register, and are eligible to receive public assistance to receive a free nondriver's identification card.

During the last year, the U.S. Supreme Court upheld the Indiana voter ID law. Also, on January 14th, the federal appeals court in Atlanta upheld Georgia's voter ID law. Both of those states require voters to show a state-issued photo ID in order to vote.

It was also interesting to see that voter turnout in Georgia increased at a higher rate than in other deep South states that lack strict voter ID laws. In fact, Georgia voter turnout increased in November 2008 at the second highest rate in the country. In Indiana, the increase in voter turnout was the fifth highest in the country.

Thank you for this opportunity to appear before you today in support of this bill. I urge you to pass HB2077 and recommend it favorable for passage. I would be happy to stand for questions at the appropriate time.

House Elections
2-9-09
Attachment # 2

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Secretary of State



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STATE OF KANSAS

House Committee on Elections

Testimony on House Bill 2077

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

February 4, 2009

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of House Bill 2077. 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 two points about the provisions in House Bill 2077 that could lead to questions during implementation.

1. House Bill 2077 would delete the identification documents in current law. 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 14-15

2. House Bill 2077 would exempt certain groups from the identification requirement. This would mean 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 (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 the specific points we have raised, we offer our assistance if needed. Thank you for your consideration.

House Elections
2-9-09 Attachment #3

February 4, 2009

CORRECTED

The Honorable Steve Huebert, Chairperson
House Committee on Elections
Statehouse, Room 513-S
Topeka, Kansas 66612

Dear Representative Huebert:

SUBJECT: Corrected Fiscal Note for HB 2077 by House Committee on Elections

In accordance with KSA 75-3715a, the following corrected fiscal note concerning HB 2077 is respectfully submitted to your committee.

HB 2077 would amend existing law specifying the forms of identification that are acceptable for presentation when voting or applying for an advance ballot. Under existing law, these forms included driver's licenses, non-driver's identification cards, utility bills, bank statements, and government checks or documents. This bill would change those acceptable forms of identification to forms specified by the Secretary of State containing the voter's name, photograph, signature, and an expiration date. Persons exempted from this requirement would include those over 65 years of age, persons with a temporary or permanent disability, and members of the military on active duty and their spouses. Current law requires only first time voters to provide identification to vote or to apply for an advance ballot. HB 2981 would require voters to provide a form of identification specified in this bill every time they vote or apply for an advance ballot. If enacted, these provisions of the bill would take effect on January 1, 2010.

HB 2077 would require the Department of Revenue to issue non-driver's identification cards free of charge for individuals 18 years of age and older as specified in the bill. A person falsifying an application for a free identification card would be guilty of an unclassified misdemeanor subject to a fine not to exceed \$250.

Estimated State Fiscal Effect				
	FY 2009 SGF	FY 2009 All Funds	FY 2010 SGF	FY 2010 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$248,000	\$248,000
FTE Pos.	--	--	--	--

The Honorable Steve Huebert, Chairperson
February 4, 2009
Page 2-2077

HB 2077 would require county staff and election officers to spend more time verifying signatures, processing identification documents, and training poll workers, it is expected that county expenses would increase. Because those expenses would vary from county to county and because there is no information available as to the extent of training or the time required for verification of identification documents, it is not possible to estimate the additional costs.

This bill would also require modifications to the state's driver's license system. In the original fiscal note, the Department of Revenue indicated that the required programming for this bill by itself (three to four weeks in in-house programming and implementation) would be performed by existing staff of the Department of Revenue. However, if the combined effect of implementing this bill and other enacted legislation exceeds the Department's programming resources, or if the time for implementing the changes is too short, expenditures for outside contract programmer services beyond the Department's current budget may be required. The agency now reports that it would require an additional \$248,000 from the State General Fund for FY 2010 to process the approximately 31,000 free photo identification cards. Any fiscal effect associated with HB 2077 is not reflected in *The FY 2010 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Christy Myers, Secretary of State's Office
Melissa Wangemann, Kansas Association of Counties
Larry Baer, League of Municipalities



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

State Requirements for Voter Identification

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.

Table 1: State Requirements for Voter Identification

States that Request or Require <i>Photo ID</i>	States that Require ID (Photo not Required)	
Florida Georgia Hawaii Indiana Louisiana Michigan South Dakota	Alabama Alaska Arizona Arkansas Colorado Connecticut Delaware Kentucky Missouri	Montana North Dakota Ohio South Carolina Tennessee Texas Virginia Washington

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court vacated an October 6th decision by the 9th Circuit Court of Appeals that suspended Arizona's photo ID requirement pending further litigation. The ID requirement was in effect for Arizona's 2006 election, and remains in effect in 2008.

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

Source: National Conference of State Legislatures

June 19, 2008

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

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House Elections
2-9-09
Attachment #5

U.S. District Court judge. Georgia's voter ID requirement was reinstated by federal judge in mid-2007.

Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never enacted due to a prior ruling from the Attorney General's office) is constitutional and enforceable.

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 did not apply to future elections, and voter ID requirements are in effect for 2008.

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.

Voter ID law relaxed in 2008: New Mexico now allows a voter to satisfy the ID requirement by stating his name, address as registered, and year of birth.

Source: National Conference of State Legislatures
June 19, 2008

For more information, contact Jennie Drage Bowser or Tim Storey at 303-364-7700.
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NATIONAL CONFERENCE of STATE LEGISLATURES

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Table 2: Details of Voter Identification Requirements

State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none">▪ Government-issued photo ID▪ Employee ID card with photo▪ Alabama college/university ID with photo▪ Utility bill▪ Bank statement▪ Government check▪ Paycheck▪ ID card issued by any state or the U.S. government▪ U.S. passport▪ Alabama hunting license▪ Alabama fishing license▪ Alabama gun permit▪ FAA-issued pilot's license▪ U.S. military ID▪ Birth certificate (certified copy)▪ Social security card▪ Naturalization document▪ Court record of adoption▪ Court record of name change▪ Medicaid or Medicare card▪ Electronic benefits transfer card▪ Government documents showing name and address of voter	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.
Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none">▪ Official voter registration card▪ Driver's license▪ Birth certificate▪ Passport	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit

Source: National Conference of State Legislatures

June 19, 2008

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		<ul style="list-style-type: none"> ▪ Hunting or fishing license ▪ Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address 	a required form of identification shall be allowed to vote a questioned ballot.
Arizona §16-579A	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	<ul style="list-style-type: none"> ▪ Valid Arizona driver's license ▪ Valid Arizona non-driver identification ▪ Tribal enrollment card or other form of tribal identification ▪ Valid U.S. federal, state or local government issued identification ▪ Utility bill dated within 90 days of the election ▪ Bank or credit union statement dated within 90 days of the election ▪ Valid Arizona vehicle registration ▪ Indian census card ▪ Property tax statement ▪ Vehicle insurance card ▪ Recorder's Certificate 	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.
Arkansas §7-5-305(a)(8)	Election officials shall request the voter to provide identification	<ul style="list-style-type: none"> ▪ Driver's license ▪ Government-issued photo ID ▪ Voter card ▪ Social security card ▪ Birth certificate ▪ U.S. passport ▪ Employee ID card ▪ Student ID card ▪ Arkansas hunting license ▪ U.S. military ID card ▪ Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and 	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

Source: National Conference of State Legislatures
June 19, 2008

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		address of the voter	
Colorado §1-1-104(19.5) and 1-7-110	Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).	<ul style="list-style-type: none"> ▪ Colorado driver's license ▪ CO Dept. of Revenue ID card ▪ U.S. passport ▪ Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO ▪ Pilot's license ▪ U.S. military ID with photo ▪ A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector ▪ Medicare or Medicaid card ▪ Certified copy of birth certificate ▪ Certified documentation of naturalization 	<p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. (this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules)</p>
Connecticut §9-261	Each elector shall present identification	<ul style="list-style-type: none"> ▪ Social Security card ▪ Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph 	Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.
Delaware Tit. 15, §4937	A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity	<ul style="list-style-type: none"> ▪ Photo ID ▪ Utility bill ▪ Paycheck ▪ Any government document with voter's name and address 	In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.
Florida §97.0535(3)(a) and §101.043	The clerk or inspector shall require each elector, upon entering the polling place, to present a current and	<ul style="list-style-type: none"> ▪ Florida driver's license ▪ Florida ID card issued by the Dept. of Highway Safety and Motor 	The person shall fill out, in his or her own handwriting or with assistance from a member of the election board,

Source: National Conference of State Legislatures
June 19, 2008

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

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	valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.	<p>Vehicles</p> <ul style="list-style-type: none"> ▪ U.S. passport ▪ Employee badge or identification ▪ Buyer's club identification ▪ Debit or credit card ▪ Military identification ▪ Student identification ▪ Retirement center identification ▪ Neighborhood association ID ▪ Entertainment identification ▪ Public assistance identification 	the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to cast his or her vote, but if the person fails or refuses to make out or file such affidavit, then he or she shall not be permitted to vote.
Georgia §21-2-417	Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.	<ul style="list-style-type: none"> ▪ Georgia driver's license, even if expired ▪ ID card issued by the state of Georgia or the federal government ▪ Free voter ID card issued by the state or county ▪ U.S. passport ▪ Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state ▪ Valid U.S. military identification card ▪ Valid tribal photo ID 	If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after the election to present appropriate photo identification at your county registrar's office in order for your provisional ballot to be counted.
Hawaii §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.

Source: National Conference of State Legislatures
June 19, 2008

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

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<p>Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25</p>	<p>A voter who desires to vote an official ballot at an election shall provide proof of identification</p>	<p>Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.</p>	<p>Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.</p>
<p>Kentucky §117.227</p>	<p>Election officers shall confirm the identity of each voter by personal acquaintance or by a document.</p>	<ul style="list-style-type: none"> ▪ Driver's license ▪ Social Security card ▪ Credit card 	<p>When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.</p>
<p>Louisiana §18:562</p>	<p>Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.</p>	<ul style="list-style-type: none"> ▪ Louisiana driver's license ▪ Louisiana special ID card ▪ Other generally recognized picture identification 	<p>If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.</p>

Source: National Conference of State Legislatures
June 19, 2008

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

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<p>Michigan §168.523 <i>Effective 11/6/07</i></p>	<p>Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.</p>	<ul style="list-style-type: none"> ▪ Michigan driver's license ▪ Michigan personal identification card <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> ▪ Driver's license or personal identification card issued by another state ▪ Federal or state government-issued photo ID ▪ U.S. passport ▪ Military ID with photo ▪ Student ID with photo -- from a high school or accredited institution of higher education ▪ Tribal ID with photo 	<p>An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.</p>
<p>Missouri^a §115-427</p>	<p>Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.</p>	<ul style="list-style-type: none"> ▪ Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state; ▪ Identification issued by the United States government or agency thereof; ▪ Identification issued by an institution of higher education, including a univeristy, college, vocational and technical school, located within the state of Missouri; ▪ A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of 	<p>If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.</p>

Source: National Conference of State Legislatures
June 19, 2008

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		<p>the voter;</p> <ul style="list-style-type: none"> ▪ Driver's license or state identification card issued by another state. 	
<p>Montana §13-13-114</p>	<p>Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.</p>	<ul style="list-style-type: none"> ▪ Driver's license ▪ School district or postsecondary education photo identification ▪ Tribal photo identification ▪ Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address 	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p>
<p>North Dakota §16.1-05-07</p>	<p>Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.</p>	<ul style="list-style-type: none"> ▪ An official form of identification issued by the state; ▪ An official form of identification issued by a tribal government ▪ A form of identification prescribed by the secretary of state 	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.</p>
<p>Ohio §3503.16(B)(1)(a) and 3505.18(A)(1)</p>	<p>All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</p>	<ul style="list-style-type: none"> ▪ Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has 	<p>A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification</p>

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June 19, 2008

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		<p>not passed, and was issued by the U.S. government or the state of Ohio</p> <ul style="list-style-type: none"> ▪ Current utility bill ▪ Current bank statement ▪ Current government check, paycheck or other government document 	<p>nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.</p>
<p>South Carolina §7-13-710</p>	<p>When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.</p>	<ul style="list-style-type: none"> ▪ Voter registration certificate ▪ South Carolina driver's license ▪ South Carolina Dept. of Motor Vehicles photo ID card 	<p>Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.</p>
<p>South Dakota §12-18-6.1 and 6.2</p>	<p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</p>	<ul style="list-style-type: none"> ▪ South Dakota driver's license or nondriver identification card ▪ U.S. passport ▪ Photo ID issued by an agency of the U.S. government ▪ Tribal ID card, including a photo ▪ Student ID card, including a photo, issued by a South Dakota school 	<p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>
<p>Tennessee §2-7-112</p>	<p>A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.</p>	<ul style="list-style-type: none"> ▪ Voter registration certificate ▪ Tennessee driver's license ▪ Social Security card ▪ Credit card bearing voter's signature ▪ Other document bearing voter's signature 	<p>If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p>
<p>Texas Election Code §63.001 et seq.</p>	<p>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p>	<ul style="list-style-type: none"> ▪ Voter registration certificate <p>OR</p> <ul style="list-style-type: none"> ▪ Driver's license ▪ Department of Public Safety ID 	<p>A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in</p>

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June 19, 2008

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		<p>card</p> <ul style="list-style-type: none"> ▪ A form of ID containing the person's photo that establishes the person's identity ▪ A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity ▪ U.S. citizenship papers ▪ A U.S. passport ▪ Official mail addressed to the person, by name, from a governmental entity ▪ A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address ▪ Any other form of ID prescribed by the secretary of state 	<p>which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.</p>
<p>Virginia §24.2-643(B)</p>	<p>The officer shall ask the voter to present any one of the specified forms of identification.</p>	<ul style="list-style-type: none"> ▪ Virginia voter registration card ▪ Social Security card ▪ Virginia driver's license ▪ any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States ▪ employee identification card containing a photograph 	<p>If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.</p>
<p>Washington §29A.44.205</p>	<p>Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.</p>	<ul style="list-style-type: none"> ▪ Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card ▪ A voter's voter identification 	<p>Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.</p>

Source: National Conference of State Legislatures
June 19, 2008

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		issued by a county elections officer, or ▪ A copy of a current utility bill, bank statement, paycheck, or government check or other government document	
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a) Missouri's photo ID law was struck down by the Missouri State Supreme Court on October 16, 2006. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

Source: National Conference of State Legislatures
June 19, 2008

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

November Patriots

Testimony before the
House Committee on Elections

HB2077

(Supplemental to Oral Testimony)

Monday, February 9, 2009

Chairman

Representative Steve Huebert

121-W

785-296-1754

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	c. Hans A. von Spakovsky, <u>Disadvantaged Arguments,</u> <u>National Review Online (May 20,2008)</u>	

I. Executive Summary

There are documented cases of such voter and registration fraud in many of the States. Most cases of voter fraud are very difficult to detect. Often such cases are only discovered by accident. In a lot of cases that are discovered there is not a big incentive to prosecute the wrongdoers, especially if they are foreign nationals.

Some say foreign nationals have no motive to register to vote or to vote. The reality is **there are several motivations for foreign nationals to commit this fraud.** Some want the voter registration card as proof of eligibility to work in the United States (primarily illegal aliens), to gain access to public benefits, to secure other forms of identification, to establish a fake identity, for monetary gain, due to the encouragement of others and to effect a political change in local, state or national policy.

Some opine that there are an insignificant number of foreign nationals who are registering to vote and voting, such that they pose no or very little threat to our elections. The clear evidence is very much to the contrary. **Local, state and even national elections have been negatively impacted by this crime.** The razor thin vote margins which determine many of our local, state and national elections are such that it takes a very small number of votes to make a difference in an election's outcome. Also the factor of foreign aliens being concentrated in certain areas provides leverage for such illegal voting.

Although some politicians insist that there is no voter fraud in Kansas the circumstantial evidence strongly suggests such position is naïve at best or a reckless disregard of the truth at worst. **Kansas has a significant population of foreign nationals with significant subcomponent of illegal aliens.** (Estimated to be around 80,000 to 150,000) The Secretary of Revenue testified in January of 2008 that there were 50,000 Kansas driver's licenses in the hands of individuals who could not prove "legal residency" i.e. were illegal aliens.

Some of the language of H2077 could result in mis-interpretation of the law and result in worsen the risk of non-citizen voting and registering.

Also the criteria by which Kansas issues its identification cards needs to be analyzed to see what risk it poses which are contrary to the purpose of this bill.

II. Testimony

A. Over view of the Issue

Magnitude of the Problem

The number of non-citizens registered to vote in the November elections numbered between 1.2 and 2.7 million according to a study released earlier this year...ⁱ A study by the Center of Immigration Studies reported that in **California** there were approximately 500,000 – 700,000 non–citizens that were registered to vote from 2000-2007. ⁱⁱ This amounts to approximately 3% of California’s total voter population.ⁱⁱⁱ The majority of these illegal voter registrants were concentrated in the Los Angeles congressional districts.^{iv}

Since **Arizona** passed its proof of citizenship to register to vote law in 2004 it has purged over 38,000 registrants. ^v The state has also turned away 2177 non –citizens, who had been issued a special non-citizen driver’s licenses, when they attempted to register to vote and turned away another 30,000 prospective registrants because they could not prove citizenship.^{vi}

A GAO study found that 3% of the 30,000 who were called for jury duty, from the voter rolls, in one federal district court in **Florida** were illegal aliens.^{vii}

A U.S. Attorney, based on a federal grand jury investigation, estimated that there were 80,000 illegal aliens registered to vote in Chicago, **Illinois**.^{viii} A year later the Deputy Director of the Immigration and Naturalization Service (INS) estimated that there remained 25,000 illegal and 40,000 legal aliens on the voter rolls in Chicago. Alien voting has a long tradition in Chicago.^{ix}

This problem is not limited to the border or coastal states. Some of the states that have documented cases of non-citizen registrations and / or voting are Alaska, Arizona, California, Colorado, District of Columbia, Florida, Missouri, Ohio, Illinois, Texas, Virginia and Washington.

Motivation to Commit Fraud

There are many factors that motivate non-citizens / foreign nationals to vote including: to establish proof of their eligibility to work, to access “free” public benefits they could not otherwise legally access, to establish false identifies for criminal or terroristic purposes; the bottom-line is that they do it directly or indirectly for money and personal gain. An Illinois grand jury found they were registering to prove work eligibility, secure social benefits such as social security, workers compensation and unemployment compensation and even to secure jobs with the federal Department of Defense ^x

Some non-citizens vote because they are “encouraged” to do so by corrupt politicians or special interest groups who are generally “ethno-centric” and pushing their own agenda for political power and influence. ^{xi} During the course of the investigation of the 1996 Dornan –Sanchez* election an illegal alien provided an affidavit which stated that Sanchez’s campaign manager, herself an elected official , told the illegal alien it “didn’t matter’ that he was illegal he should register and vote anyway. ^{xii}

Impact on Elections from this crime

The outcome of at least one national election was influence by the voting of non-citizens. Congressman Bob Dornan of California is thought to have lost his Congressional seat due to non-citizen voting.^{xiii} During an investigation into the election, it was found that non-citizens cast at least 624 votes. These non-citizen voters could only be identified as they were in the database of the United States Immigration and Naturalization Service (INS). There were at least 124 improper absentee ballots cast.^{xiv}

In Compton, California an elected city council candidate was permanently disqualified from holding public office in California for soliciting non-citizen to register and vote.^{xv} This illegal voting was only discovered by accident.^{xvi}

Detection and Prosecution of this Crime

Detection of non-citizen voting in Kansas is next to impossible in part because our system basically relies on an “honor system” and those in charge of the election process do not feel they have the authority or the means to even attempt to detect such. Also there is a reluctance to even acknowledge the problem. The deficiencies in the Kansas electoral system are not but any means unique to Kansas but rather are nationwide. ^{xvii}

Prosecution is hampered by law enforcement, including prosecutors, reluctance to take on a “victimless” crime and many if not most are not prepared or trained to undertake the task.^{xviii} The U.S. Department of Justice does not have procedures in place to investigate this type of election crime. ^{xix} Over a three year period the DOJ only prosecuted a little over a dozen cases on non-citizens registering to vote and voting in federal elections. ^{xx} Among those prosecuted was a non-citizen that voted and ran for the state legislature.

In Jan 2004, a “Charles Brian Bradford” registered to vote at the SAME address as the then Johnson County, Kansas Sheriff Currie Myers. Sheriff Myers complained to the then Johnson County District Attorney Paul Morrison. Morrison did nothing and this person was registered to vote at Myers’ home address until 2007^{xxi}

On October 15, 2009 the November Patriots sent a written request to the Secretary of State requesting a comparison of the voter rolls and certain of the DMV records be compared to determine if Kansa has foreign national on its voter rolls who had been given driver’ s license and thereby access to register to vote without

question. In addition, the Kansas Attorney General and two other state law enforcement agencies were made aware of the issue. Only one of the law enforcement agencies made any attempt to do any investigation. And, apparently that agency broke off the investigation once assured by the Kansas Secretary of State's office that everything was just fine.

B. The Kansas Perspective

Kansas' Resident Alien Population

According to the Kansas Legislative Post Audit report on "...Illegal Immigrants..." the estimates of Kansas' illegal alien population is between 40,000 to 70,000.^{xxii} It is unclear why Kansas officials simply refuse to acknowledge the possibility that illegal aliens have registered to vote in Kansas when there is a significant population of such illegals in Kansas, the illegals are registering in other states and other states use the same basic honor system to protect the integrity of the rolls.

The Perfect Storm for Voter Fraud

In 2000 the Kansas legislature passed a statute requiring those applying for a Kansas driver's license to show they were lawfully in the United States. This was due in part to the fact illegal aliens ("undocumented workers") were coming in from outside the state to obtain driver's license.^{xxiii} One County Election Officer stated "They were literally coming in [to the DMV office] by the bus loads."^{xxiv}

However, starting sometime in 2002 or 2003 the Department of Revenue – Division of Motor Vehicles (DOR-DMV) initiated a policy of issuing driver's license to foreign nationals. Upon the foreign nationals signing an affidavit that they did not have a social security number and could not get a social security number they were issued a regular full blown Kansas driver's license.

As of January 2008, according to the testimony of the Secretary of Revenue Joan Wagnon, there were 50,000 outstanding driver's

licenses in the hands of individuals that could not “prove lawful residence” i.e. were foreign nationals / illegal aliens.^{xxv} With a Kansas driver’s license these individuals could have and can now register to vote in Kansas. Due to the way the Kansas election system is set up and operated these foreign nationals are almost assured of not being caught or prosecuted.

State election officials and the Governor repeatedly say this issue is not a problem in Kansas and point to the lack of any prosecution of such crime as evidence. The fact is the Kansas electoral system is not set up to detect this type of election crime including that there is no provision or means for the county election officials to verify the statements on a voter registration card.^{xxvi} According to those contacted they “must accept as true” whatever is placed on the voter registration form.^{xxvii} This is consistent with the situation many local election overseers find themselves across the country.

C. Language of 2077

“..identity card...”

In several places in 2077 it in listing acceptable identification states”...Kansas valid driver’s license, nondriver’s identification card number...” (See page 2 lines 11-12.) This does not indicate the non-driver’s license number must be from a Kansas identification card. I do not believe that implication can be made from the syntaxes of the phrase. This should be clarified so there is no need for a court to later have to interpret the statute.

“free card”

The “New Sec. 5” clearly is an attempt to get identification cards in the hands of those who, arguably, might not be able to afford one. But the phrase “..shall be eligible to receive a nondriver’s identification card free of charge...” leaves some ambiguity as to whether those that qualify for a “free” card must otherwise meet the qualification to be issued such a card. This ambiguity is resolved by appending the “...free of charge if they otherwise meet the requirements to be issued a non-driver’s identification card...”

Use of Affidavit

The requirement of making an applicant sign an affidavit of poverty to secure a fee Kansas identification card is virtually worthless. It is basically the same as the sworn statement under penalty of perjury on the voter registration form (which is required to be present under federal law) in that no one has the authority or means to verify such. Unless the DMV is directed to verify this information and has the means to do so it serves no purpose but to make a further mockery of our government and law enforcement. In fact even with such direction the DMV might take it upon itself to not comply with the law just as they did in providing foreign nationals driver's licenses when such was contrary to Kansas law.^{xxviii} Unfortunately this indifference to the law is not unusual among Kansas agencies.^{xxix}

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- ⁱ David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference, at 8 The Social Contract Press (October 2008)
- ⁱⁱ New Study Shows Non-Citizens are Registering to Vote KCBA Fox 35 (kcba.com) (October 7, 2008)
- ⁱⁱⁱ Supra
- ^{iv} Supra
- ^v IAN URBINA, Voter ID Battle Shifts to Proof of Citizenship , New York Times (May 12, 2008)
- ^{vi} Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)
- ^{vii} Elizabeth Kanas-Gonzalez, Illegal Immigrants Voting in Our Elections, The Hill Chronicles (August 5, 2008)
- ^{viii} Hans A. von Spakovsky, The Threat f Non-Citizen Voting, The Heritage Foundation (July 10, 2008)
- ^{ix} Hans A. von Spakovsky, Where There's Smoke, There's Fire:100,000 Stolen Votes in Chicago The Heritage Foundation – Legal Memorandum No. 23(April 16, 2008) Citing Marianne Taylor, 28 Indicted on Charges of Vote Fraud, CHI. TRIB., Apr. 7, 1983, at B3(."Eighteen of the aliens were from Mexico; there were three Belize, two from Nigeria, and one form Haiti.)
- ^x Hans A. von Spakovsky, The Threat f Non-Citizen Voting, The Heritage Foundation (July 10, 2008)
- ^{xi} David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference, at 8 The Social Contract Press (October 2008)
- ^{xii} New Study Shows Non-Citizens are Registering to Vote KCBA Fox 35 (kcba.com) (October 7, 2008) Also see Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)
- ^{xiii} Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xiii Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, @2 The Cutting Edge, (August 4, 2008)

xiv Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008) Also see : Only from the Land of Fruits and Nuts...Illegal Immigration in California: A Warning to the Nation, The Federal Observer Vol. 8, No. 284 (October 11, 2008)

xv Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xvi Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xvii Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xviii Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xix Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xix Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xx Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xx Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

xxi **Kansas May Have About 190,000 Phantom Voters: Could Voter Fraud in Kansas Be Relatively Easy?** *The Kansas Meadowlark* (January 13, 2008)

xxii Illegal Immigrants: Reviewing Studies That Have Assessed Their Economic Impact, Kansas Legislative Post Audit Committee (November 2008); Although

there is ample evidence to suggest the amount of illegals in Kansas is beyond the high end of that range and certainly above the low end for purposes of this testimony we will accept this range as being accurate.

xxiii Kansas Legislators Briefing Book : Transportation and Motor Vehicles , Kansas Legislative Research Department (2009 Session) (“The law [requiring proof of legal residence in the U.S.] can in response to reports that undocumented workers were being transported into the state to obtain driver’s license because Kansas did not have a “lawful presence” statute as a condition for obtaining a driver’s license”]

xxiv R. D. Fry, Discussion with Election Officers / offices in Leavenworth, Wyandotte, Johnson and Saline Counties in Kansas (October 13-14, 2008)

xxv Testimony of the Secretary of the Department of Revenue, Joan Wagnon, before the Senate Federal and State Affairs Committee (01/24/08) , Also see Manning, Carl **Kan. Law to Affect Driver's Licenses, Associated Press (01/25/08)**

xxvi R. D. Fry, Discussion with Election Officers / offices in Leavenworth, Wyandotte, Johnson and Saline Counties in Kansas (October 13-14, 2008)

xxvii R. D. Fry, Discussion with Election Officers / offices in Leavenworth, Wyandotte, Johnson and Saline Counties in Kansas (October 13-14, 2008)

xxviii Testimony of the Secretary of the Department of Revenue, Joan Wagnon, before the Senate Federal and State Affairs Committee (01/24/08) , Also see Manning, Carl **Kan. Law to Affect Driver's Licenses, Associated Press (01/25/08)**

xxix Illegal Immigrants: Reviewing Studies That Have Assessed Their Economic Impact , Kansas Legislative Post Audit Committee (November 2008); (In its analysis of what various Kansas agencies do to verify legal status it noted” **Department [of Education] officials told us as a general rule school districts don’t inquire about the legal status because the what to ensure illegal**

immigrants use the public K-12 education programs for which they're eligible.":
(This is probably in violation of federal law and prevents the state of Kansas from keeping its citizens the cost they are incurring for this and prevents the state from gathering the information needed under Pyle vs. State of Texas to get out from under providing K-12 education to the children of illegal aliens.): **"Department [of HEALTH & ENVIRONMENT] OFFICIALS TOLD US THAT LEGAL STATUS ISN'T AN ELIGIBILITY requirement for public health programs and therefore, information about legal status isn't requested of applicants or participants."**
(This is probably a violation of federal law which limits all but a few areas from legal immigrants for a period of five years and not allowing them to illegals at all.)
"Board [of Regents] officials stated each institution designs its application independently, and they're not aware of institutions requiring this information."
(It is not clear how these institutions can comply with the in-state tuition law without gathering this information. Where is the Board of Regents' supervisory function in this matter.))

Exhibits
(submitted as e-mail attachments)

Respectfully submitted,

Tom Stoffers

Richard D. Fry

2/12/2009

February 9, 2009

The Honorable Steve Huebert, Chair
Elections and Governmental Organization Committee
The Kansas House of Representatives

Chairman Huebert and members of the Committee

Thank you for the opportunity to speak on behalf of the League of Women Voters of Kansas.

The League of Women Voters of Kansas opposes H 2077.

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 efforts to create new barriers that block citizen voter participation.

This bill creates what we believe is a new barrier – a requirement for a photo identification each time a citizen votes in person or by advance ballot. While many of us may assume that the vast majority of citizens have photo identification, recent figures from the U.S. Department of Transportation estimate that 6 – 12% of voters do not have government-issued photo IDs.

The Election Assistance Commission contracted with the Eagleton Institute of Politics at Rutgers University to study the impact of ID requirements on voting. Information from the November 2004 elections was used to compare turnout data from states where voters had to present a document with their name and current address to states where voters only had to give their names. A statistical model was used to isolate the effect of ID requirements from other factors. In a February 2007 preliminary presentation to the Election Assistance Commission, it was reported that among all voters in states requiring voters to present documentation at the polls establishing their identity, 2.7% were less likely to vote than in states where no documentation was required. Further, it was found that Latino citizens were 10% less likely to vote, Asian-Americans were 8.5% less likely to vote and African Americans were 5.7% less likely to vote.

In a separate study conducted by the Asian American Legal Defense and Education Fund, also during the November 2004 elections, a multilingual exit poll of almost 11,000 Asian American voters in 8 states found that 88% of Asian American voters who did not have to show identification were still required to provide identification.

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.

Other 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 photo ID than other Americans. The costs in time and money associated with obtaining the supporting documents required to obtain a government issued photo ID is particularly burdensome for low income citizens.

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.

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.

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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, only 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.

Nancy Sargent, League of Women Voters of Topeka-Shawnee County

Diane Kuhn, President, League of Women Voters of Kansas

Diane Kuhn

Statement to the
House Elections Committee of the Kansas Legislature
by
Dan Winter, Executive Director
American Civil Liberties Union of Kansas and Western Missouri
February 9, 2009

THE VOTER ID LAW IS AN EXPENSIVE SOLUTION IN SEARCH OF A NON-EXISTENT PROBLEM

My name is Dan Winter. I am the Executive Director of the American Civil Liberties Union of Kansas and Western Missouri.

I am here to talk against the proposed Voter ID program. Voter ID is a partisan sham. It is an expensive and abusive solution in search of a problem. It disenfranchises. Individual voter fraud is simply non-existent as a social problem.

The problems of Voter ID are well-known and the justifications for it non-existent.

- Studies show that as many as 12% of eligible voters do not have the required ID. It is hard for middle-class Americans, such as many of us in this room, to understand that. Regardless of whether the state provides free ID, the costs to obtaining such a card can be prohibitive.
- It is discriminatory. It disenfranchises the poor, the elderly, minorities and students. It discriminates against the homeless and those who do not drive and are therefore less likely to have a driver's license. Giving a Free ID card provides little relief to this problem.
- Ostensibly, the justification for a restrictive voter law such as Voter ID is to deal with voter impersonation. However, in recent history, there have been no convictions in Kansas of the crime of impersonation at the polls.
- There are existing laws that address the same problems targeted by Voter ID requirements - including voter identification provisions in the Help America Vote Act.
- Restrictive Voter ID Laws are anti-constitutional. The right to vote is protected by more constitutional amendments - the First, 14th, 15th, 19th J and 26th - than any other right we enjoy as Americans.
- There are existing federal and state statutes that guarantee and protect voting rights, as well as declarations by the Supreme Court that the right to vote is fundamental because it is protective of all rights.
- Voter ID requirements create more opportunities for identity theft. ID theft is common in the illegal acquisition of birth certificates and social security numbers. This bill would require potentially tens of thousands of Kansans to apply for copies of their birth certificates so that they could get IDs to allow them to vote. Birth certificates are easy to steal.

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There is no problem with voter impersonation. Evidence that voter ID fraud is widespread is simply non-existent.

Although photo ID laws are touted as a measure to combat voter fraud, they do no such thing. They do not prevent ballot stuffing, absentee ballot fraud, vote suppression or misconduct by poll workers. They only guard against one type of fraud that is extraordinarily rare and risky - impersonating a registered voter at the polls.

Nationwide, in the last six years, there have been 86 individuals convicted of federal crimes relating to election fraud. Voter ID laws would not have prevented the majority of those and none of those included voter impersonation at the polls. Several of those cases involved dogs who had registered and voted by mail, which points out that Voter ID laws will no doubt significantly cut down on the number of dogs who misrepresent themselves at the polls.

In that six-year period, there were 196,140,000 ballots cast in federal general elections. Statistically, Americans are more likely to be killed by a bolt of lightening than they are to engage in voter fraud. During hearings on Voter ID in the Texas Legislature, it was pointed out that "there are far more UFO sightings every year than reports of the sorts of fraud that photo ID can fix." (Levitt-Brennan Center)

There will be disenfranchisement

Dr. R.P Moore, Elections and Voting Researcher with the Research Triangle Institute in North Carolina, said there *is growing evidence that there is a population of Americans that don 't have a photo ID*. We do know they are disproportionately poor, women, minorities, and likely to vote Democratic, he said.

U.S. District Court Judge Terrence Evans, commenting on the Indiana Voter ID lawsuits said the law will make it significantly more difficult for "people who are poor, elderly, minorities, disabled, or some combination thereof to vote. He described the photo ID requirement as "a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic."

Some interest groups will try to prove that there will be no real disenfranchisement due to Voter ID -that the problem of Americans with no ID who will not be able to vote is simply not statistically valid. But, sadly, we will never know the truth about that until it is too late. We will never know how many people will have their constitutional right to vote denied them by Voter ID laws.

But let me provide one statistic that could give a clue. Approximately 25 percent of African-American citizens of voting age (5.5 million Americans) have no current government-issued photo ID, compared to 8 percent of white citizens. The effect of photo ID laws in suppressing black - and thus likely Democratic --- political participation is apparent.

Photo ID laws fall within this unfortunate American tradition, going back to the days of Jim Crow laws like literacy testing, IQ testing and poll taxes, of disenfranchising laws passed under the guise of electoral reform.

A Voter ID Law ID is inconsistent with our American value system – inconsistent with our respect for the Constitution.

The standard argument about disenfranchisement by supporters of Voter ID goes like this: If you have to show a photo ID to cash a check or to travel on a plane or to enter a government building, why not require people to show an ID to vote?

Riding on a plane is not a right guaranteed by the United States Constitution. It is a privilege. Cashing a check or even entering a government building is not a right specifically guaranteed by the constitution. Voting is a constitutional right, not a privilege.

There will be costs

For the thousands of Kansas who do not have a photo ID and are eligible to vote, it can cost hundreds of dollars. First, there is the cost of taking time off from work to get the ID. Then, there is the cost of transportation to and from the site where the ID or DL must be procured, which can be many miles from the voter's homes. Then, there is the actual cost of obtaining back-up identification and documentation that is always necessary for obtaining an ID. These costs remain even if the state does not charge for a new ID card to allow the citizen to vote.

This is an issue that is difficult for many middle-class voters to understand, that is, the real financial difficulty for people of limited means, often people who do not have cars, to get valid identification in order to allow them to exercise their constitutional right to vote.

There will be significant costs to implement the plan, that the taxpayers of the state and its counties will have to bear. The ACLU, before a similar law was struck down by the Missouri Supreme Court, estimated that the law could cost Jackson County alone \$470,000 to notify voters about the new rules and to purchase needed equipment, hire staff and to train and recruit volunteer poll workers, not including the cost of the state to issue proper ID. Although Jackson County Missouri is that state's second largest county, there are 105 counties in Kansas. I think a safe, minimum estimate of the cost of implementing voter ID in Kansas is well over a million dollars.

The state of New Mexico estimated a cost of \$1,620,000 alone for printing and mailing associated with a new voter ID law. Kansas has 800,000 more citizens than New Mexico, so its safe to suggest that the estimates to implement Voter ID will cost Kansas taxpayers more than \$2 million dollars, not including the cost to the affected voters.

Finally, there will be constant and ongoing costs to enforce this onerous law. Which state agencies will have to grow? Certainly, we'll need more law enforcement to monitor citizens at the polls. Will Kansas law enforcement officials arrest suspected Voter ID criminals at the poll sites? Will we deputize poll workers to make arrests? How will we catch the wave of upcoming criminals at the polling places that do not exist now?

Voter ID as a tool to stop undocumented immigrants from voting: An unlikely problem

The US has a lot to face regarding the issue of undocumented immigrants. But, Voter ID is not going to do a thing to improve any of the serious problems. Voter ID has been justified in some places as a necessary tool to keep the rising tide of undocumented immigrants from voting.

Proponents of Voter ID want to keep those who are undocumented from affecting the elections. But, I submit that it is ridiculous to imagine hordes of undocumented workers, or even a few of them, storming the polls and pretending to be someone else so they can cast a single vote.

The real motive behind Voter ID: Partisan Politics

In the bitter and expensive Indiana court challenge to Voter ID, a federal appellate court judge acknowledged Voter ID's discriminatory effect. U.S. District Court Judge Terrence Evans said the law will make it significantly more difficult for "people who are poor, elderly, minorities, disabled, or some combination thereof to vote. He also described the photo ID requirement as "a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic."

The stated rationale for restrictive voter ID laws is "ballot security" and the need "to reduce voting fraud." But it was also conceded by the proponents of the Indiana law, and found by the lower court, that no one in the history of the state had ever been charged, much less convicted, of the crime of fraudulent in-person voting.

State by state, where the legislature has argued Voter ID, the votes have been overwhelmingly partisan.

Prof. Lorraine C. Minnite, of Project Vote, in 2007, conducted a study of voter fraud, which she defined as "knowingly and willing voting illegally," and found it to be extremely rare. She concluded that "[t]he claim that voter fraud threatens the integrity of American elections is itself a fraud," and that "the use of baseless voter fraud allegations for partisan advantage has become the exclusive domain of Republican party activists."

In each state, the overwhelming majority of the politicians who are for Voter ID are Republicans. The vast majority of the politicians who are against Voter ID are Democrats.

Please consider the political, financial and constitutional ramifications when you take up Voter ID. Please take into account that this is an expensive and unfair solution to a nonexistent problem. Please look into real election reform measures to ensure all Kansas their basic constitutional right to cast a vote.

One of the enduring, and unconscionable ironies of our democracy is the willingness of those with power to limit the right to vote for racial and partisan reasons. Voter ID is bad political strategy and bad public policy.

Thank you for your consideration and your time.

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Ethics Testimony

This legislation is in result of last campaign season. In the campaign of Sean Tevis monetary contributions were made online and in abundance. Campaign donations did not exceed the amount of five dollars and eighty cents; which does not allow for the campaign to document where the money has come from. Between July 16, 2008 to October 23, 2008 Sean Tevis raised \$109,581.45 from online donations from 5,700 individuals, no of which were required to be documented.

This bill calls to create transparency for campaign contributions that exceed \$1000 in unitemized contributions to any single campaign. This legislation will allow for the state to audit campaigns that have obtained a substantial amount of campaign contributions from small donations.

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