

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 2, 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:

Sue Storm, Legislative Coordinator, Kansas State Board of Education
Brad Bryant, Deputy Assistant Secretary of State
Tom Stoffers and Richard Fry, November Patriots

Others attending:

See attached list.

Hearing on **SB 43 - State board of education; campaign contributions; limitations.**

Ken Wilke, Office of the revisor of Statutes, explained the intent of the bill is to allow an increase in the campaign contribution limit for candidates seeking a position on the State Board of Education. The current limit is \$500 per person or political committee; the bill would increase the amount to \$1,000. The Department of Education and the Secretary of State indicate there is no fiscal effect if the bill is passed.

Sue Storm, Legislative Coordinator, Kansas State Board of Education, spoke as a proponent of the bill and provided testimony, stating the expense of communicating with potential voters is quite large. She advocates following senatorial guidelines, which allows \$1,000 per political committee or person. Ms. Storm recommended the committee consider the bill favorable for passage (Attachment 1).

There being no opponents to **SB 43**, the hearing was closed.

Hearing on **SB 56 - Elections; security of advance voting ballots.**

Ken Wilke provided clarification of changes in the bill regarding the security of advanced ballot voting. He indicated there are certain restrictions surrounding the return of ballots to the county election office. A signature by the voter must accompany the returning ballot which is due at the county election office within two days; the bill requires the notation of the date as well as a signature.

Brad Bryant, Deputy Assistant Secretary of State, testified in support of **SB 56**, saying the bill is designed to strengthen the security of advanced ballot voting by mail (Attachment 2). He outlined three basic concepts, provided additional comments on two sections of the bill, noted amendments made by the Senate Committee on Ethics and Elections, and recommended the bill favorable for passage.

Tom Stoffers, (in conjunction with Richard Fry), November Patriots, spoke as a concerned citizen on the issue of fraud in the election process. He said a significant number of illegal nationals are residing in Kansas and gave statistics, stating 50,000 drivers licenses have been issued to non-residents. He noted that every aspect of our voting system is based on an honor system and there is no mechanism for detecting fraud. Mr. Stoffers expressed concerns surrounding the advanced voting ballot and said the verification of a signature could be in question, and the use of undue influence upon the voter by a person collecting the ballot for return could also be problematic (Attachment 3).

Written only testimony submitted by Elizabeth Ensley, Shawnee County Election Commissioner is included (Attachment 4).

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on March 2, 2009, in Room 446-N of the Capitol.

There being no opponents to **SB 56**, the hearing was closed.

The meeting was adjourned at 4:40 p.m. The next meeting is scheduled for March 4, 2009.

HOUSE ELECTIONS COMMITTEE

GUEST LIST

DATE: March 2, 2009

NAME	REPRESENTING
Tom Stoffers	November Patriots.
Sue Storm	SBOE



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March 2, 2009

TO: House Elections Committee
FROM: State Board of Education
SUBJECT: Senate Bill 43

My name is Sue Storm, Legislative Coordinator of the State Board of Education. I appreciate the opportunity to appear before this Committee on behalf of the State Board.

The State Board of Education supports Senate Bill 43. Currently, members of the State Board are limited to contributions of \$500 per political committee or person for each primary and general election (same as state representatives). This bill, if enacted would allow members of the State Board to be treated like state senators and allow them to receive campaign contributions of \$1,000 per political committee or person.

Each State Board district is equivalent to four senatorial districts. Due to the size of the State Board districts, it seems more appropriate and more logical to follow senatorial guidelines in order to adequately campaign within their respective districts.

Obviously, a race for the State Board can be very expensive, if the candidate intends to really communicate with the voters. Speaking from my personal experience, I found that the cost of one mailing for the State Board race would have covered an entire mail plan of 7 or 8 mailings in my prior campaigns for the House or Representatives. I raised a fair amount of money in my Board campaign, but was still able to do only one very targeted mailing to the voters.

The State Board of Education asks you to pass SB 43 out of this committee. It just makes sense.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS

House Committee on Elections

Testimony on Senate Bill 56

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

March 2, 2009

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 56. This bill was proposed by the Secretary of State to strengthen the security of mailed advance ballots. It has three concepts:

- It would require a voter to designate another person *in writing* if the voter requests the person to mail or deliver the ballot to the election office, maintaining current exceptions for voters with disabilities. The law already specifies that if a person delivers a ballot for a voter, they should do it only upon request of the voter. This bill would make it a written designation.
- It would prohibit persons other than the voter from signing a ballot application form for a voter.
- It would require any designated ballot delivery person to deliver the ballot within two days and to sign a statement saying that they had mailed or delivered the ballot as requested by the voter and had not exercised undue influence over the voter's decisions. This provision is already included in K.S.A. 25-2433, an election crime statute dealing with advance voting suppression.

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 56 will promote adherence to the rules by requiring written statements, and it will create a record of who has handled a ballot in cases of allegations of improper activities.

Voters with disabilities have special procedures already established in the law to receive assistance from other persons in applying for, obtaining, voting or delivering advance ballots.

Following is a summary of the two substantive sections of the bill as originally proposed.

Section 1

This section, on line 35 of page 1, states that when an advance voter wishes to designate another person to mail or deliver his/her ballot, the voter must designate that person in writing.

Section 2

This section accomplishes three things:

(1) Subsection (c) on lines 25-26 states that the voter must sign his/her ballot application form and others are not allowed to sign it for them. This is intended to prevent people from signing application forms and having ballots mailed to voters without their prior knowledge. The law has exceptions for voters who are unable to sign due to illness or disability.

(2) Subsection (g) requires a designated ballot delivery person to sign a statement that they (a) will mail or deliver the ballot as requested by the voter, and (b) have not exercised undue influence on the voter's voting decisions.

(3) Subsection (g) also requires the designated ballot delivery person to mail or deliver the ballot within two days after receiving the ballot from the voter.

Amendments by Senate Committee on Ethics and Elections

The Senate committee amended the bill two ways:

(1) The statements signed by the voter and the designated delivery person are required to be printed on the ballot envelope (page 3, lines 5-6 and lines 9-10). In the original bill, the statements could have been printed on the envelope or on a separate form.

(2) The designated delivery person must sign the statement at the time he/she receives the ballot from the voter.

Amendments by Senate Committee of the Whole

The bill was amended on the Senate floor two ways:

(1) The date the statements are signed must be included (page 3, line 5 and line 8).

(2) The criminal penalty applies only if a person "knowingly and willfully" violates the law (page 3, lines 19-21).

We urge the committee to strengthen the laws governing advance voting by mail and to reduce opportunities for unauthorized persons to handle ballots by reporting Senate Bill 56 favorably for passage. Thank you for your consideration.

November Patriots
Testimony before the
House Committee on Elections
S56
(Supplemental to Oral Testimony)
Monday, March 2 , 2009
Chairman
Representative Steve Huebert
121-W
785-296-1754steve.huebert@house.ks.gov

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

I. Executive Summary

The November Patriots support all reasonable means to protect the integrity of our electoral process. There are well documented cases of voter and registration fraud in most if not all of our sister States. Most cases of voter fraud are very difficult to detect. Often such cases are only discovered by accident. In a lot of the cases that are discovered due to their "victimless" status they are not prosecuted with any vigor is at all.

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 mid last year..^[i] The magnitude of the assault on our electoral process by foreign nationals alone is staggering. We can assume there is a significant level of voter fraud by our own citizens as well.

In fact there are documented cases of politicians and political candidates encouraging foreign nationals to vote.

House Elections
3-2-09
Attachment # 3

There is also evidence that some of the open borders groups and rights advocates for illegal aliens are themselves encouraging this attack upon our most sacred right!

When our own citizens corrupt the electoral process it is criminal. When it is a foreign national it is even worse. Why? Because the act of foreign nationals corrupting our electoral process is an attack on our very sovereignty. Many of these illegal foreign nationals are here because of the encouragement and assistance of their own government who wants them to send money back home. To work they must prove eligibility and one to do this is to acquire a voter registration card.

Some try to cloud the increased harm and significance of illegal conduct within our borders or directed within our borders. We can all agree when one of our own citizen's murders another citizen it is shameful and sad. When a foreign national murders one of fellow citizens it is worse. It is the kind of thing that nations go to war over. It is the kind of thing we have gone to war over. That is what happened on 9-11. Incidentally eight of the 19 9-11 terrorists were registered to vote in **Virginia** or Florida. [\[iii\]](#)

We can assume that many of the foreign nationals involved in voting (which does not offer the illicit benefits of merely registering to vote) are themselves often victims of the deceit and coercion of corrupt political groups and/ or pro-open borders / illegal aliens rights "advocates".

Some opine that there are an insignificant number of foreign nationals who are registering to vote and voting to cause any significant harm 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, let alone any involving foreign nationals, the circumstantial evidence strongly suggests such position is naïve at best or a reckless disregard of the truth at worst. **As to foreign nationals 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.

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 mid last year. [\[iii\]](#) 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. [\[iv\]](#) This amounts to approximately 3% of California's total voter population. [\[v\]](#) The majority of these illegal voter registrants were concentrated in the Los Angeles congressional districts. [\[vi\]](#)

Since **Arizona** passed its proof of citizenship to register to vote law in 2004 it has purged over 38,000 registrants. [\[vii\]](#) 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. [\[viii\]](#)

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. [\[ix\]](#)

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.** [\[x\]](#) 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. [\[xi\]](#)

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 [xii]

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. [xiii] 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. [xiv]

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.. [xv] 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. [xvi]

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. [xvii] This illegal voting was only discovered by accident. [xviii]

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 by any means unique to Kansas but rather are nationwide. [xix]

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. [xx] The U.S. Department of Justice does not have procedures in place to investigate this type of election crime. [xxi] 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. [xxii] 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 [xxiii]

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 assure by the Kansa Secretary of Sates office that everything was just fine.

B. The Kansas Perspective

Kansas’ Resident Alien Population

According the Kansas Legislative Post Audit report on “...Illegal Immigrants...” the estimates of Kansas’ illegal alien population is between 40,000 to 70,000.. [xxiv] 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. [xxv] One County Election Officer stated "They were literally coming in [to the DMV office] by the bus loads." [xxvi]

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 Wagon, 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. [xxvii] 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. [xxviii] According to those contacted they "must accept as true" whatever is placed on the voter registration form. [xxix] This is consistent with the situation many local election overseers find themselves across the country.

C. Language of S56

The purpose of the amendments to S56, in part, is to increase security in the process of applying for, filling out and returning a completed advance voter ballot. In particular it relates to third parties who assist the voter in securing, filling out and transmitting a completed advance ballot to a county election office.

Designation in writing of person to assist voter

This requirement provides more protection for the person assisting the voter than it does to the voter or the electoral process. This process would help the assistant in the event the voter changed his / her mind about having help or who provides the help. Beyond that the system provides no real or very minimal protection for the electoral process.

In the case of impersonation voter fraud by the assistant, having a written designation by the "voter" fails to protect the electoral process. The designation itself can be forged as part of the scheme. But there is no mechanism to detect this type of fraud. It appears there is no means, manner or person designate to even attempt to detect such fraud. At best there is an illusory deterrent provide by the threat of prosecution under the criminal provision of this bill.

The proposed system is similar to the ineffectual "honor" system used to protect against voter registration fraud. Several Kansas county election officers have noted that they simply "must take as truthful" the assertion made on the voter registration forms. [xxx] This same statement has been made by election officers in other states as noted by experts who have studied such systems.

We know that voter registration fraud has and is occurring around the country even though the voter registration forms have a highly visible and clear warning to those who would consider proving false information and especially regarding their citizenship status.

The reason the warnings are no deterrent is that no one has the responsibility to ferret out this type of fraud and no one has the means to do so. Such detection would only involve an administrative audit not a criminal investigation. If evidence is found which suggests criminal conduct it can be turned over to law enforcement to follow-up with a criminal investigation.

Unless someone has a duty to actively detect such fraud and they also have the means to do so any such fraud will only very rarely, if ever, be detected. This lack of responsibility by someone in the system will result in the law seldom if ever being enforced. A law not enforced is no law at all. Such a law serves only to make a mockery of the law itself and the people for whose benefit the law was instituted.

Some real protection to the voter and electoral process could be achieved if a method of randomly auditing some of these designations were in place and known to the public. Under such a system perpetrators of fraud could never really be sure when they would be detected. The risk of prosecution under such a system would be real and significant enough to yield some deterrent effect on those who would cheat the citizens out of their right to a fair and honest election.

Statement from the person providing the Assistance

This provision has the same fundamental flaw as does the **designation of an assistant** provision and our voter registration form. This provision basically is an honor system that has to rely upon the honesty of the person making the statement.

It is not likely someone in the midst of committing such a crime will self report their dishonesty. . How is it that such crime will come to light. Who will verify the statement and by what means.

It's like the statements on our voter registration form. They are never verified and very rarely if ever does a problem with the validity of such statements come to light.

Respectfully submitted,

Tom Stoffers

Richard D. Fry

3/2/2009

[i] David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference., at 8 The Social Contract Press (October 2008)

[ii] Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections. The Cutting Edge@3 , (August 4, 2008

[iii] David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference., at 8 The Social Contract Press (October 2008)

[iv] New Study Shows Non-Citizens are Registering to Vote KCBA Fox 35 (kcba.com) (October 7, 2008)

[v] Supra

[vi] Supra

[vii] IAN URBINA, Voter ID Battle Shifts to Proof of Citizenship , New York Times (May 12, 2008)

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

[ix] Elizabeth Kanas-Gonzalez, Illegal Immigrants Voting in Our Elections. The Hill Chronicles (August 5, 2008)

[x] Hans A. von Spakovsky, The Threat f Non-Citizen Voting, The Heritage Foundation (July 10, 2008)

[xi] 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.)

[xii] Hans A. von Spakovsky, The Threat f Non-Citizen Voting, The Heritage Foundation (July 10, 2008)

[xiii] David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference., at 8 The Social Contract Press (October 2008)

[xiii] 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)

[xiv] Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections. The Cutting Edge,

(August 4, 2008)

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

[xvi] 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)

[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)

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

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

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

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

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

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

[xxvi] 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.

[xxvii] 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”]

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

[xxix] Testimony of the Secretary of the Department of Revenue, Joan Wagon, 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)**

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

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

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



Shawnee County Commissioner of Elections

Elizabeth Ensley
Election Commissioner
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M E M O R A N D U M

DATE: March 2, 2009
TO: House Committee on Elections
FROM: Elizabeth Ensley
Shawnee County Election Commissioner
RE: SB 56 – Advance Ballot Delivery

Thank you for considering this letter in favor of Senate Bill 56. Since it is the day before the Primary Election, I am unable to appear before you. The intent of this bill is to improve security of the delivery of Advance Voting Ballots.

In the past, Shawnee County has had very active groups who offer to pick up voted mail ballots from voters. These groups were large and complex. It became evident when one ballot was delivered too late to be counted in the election, that no one was quite sure how many people had handled it and who was to take responsibility for delivering it. Many times, the voter does not even know who picked it up. They call our office and tell us that 'someone' picked it up, but do not know who. The result is rather chaotic.

The addition of a statement, that should be filled out by the voter, stating the name of the person who has the responsibility of delivering the ballot to the Election Office should add an orderliness to the process and protection for both the voter and the delivery person.

There are several ways that the statement can be handled. In Shawnee County, we have a privacy flap on the back of the ballot envelope without much printed on it. I have my seal taking up quite a bit of space, so the statement could go there. Or the person making the delivery could sign in to a log book in my office upon delivery. Any way that it is handled, the percentage of ballots delivered in this way is not great enough to cause any real complication. It would simply be a matter of informing groups that handle ballot pickup and voters.

Please vote in favor of SB 56. Thank you for your time and consideration.