

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on March 11, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Paul Degener, Citizens Against Illegal Immigration, Topeka
Tom Stoffers, November Patriots
Richard Fry, November Patriots
Michael Byington, Kansas Association for the Blind and Visually Impaired

Others attending:

See attached list.

The Chair welcomed those in attendance and re-opened the hearing on **SB 267–Elections; voters; voter identification changes.**

Paul Degener, Citizens Against Illegal Immigration, Topeka, an opponent of this legislation, presented testimony (Attachment 1) indicating that even though he was designated as an opponent to this bill he is not opposed to the bill, but does not feel the language in the proposed legislation is sufficient to solve the current problem concerning voter fraud. Mr. Degener told the committee that he would support stronger legislation requiring photo identification each time at the polls.

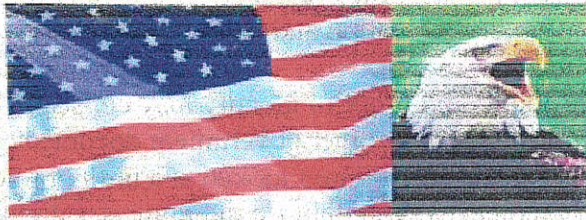
Tom Stoffers, representing the November Patriots, a neutral conferee, referenced several newspaper articles advocating the requirement of a picture identification for voting purposes.

Richard Fry, also representing the November Patriots, reinforced the need for stronger voter identification and recommended legislation containing stronger language requiring photo identification at each and every election (Attachment 2).

Also speaking as a neutral conferee, Michael Byington, Kansas Association for the Blind and Visually Impaired (Attachment 3) indicated the Association was not in favor of mandatory identification requirements as they place an undue burden on those who have difficulty handling and keeping track of identification due to physical or visual disabilities; feeling that first time voter identification requirements are adequate. He supports the bill as written.

The Chair thanked all in attendance.

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for March 12, 2009.



Why Does Our Government Favor Illegal
Aliens Over United States Citizens?

**Citizens
Against
Illegal
Immigration
Topeka**
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SUBJECT: SB 267, Elections; voters; voter identification

Mr. Chairman, members of the committee, thank you for allowing me to appear before this body.

My name is Paul Degener; I am the founder, president and lobbyist of a grass roots organization, Citizens Against Illegal Immigration, Topeka. I am here today in opposition of some of the provisions of this proposed legislation, especially in view of the many reports across the nation of voter fraud during the 2008 elections.

I have been informed on several occasions that there is no proof of voter fraud in the state of Kansas. This prompted me to visit with a staffer from the Secretary of State's Office. If I understood the conversation correctly, I was informed that the Secretary of State (SOS) did not have the means, resources, or the authority to check for voter fraud. It was further conveyed to me that if they did have the capabilities to check on voter fraud that they would have to turn it over to law enforcement agencies which in turn would require positive proof of voter fraud before law enforcement would do anything about the alleged fraudulent activity.

Based on this conversation, I can see why I would be challenged to prove there was voter fraud. It cannot be proven. By the same token there is no proof that Kansas is free of voter fraud.

On May 1st, 2006, (May Day), all across this nation, rallies were held by the illegal alien community to show America what it would be like without the illegal's working. I and two other friends attended the rally of illegal aliens held on the south side of this very building we are in today. The last thing the master of ceremonies said to those gathered, over a PA system, and I quote: "Do not forget to register to vote and do not forget to vote." I want to emphasize that this comment was made to illegal aliens gathered on the south steps of our capital building.

This conveyed to me a strong intent that there were plans by the organizers of this rally to take advantage of the loop holes found in the Kansas voter registration and voter identification laws.

On page 1, lines 24 and 25 and elsewhere in this bill, valid proof of identity may consist of a utility bill, bank statement, paycheck or government check or other government document. I don't know if I am an exception to the rule or not, but the last time I looked at a utility bill or check of any kind, they did not have my photo on them. If you didn't mind dumpster diving, I am sure you could find this type of identification in someone's trash.

In view of the many reports of stolen identity, this form of identification would be entirely unsatisfactory for voting purposes. In my view, nothing short of a driver's license, Kansas non-drivers identification card, or a government issued identification card would suffice for voter identification.

On page 7, Section 4 (b) requires the SOS and the director of the division of motor vehicles to compare data from voter registration records. The comparison shall include:

1. Voter's driver's license number.
2. KS non-drivers identification number
3. Last four digits of social security number

I would like to invite your attention to enclosure 1, Kansas Voter Registration Application and Instructions.

In the upper right hand corner of the form you will find the following identification number requirements:

1. Provide your Kansas Driver's license number or
2. Provide your Kansas non-drivers identification number or
3. Provide the last four numbers of your social security number
4. In you have none of the above, write NONE in the box.

Question: How can the SOS compare voter registration records with the Division of Motor Vehicles without those three pieces of information? I acknowledge that there are probably not many who write "NONE" in the ID box; however, it does appear that we have an existing opportunity for any voter intent on voting illegally could attempt to take advantage of this flaw in our registration process.

I have one last comment on voter registration. I propose that in order to have a valid voter registration system, that evidence of United States citizenship should be provided by:

1. A valid driver's license.
2. A valid Kansas State non-drivers identification card.
3. A birth certificate accompanied by a photo.
4. Naturalization papers accompanied by a photo.

I have heard the arguments about the excessive expense of \$12.00 for a birth certificate. You can't get out of McDonald's or Wendy's for less than \$12.00. This is not a valid argument.

Some argue that this is reminiscent of a poll tax. The poll tax was a tax designed specifically to prevent people from voting based on race. They also devised reading and writing tests to prevent certain classes of people from voting. This should be a requirement for anyone wishing to register to vote. This would simply be a measure to insure those wishing to vote are in fact United States citizens.

And I have heard the argument that this major inconvenience would reduce voter turn-out. We already have poor voter turn-out, but I contend that it is because people are disillusioned in government, or they feel that government pays no attention to the peasants.

It is through elections that our elected officials are selected by the people. Every step possible should be taken to prevent fraudulent voting. Voter turn-out is important, however, I would rather see fewer well informed voters voting at the polls than more uninformed voters at the polls.

Thank you for your time.

Voter Registration Instructions

You can use this application to:

- register to vote in Kansas, change your name or your address on your registration, affiliate with a political party, or change your party affiliation.

To register to vote you must:

- be a U. S. citizen and a resident of the State of Kansas.
- have reached the age of 18 years before the next election.
- have received final discharge from imprisonment, parole, or conditional release if convicted of a felony.
- have abandoned your former residence and/or name.

How to register to vote

- Return your completed application to your county. Addresses are on the back of this application. Your county election officer will mail you a notice when your application has been processed.
- Postmark this application by the 15th day before an election in order to be eligible to vote in that election.
- If you decline to register to vote, that fact will remain confidential and will be used for voter registration purposes only. If you do register to vote, the office where you apply will be kept confidential and will be used for voter registration purposes only.
- If this form is incomplete, it may be rejected.

* Identification number requirements

Enter your current Kansas driver's license number or nondriver's identification card number. If you do not have either one, enter the last four digits of your social security number. If you do not have any of these numbers, write "none" in the box. The number will be used for administrative purposes only and will not be disclosed to the public. (K.S.A. 25-2309)

Notice to first-time voters

If you will be voting for the first time in this county, and do not provide an identification number as requested above, you must complete one of the following options.

- Send a copy of a current, valid photo ID along with your application, or
- Send a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows your name and address.

If these requirements are not met or, if the information you provide is not verified, you must provide identification the first time you vote in the county.

For further information contact the Office of the Secretary of State, 1-800-262-VOTE (8683) V/TTY. This form is available at www.kssos.org.

Print in blue or black ink, fold on center line, seal and return.

Kansas Voter Registration Application

Qualifications: If you mark "NO" in response to either question 1 or 2, do not complete this form.

- Are you a citizen of the United States of America? YES NO
- Will you be 18 years of age on or before Election Day? YES NO

Last Name (Please print)		First Name		Middle	Jr. Sr. II III IV
Residence address (include apt. or space number)			City	County	Zip Section/Township/Range (if rural route)
Mailing address (if different than residence address)		City	Zip	Date Residence established / / Month Day Year	
Date of Birth / / Month Day Year	Daytime phone number (if available)		Naturalization number (if applicable)	* Driver's license number (see instructions)	

Party Affiliation Choose one of the following: Democratic Republican Libertarian Reform Not affiliated with a party

Complete if previously registered Please print

Previous name Previous address City State Zip County

Signature I swear or affirm that I am a citizen of the United States and a Kansas resident, that I will be 18 years old before the next election, that if convicted of a felony, I have had my civil rights restored, that I have abandoned my former residence and/or other name, and that I have told the truth on this application.

Sign here _____ Date today _____

Warning: If you submit a false voter registration application, you may be convicted and sentenced to up to 17 months in prison.

FOR OFFICE USE ONLY: Ward _____ Pct _____ School Dist _____ Member Dist _____
Sen _____ Rep _____ CoComm _____

November Patriots

Testimony before the Senate Ethics and Elections Committee On S267 (Supplemental to Oral Testimony)

Wednesday, March 11, 2009
(A continuation from Wednesday March 4)

Chairperson

Vicki Schmidt

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Senate Ethics and Elections Cmte

Date 3-11-2009

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I. Executive Summary

There are documented cases of 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 miss interpretation of the law and result in worsening 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 register 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 assure by the Kansa Secretary of Sates 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 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. [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 S267

S267 Identification Requirements

Section 1 (b) line 23 provides “...shall provide a form of valid identification such as...”

“Current and valid” what does the mean? “Current” sounds like not expired. Can there be an expired driver’s license that is “current” or “valid”. When can you have a current but invalid driver’s license? Is a suspended driver’s license current but not valid? When one’s driver’s license is suspended they are required to turn the license over to the state...right?

“Nondriver’s identification Card” Does not specify Kansas although the driver’s license does.

“Shall provide” clearly a mandatory requirement.

“a form” does this mean that one document must fulfill the “identification” criteria or may more than one document, each with one of the criteria, be used to fulfill the requirement?

“Valid identification” valid does not have any true meaning at best it is vague and ambiguous.

“such as” ...This phrase indicates that the list is not exhaustive. But note the list internally clearly indicates it is not exhaustive **“Other government document”**. Does this mean that a Missouri “current and valid” driver’s license would be sufficient to fulfill the photograph option? (As a poll watcher I witnessed the use of a Missouri driver’s license in Leavenworth County for voting purposes during the 2008 election.)

There is never a requirement for photographic identification such is always an option. It is an option that one engaged in impersonation (back end) voter fraud will never use as it will increase the chances he will be caught. It is more likely a photo id requirement would result in no attempt at all.

Requiring a “current name” under (d) is redundant as such is already required in both (b) and (c). What this bill actually provides is that if you do not have a document which has your “current” address on it (the name on the voter registration book) you may use a photographic identification in place of this requirement

Analysis of Section One (b) and Section Two (b)

Identification Requirements

“Current name” is not defined in the Section Two (b) statement although **“current address”** is defined. Both are defined in Section One (b).

“Current address” and **“current residential address”**.

It is not clear why two different terms are used to modify “address”. On the statement **“current residential address”** is defined as that on the registration book.

“Note: False statement on this affirmation is a severity level 9 nonperson felony”

How will a false statement be detected, investigated and prosecuted? Why is this

statement not as useless as that on the Voter Registration form? The phrase “... **severity level 9 nonperson...**” is meaningless to 99.9% of the population.

Analysis of Section One (c) and Section Two (a) Id Requirements

“**Current name**” is not defined in the Section Two (a) statement although “**current address**” is defined. Both are defined in Section One (c).

“**Note: False statement on this affirmation is a severity level 9 nonperson felony**” How will a false statement be detected, investigated and prosecuted? Why is this statement not as useless as that on the Voter Registration form? The phrase “... **severity level 9 nonperson...**” is meaningless to 99.9% of the population.

Use of Affirmation

The requirement of making an applicant sign an affirmation 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 national’s driver’s licenses when such was contrary to Kansas law. [xxviii] Unfortunately this indifference to the law is not unusual among Kansas agencies. [xxix]

S267 Flow Chart of Identification Requirements

§One (b) ballot to be transmitted in person

(b) Requirements

(d) Requirements

Applies to (b) and(c)

Re: “identification document”

. (C&V)

r's identification Card

l
ement →→→→→→→→→→

“Current” name
and
Current Address

Photograph
Current Name → or
“Current residential address..”

ent Check, or

.. Doc.

(b) Provides “...current name and address as indicated on the registration book...” i.e. defined “current” name to be that on the voter registration book not the actual present tense “current”.

(d) Provides “...as indicated on the registration book...”

§One (c) ballot to be transmitted by mail

(c) Requirements

(d) Requirements

Applies to (b) and

(c)

Re: "identification

document"

ic. (C&V) **number**

ver's identification Card **number**

security **last four digits**

Photograph

COPY OF

Current Name → or

bill

"Current" name

"Current residential address."

statement → → → → → → → → → →

and

ck

Current Address

ment Check, or

vt. Doc.

(c) Provides "...current name and address as indicated on the registration book..." i.e. defined "current" name to be that on the voter registration book not the actual present tense "current".

(d) Provides "...as indicated on the registration book...."

Comparison of Section One (b) and Section Two (a) Id Requirements

Lic. (C&V)

Photograph

river's identification Card

Current Name → or

bill

"Current" name

"Current residential address."

statement → → → → → → → → → →

and

ck

Current address

ment Check, or

vt. Doc.

Section two (a) statement for in person delivery, requirements as noted

KS D/Lic. (C&V)

Nondriver's identification Card

Utility bill

current name

Bank statement → → → → → → → → →

and

Paycheck

Current Address

Government Check,

or

Oth. Govt. Doc.

Photo Id

Comparison of Section One (c) and Section Two (a) Id Requirements

ic. (C&V) **number**

ver's identification Card **number**

ecurity **last four digits**

COPY OF

ic. (C&V)

Photograph

ver's identification Card

Current Name →

or

bill

"Current" name

"Current residential address."

atement → → → → → →

and

ck

Current Address

ment Check, or

vt. Doc.

KS D/Lic. (C&V) **number**

Nondriver's identification Card **number**

Social Security **last four digits**

COPY OF

KS D/Lic. (C&V)

Nondriver's identification Card

Utility bill

"Current" name

Bank statement →→→→→

and

Paycheck

Current residential address

Government Check, or

or

Oth. Govt. Doc.

Photograph

[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 of 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 from Haiti.")

[x] Hans A. von Spakovsky, The Threat of 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)

[xi] 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)

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

[xiii] [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 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)**

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

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[xxviii] 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)**

[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)

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Respectfully submitted,

Tom Stoffers
Richard D. Fry
3/11/2009

November Patriots

Testimony before the

Thursday, March 12, 2009 America Online: Ststoff

Senate Ethics and Elections Committee

On S267

(Oral Testimony of Richard D. Fry)

Wednesday, March 11, 2009

(A continuation from Wednesday March 4)

Chairperson

Vicki Schmidt

542-N

785-296-4686

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May it please Madam Chairwoman and the members of this committee..

Introduction

I am Richard Fry and I am with the November Patriots.

Thursday, March 12, 2009 America Online: Ststoff

We are a nonpartisan group of citizen voters who are working for more open, honest, representative and responsive government.

Today I speak in favor of the general principle that we must protect the citizen's right to fair elections. We must protect this right because it is under attack. We must protect this right because, as the very essence of democracy, it is deserving of our protection.

I do not speak in favor of S267 because it is weak and ineffectual; it is too weak to protect such a valuable right.

Facts Provided

I have supplied each of you with a packet of information, facts, figures, reports and accounts of voter fraud. I will not repeat those facts here today. The information I have provided you is information you should already had if you had a real interest in knowing the reality about the lack of integrity of our voting system.

Today I wish to make an appeal to you.

Appeal

At last Wednesday's hearing one of the committee asked the question:

"Is there really voter fraud?"

The voter identification issue has been going on in Kansas for at least three years. In other states it has been an issue for many more years, even before the ill fated "chad" incident in Florida. This issue is one of Constitutional magnitude.

If you are asking at this late date, if there is a voter fraud issue you are not doing your job or you are being disingenuous. There cannot realistically be a question as to whether there is a serious voter fraud issue nationally and in this state.

The only appropriate question now is "Are we doing enough to protect the right of the citizen to a fair election process?" **I am here to tell you, you are not!**

Yes, even our current Governor makes bold statements about the lack of fraud in this state. (See her last veto message on last session's voter id law.) The Secretary of State has also touted how Kansas' system is the best and without blemish. They point to the lack of prosecutions of such crimes as proof and talk of the ever vigilant, hard working local election workers.

The election workers I know are hard working. And most, like Ms Kathleen Perry, who testified here last Week, they take their job and the commitment it represents very seriously.

They are also very frustrated, some to the point of tears. They are frustrated because they have no real authority to ferret out voter fraud. They have no tools to ferret our voter fraud. All the county election officers that I have spoken with told me, almost to the word, "We must accept as true" whatever the applicant puts on the voter registration form.

None had ever conducted an audit on the voter registration applications. None had ever even heard of anyone else conducting an audit on voter registration applications.

Yes there is a warning, required by the federal government, about how providing a false statement and especially those relating to one's citizen status however they are never verified. **THEY ARE NEVER VERIFIED.**

No one is assigned to ferret out the perjury therefore the perjury is not found. It is like putting up a speed limit sign but never having a cop run speed checks. Then telling the citizens "We know we have no speeding because we have not cited anyone for speeding." It is a farce!

The local election officers / offices also told me they have no 'investigative' authority. In the last four or five months I have heard that from the Secretary of State's office including the Secretary of State himself probably a half dozen times. The fact of the matter is that not only does the SOS have authority to "investigate" he is mandated to do so. I do not care what you want to call it "audit", "conforming date" etc. that is his job. To hid behind semantics is not becoming anyone and particularly not from an elected official.

There is a very strong nexus between the Kansas driver's license and voting in Kansas. A Kansas driver's license and identification card are tickets to vote in this state. It's a pass to vote no questions asked.

The Director of Revenue allowed tens of thousands of foreign nationals to have driver's license by her own admission before the Senate Federal and State Affairs Committee. (January 24, 2008) .To do so was contrary to existing Kansas law. And, as it was following the 9-11 terrorist attacks it was contrary to the advice of the FBI who characterized giving driver's license to illegals as facilitating "criminal and terroristic threats." It was in reckless disregard for the life and safety of our fellow citizens. I do not take that lightly.

I have told more than one of your colleagues and some state officials of this situation. The only response I have ever received was "Well I do not know if that was against the law." In fact I heard that last week. It is your job to know. When you are telling me that me that you do not know, you are telling me you are not doing your job or you are trying to deceive the citizens of this state.

It's like a good ole boys club up here where many are trying to protect each other's tails. There is little concern about the safety and rights of the citizen you are suppose to be serving. At least those consideration come I a distant second.

The other thing that is clear from my investigation or audit and that is clear from the literature is that law enforcement generally does not want anything to do with voter fraud. It's not very sexy and most of the ruckus is over property crimes and drugs. I had a state official tell me it was hard to get voter fraud cases investigated and prosecuted saying "we can't make them do it". I sympathize with his frustration and I believe what he said, but as I told him, you can force them to prosecute it. "How" He asked. It is simple you establish a voter fraud position in the attorney general's office. I will guarantee the person manning the office will prosecute some fraud if for no other reason than for job security.

Whenever law enforcement makes an arrest for dealing in or having fraudulent identity documents makes them report it to the attorney general. Frankly I do not believe that Kansas law enforcement has not arrested an illegal alien or a person dealing in fake documents that has not had a voter registration card. Also it is very easy to run these peoples driver's license through the voter rolls and other election data to see if they have registered and / or it they have voted.

It's not very sexy and to the police it will probably seem like a waste of time since the "preps" are going to be charged with more "serious" crimes. But charging them with more "serious" crimes does not protect the integrity of our electoral system. Nor does it document the magnitude of voter fraud in our state. It allows some who are lazy or reckless or just indifferent to say we have no voter fraud in this state.

Is hiding behind ignorance now the American way?

It is how the federal government passed the Porkulus bill but is that now how we do business in Kansas?

S267

Photo Identification Option

S267 is a farce. Do you all realize such only makes the use of a photo identification to secure an advance ballot an option; the requestor always has the option of simply using a utility bill or "other government document"? What is an "other government document" any way? Is it a library card or a speeding ticket?

Clearly one of the most popular means of committing voter fraud is by impersonation. The best and perhaps the only practical way to detect such fraud is through requiring photo identification. Do any of you believe that a perpetrator of voter fraud is going to choose the photo identification option, the one option that could trip him or her up? It would have been more honest to simply leave the photo identification option out of this bill. No doubt some of the elected officials up here will try to push its use in this bill as a step forward when in reality it is standing in place at best.

Affirmations

I know from talking to the local election offices and through my literature search that affirmations are worthless in the voter registration context. It appears they are just as worthless under the situation covered by this bill.

By whom and how will any perjury on such affirmations be detected. Why do you believe that the local election officers and workers will feel any more compelled to undertake an "unauthorized" investigation of such affirmations? What tools will they use to conduct this "unauthorized" investigation? Why should I not expect to hear one of them tell me?

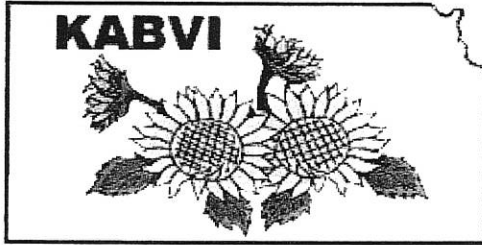
"We must accept as true" whatever is put on the affirmation. I cannot do anything unless a third party makes a complaint. "

By making laws that cannot or will not be enforced you make a mockery of our legal system and our electoral process. Surely we can do better.

This bill is weak in the manner it is drafted and worse in the protection it affords which is little or none.

Richard d. Fry

Richard D. Fry



Kansas Association for the Blind And Visually Impaired

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March 4, 2009

TO: Senate Committee on Ethics and Elections
FROM: Michael Byington, C.E.O. (Volunteer) *MB*
SUBJECT: Comments concerning Senate Bill 267

We appear in a neutral position concerning this Legislation, but we wish to file the following comments.

We really do not like mandatory identification requirements for purposes of voting. We think that the first time voter identification requirements are adequate and we simply do not think that there are significant, documented cases of voter fraud out there to justify the inconveniences of mandatory voter identification, either at the polls, or for advance voting.

We feel that mandatory voter identification requirements do place an undue burden on those who have difficulty handling and keeping track of identification due to physical or visual disabilities. The infirmed, elderly person, for example, who struggles to get to the polls because they value their civic responsibilities to vote so much, and who has voted at the same polling place in the same town, where they are well known, for many years, should not be turned away from the polls or forced to vote a provisional ballot simply because they forgot their identification, and may experience too much fatigue to go home, get the identification, and return to the polling place.

Senate Ethics and Elections Cmte
Date 3-11-2009
Attachment 3

Nonetheless, it would appear that the train may have already left the station on this issue. A more draconian and restrictive piece of legislation on this subject has already passed the House of Representatives. Thus, if the Kansas Legislature is going to allow the fears over voter fraud to cause Legislation to pass concerning mandatory identification for all voters, we would much rather see it be this reasonably well-written piece of Legislation over other options which have been suggested.