

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on February 10, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Mike Peterson- excused

Committee staff present:

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

Conferees appearing before the Committee:

Representative Malick Talia, District 23
Brad Bryant, Deputy Assistant Office of Secretary of State

Others attending:

See attached list.

Hearing on **HB 2256 - Elections; allowing early voter registration for 14-17 year olds.**

Ken Wilke, Office of Revisor of Statutes, explained that the intent of the bill is to make changes in the registration process for persons 14-17 year olds. He reported that an early registration form will need to be developed by the Secretary of State to facilitate the process. Mr. Wilke indicated that **KSA 25-2320, Sub. Sec.C** is new and deals with early voter registration records and information and requires confidentiality. An additional requirement is included to coincide with the Kansas Division of Motor Vehicles when application is made for a driver's license (Attachment 1).

The Chair welcomed Representative Talia, who spoke as a proponent of **HB 2256**. He provided data on the percentage of voters by age groups who voted in the 2008 general election, saying that over 85 percent of registered 18-24 year-old Kansans voted. In anticipation of recruiting life-long voters, Representative Talia's closing remarks stressed the importance of having a process in place to encourage all the youth of Kansas to pre-register to vote.

Representative Talia responded to questions by stating:

- 1) This bill provides opportunity to register; it is not mandatory;
- 2) Applicants are "moved over" to the voting rolls at the appropriate time;
- 3) Every individual is responsible to change his or her voter registration place;
- 4) The bill contains protection and privacy clauses for students, but that confidentiality expires at age 18; and,
- 5) The bill calls for a new form of application to be developed by the Secretary of State in conjunction with the Kansas Division of Motor Vehicles.

Brad Bryant, Deputy Assistant Secretary of State, provided neutral testimony on **HB 2256**, saying that the main provisions of the bill contain some areas for consideration before changes are made (Attachment 2). He said the Help America Vote Act of 2002 has a system of holding not-yet-qualified applicants in a file until their qualifications have been met. Mr. Bryant said automatic notification when the applicant reaches the age of 18 becomes a programming expense for the Office of the Secretary of State. He indicated that the Division of Motor Vehicles does not prevent underage driver's license applicants from applying for voter registration, but those examiners are not qualified to screen applicants. Mr. Bryant said that an anticipated effect of this bill would be an increase in the number of inactive records within the database. He noted that inactive listings require two notifications of response on the part of the applicant, which would require an increase in the cost of printing and postage for county election offices. Mr. Bryant said the Office of Secretary of State has the capability of coordinating with county election offices to implement this legislation should the committee deem this a necessary policy.

CONTINUATION SHEET

Minutes of the House Elections Committee at 3:30 p.m. on February 10, 2010, in Room 144-S of the Capitol.

Written testimony as a proponent was submitted by Joe Novak, Principal, Mill Valley High School, Shawnee, Kansas (Attachment 3).

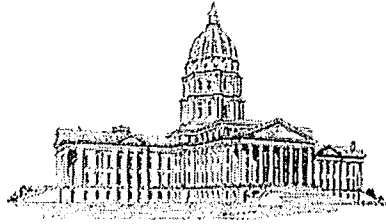
Written testimony as a proponent was submitted by Adam Fogel, Right to Vote Director of FairVote (Attachment 4).

The hearing on **HB 2256** was closed.

The meeting was adjourned at 4:25 p.m. The next meeting is scheduled for February 15, 2010.

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STATE OF KANSAS | 23RD DISTRICT

February 10, 2010

Chairman Huebert, Vice-Chair Schwab, Rep. Barnes, and
Members of the Elections Committee,

This bill creates a process for pre-registering young people to vote. The bill couples Motor-Voter Registration efforts with pre-registration of 14-17 year olds when they come in for the first time to get a learners permit, restricted license, or full driver's license. The bill adds a layer of privacy protection by prohibiting campaigns and non-governmental agencies from accessing the list and contacting pre-registered voters.

In the 2008 general election, Kansas ranked 37th in the percentage of eligible citizens registered to vote. Of 18-24 year old Kansans, only 49.4% were registered to vote, compared to the national average of 58.5%. However, out of those registered 18-24 year old Kansans, more than 85% turned out to vote.

The reason why I introduced HB 2256 was to increase voter participation in our democracy. Electoral analyses show that voting behavior is habit-forming. If you vote, you will likely keep voting. If you don't vote, you probably won't start. Pre-registering young people to vote is not a new idea.

- States that allow pre-registration of 16 year olds:
 - Florida, Hawaii, North Carolina, Rhode Island, District of Columbia.
- States that allow pre-registration of 17 year olds:
 - California, Oregon, Wyoming.
- States currently considering early voter registration for young people:
 - Arizona, Connecticut, Illinois, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New York, Washington.
- Also, the Selective Service System (military draft) allows for early submission; it is now possible for a man to submit registration information early.

The importance of encouraging youth participation in our democracy is difficult to overstate—countless studies show that the earlier people are involved in the voting process, the more likely they are to become an active voter for life. Thank you for your consideration of this bill.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
House Committee on Elections
Testimony on House Bill 2256

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

February 10, 2010

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2256. The Secretary of State is neutral on the policy question posed by this legislation, but we wish to provide information for the committee's consideration.

The main provisions of this bill are:

- Persons 14 to 17 years old would be permitted to pre-register to vote.
- Pre-registered voters' records would be confidential and not publicly disclosed.
- The Secretary of State would design a special voter registration application form in consultation with the Division of Motor Vehicles.
- County election officers would notify pre-registered persons when they reach age 18 and change their registrations to active status.

We offer the following points for consideration:

1. The statewide voter registration database implemented in 2005 pursuant to the Help America Vote Act of 2002 accommodates applicants who have not met the qualifications to vote for various reasons. It holds them in a "suspense" file until they have met the qualifications. However, the system would not automatically notify the county election officer when a pre-registered individual turned 18 years old. If the system were to be programmed to do so, there would be a programming expense.

2. Some persons under 18 years old are already appearing in the system by applying for voter registration when they apply for driver's licenses through the Division of Motor Vehicles pursuant to the National Voter Registration Act of 1993, commonly called motor-voter. In that sense, they are treated the same as 17 year olds who are authorized to register under K.S.A. 25-2306.

DMV has not been asked to screen out underage applicants because it is administratively more difficult for them to exclude them from the process, and it is the policy of the Secretary of State that driver's license examiners should not be in the position of screening voter registration applicants. That is the job of election officers. So, because DMV does not prevent underage

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driver's license applicants from applying for voter registration, some pre-registrations are in the system and are managed by the "suspense" feature in the database.

3. The mailings required by county election officers would be an added expense.
4. One anticipated effect of the bill would be to increase the number of inactive records in the database. For instance, if a person pre-registers to vote, then moves away, the county election officer would mail the person a notice of disposition when they reach age 18, but the notice would be returned undeliverable. Under current federal and state laws, the county election officer would then be required to mail a confirmation notice. If the person fails to respond, their registration record is "inactive" and the record is carried in the system until two succeeding federal general elections have passed. This adds to the number of inactives in the database. Also, these persons would be mailed two notices, creating a printing and postage expense for county election offices.
5. We are not certain that a separate application form is needed for pre-registrations.
6. Because many of the persons who might wish to pre-register have that opportunity through DMV offices, it is possible that this legislation would not have a significant effect.

We have the capacity to coordinate with the county election offices to implement this legislation, and we leave to the legislature the question of whether to adopt this policy.

Thank you for your consideration.

Testimony on behalf of HB 2256:

My name is Joe Novak. I am currently the principal at Mill Valley High School in Shawnee, Kansas. I am a life-long social studies/civics/government teacher. I have served as the Region VI Director of the National Association of Student Councils. I served as the Education Outreach Director for Freedom's Answer during the year leading up to the presidential elections of 2004. I worked closely with Secretaries of State, Lieutenant Governors, and Governors of 25 states across our nation. The hue and cry across this nation remains that lingering apathy of the voters in the age group 18-26.

The emphasis of Freedom's Answer was to address that apathy by involving 15-18 year olds in the process at their state level. Together with Rock the Vote, these initiatives increased voter turnout with this age group by some 48%.

HB 2256 captures an important part of becoming a responsible voter. At age 14 or 15, young people still have that genuine excitement to become actively engaged with their state and local government. Allowing them to pre-register to vote can only assist in having more 18 year olds ready to vote when they become eligible. Even though schools and communities encourage and educate 18 year olds to register and vote, they usually have a great deal more on their mind.

It is my opinion that HB 2256 could be paired together with a stronger and more consistent push in the classroom to build excitement to that first time voting. Students coming together and working of legislation impacting their age group together with being pre-registered to vote can lead to record levels of turnout amongst 18 year olds in the great state of Kansas.

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5-10-10 Atch. #3

House Bill 2256—Youth Voter Pre-registration
Testimony by Adam Fogel, Right to Vote Director of FairVote

Thank you for the opportunity to provide written testimony on HB 2256.

FairVote is a nonpartisan, nonprofit election reform and voting rights organization that promotes fair representation, fair elections and fair access to participation in our democratic system. We are based in Takoma Park, Maryland, outside of Washington, D.C.

For several years, FairVote has advocated for youth voter pre-registration policies in a number of states. Currently, California, Florida, Hawaii, North Carolina, Oregon, Rhode Island, Wyoming, Puerto Rico and the District of Columbia have policies in place that allow people younger than 18-years old to pre-register to vote. Puerto Rico allows 14-year old pre-registration; Hawaii, Florida, North Carolina, Rhode Island and the District of Columbia allow 16-year old pre-registration and the remaining states have a pre-registration age of 17. FairVote strongly supports this policy, which has been shown to encourage youth voter participation, give young people an opportunity to learn the mechanics of participation before reaching voting age and decreases the burden placed on local election officials.

Youth voter pre-registration is the first step in what should be the ultimate goal of developing a voter registration system that reduces the burden placed on the individual and ensures security in the process. This policy would allow young people to register to vote when applying for a driver's license or farm equipment permit, the same way voters over 18 can do now because of the National Voter Registration Act ("motor voter"). It also gives high schools the ability to conduct systematic, effective voter registration drives in the educational atmosphere of a classroom. Recent research by Michael McDonald of George Mason University shows that the most successful implementation of youth voter pre-registration is accompanied by civic education programming.

This policy will also resolve the problem of the last-minute rush of voter registration applications local boards of election receive before the voter registration deadline every election cycle. Partisan and nonpartisan voter registration groups that register thousands of new voters have been known to hold onto the forms until days before the deadline, making it difficult for the local boards to process all of the forms before the election. Enacting youth voter pre-registration will make voter registration a year-round activity, where local boards of election will no longer be inundated with last-minute rushes and be forced to hire temporary, often inexperienced staff who could be prone to unintentional clerical mistakes.

Voter registration is one of, if not the single greatest barrier to participation in our democratic process. In the 2008 general election, Kansas ranked 37th in the percentage of eligible citizens registered to vote. Only 49.4 percent of 18 to 24-year old Kansans were registered to vote, compared to the national average of 58.5 percent. However, out of those registered 18 to 24-year old Kansans, more than 85 percent turned out to vote. Voter registration is the strongest indicator of whether a young person will actually turnout on Election Day. Additionally, research shows that when a young person votes in the first election for which they are eligible, they are likely to become life-long voters.

Thank you for submitting this testimony into the record. Please feel free to contact me with any follow up questions.

*As. Elections
2-10-10 Atch #4*