MINUTES OF THE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Terrie Huntington at 9:35 a.m. on March 9, 2011, in Room 159-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Office of the Revisor of Statutes Jill Shelley, Kansas Legislative Research Department Reed Holwegner, Kansas Legislative Research Department Ellen Martinez, Committee Assistant

Conferees appearing before the Committee:

Carmen Alldritt, Director of Vehicles, Kansas Department of Revenue Kathy Perry, Provisional Ballot Judge, Wichita Brian Newby, Johnson County Election Commissioner Bruce Newby, Wyandotte County Election Commissioner Ron Roberts, Butler County Clerk Kris Kobach, Kansas Secretary of State Ken Dunwoody, citizen, Olathe Kelly Parks, citizen, Sedgwick County Richard Fry, November Patriots

Others attending:

See attached list.

The Chairman called the meeting the meeting to order and opened the hearing on <u>HB 2067 - Voter photographic identification requirements</u>. Staff gave a history of the bill in the Kansas Legislature and an explanation of the bill. <u>HB 2067</u> would change the requirements for providing voter identification at elections. The bill would require photo identification of all in-person voters at every election (with the exception of certain voters who would be exempted), and it would require inclusion of the number on or a copy of a specified form of photo ID for all voters submitting advance ballots by mail for every election. (Current law does not require a photo ID, nor does it require ID be provided at every election.) The bill would allow for the issuance of a free photo ID card to anyone who qualifies under specified poverty criteria and signs an affidavit. The bill also would require any person registering to vote to submit evidence of U.S. citizenship. (Attachment 1)

Carmen Alldritt, Director of Vehicles, Kansas Department of Revenue, testified as neutral on the bill. She stated it is not expected that a significant number of free ID cards would be issued if this legislation were enacted and that it would have no impact of driver's license security. (Attachment 2)

Kathy Perry, Provisional Ballot Judge, Wichita, testified as a proponent. Her testimony was based on her experiences as a provisional ballot judge for the November 4, 2008 presidential election. (Attachment 3)

Brian Newby, Johnson County Election Commissioner, testified as a proponent. As the administrator who works in the largest election office in the state, he felt that the bill could be successfully implemented by election workers. (Attachment 4)

Bruce Newby, Wyandotte County Election Commissioner, testified as a proponent. This bill will help applicants understand that they must provide proper identification to county election officials to be registered to vote. (Attachment 5)

Kelly Parks, citizen, Sedgwick County, testified as a proponent. She cited experiences she witnessed during a voter registration drive in her district. (Attachment 6)

Ron Roberts, Butler County Clerk, testified as a proponent. (Attachment 7)

Ken Dunwoody, citizen, Olathe, testified as a proponent. He asked the committee to take his written testimony into consideration and support the bill. (Attachment 8)

Kris Kobach, Kansas Secretary of State, testified as a proponent. Secretary Kobach stated that the

CONTINUATION SHEET

The minutes of the Ethics and Elections Committee at 9:35 a.m. on March 9, 2011, in Room 159-S of the Capitol.

problem of voter fraud is understated in Kansas; that there might have been more than 700 fraudulent votes in the last presidential election.

Stacia Long, Seward County Clerk, a proponent, provided written testimony only. (Attachment 9)

The Chairman thanked the conferees for their testimony and asked Secretary Kobach to continue his testimony at the following meeting. Due to time constraints, the hearing will continue on March 10, 2011 finishing with proponents and hearing opponents. The Chairman closed the hearing.

The next meeting is scheduled for March 10, 2011.

The meeting was adjourned at 10:30 a.m.

SENATE ETHICS AND ELECTIONS COMMITTEE GUEST LIST

Date: _____ March 9, 2011

NAME	REPRESENTING
Hally Repry Albe Caron	
Albre Canon	Butler 6
Ron Robert	Butter (a)
Lamen allelete	KDOR
Ted Smith	KDORZ
Brian Newby	Johnson County
ERECTUCKER	505
Robert Wood	Tea Party Patriots of KS
Ran Kriegshauser	505
KEN DUNWOONY	J.C.
Hann Store	Topela 912 Project
Glenda Overstreet	Kansas State NARCP

SENATE ETHICS AND ELECTIONS COMMITTEE GUEST LIST

Date:	March 9, 2011

NAME	REPRESENTING
Mindy Brissey	AFT-Kansas VS NMA
Amber Versola	KSNOW
	÷
:	

OFFICE OF THE KANSAS SECRETARY OF STATE KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2010 February 9, 2011				ACTIONS T Sthics and Elections Committee		
YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS T .fg.~	. ا۔
2002	BOURBON	Ballots returned for advance voters with non-matching signatures.	Perjury, impersonation of a voter	Multiple	Unknown pg	Attachment
1998	BOURBON	Mother voted for her son, forged signature	Perjury, forgery	. 1	Unknown &	Щ
1998	BOURBON	Nursing home supervisor voted for other persons without their consent	Perjury, forgery	Multiple	Unknown character that the state of the sta	Атас
2006	BUTLER	Person voted twice	Double vote	1	Referred to county attorne	∍у I
2002	CHEYENNE	Person voted in Kansas and Colorado	Double vote	1	Investigated by FBI, not pursued	
2004	CLARK	Electioneering near an advance voting location	Electioneering	1	Convicted of 2 counts of Class B misdemeanors by state of KS	
	DECATUR	Nursing home residents' ballots voted by adult children	Perjury, forgery	Multiple	Unknown	
2004	DECATUR	Voters incapable of voting but ballots voted anyway Ballots voted by wife, nephew, social worker of	Perjury, forgery	4	Ballots challenged	
Multiple	DECATUR	nursing home residents	Perjury, forgery	Multiple	Ballots challenged	
	DOUGLAS	Party voter registration drive screened applications and did not deliver some	Voter registration suppression	Multiple	D.A. investigation	
Multiple	ELLIS	Multiple ballots challenged each election due to nonmatching signatures	Perjury, impersonation of a voter	6	Ballots challenged	_
2008	FINNEY	Non US citizen registered and voted Person double voted three times in both HV	Perjury, voting without being qualified	1	Referred to county attorne Referred to county	∋γ
2008	HARVEY	and LY in 2006, 2008 Advance ballots challenged every election	Double vote	1	attorney, not pursued	_
Multiple	ЈОНИЅОИ	due to nonmatching signatures	Perjury, impersonation of a voter	Multiple	Ballots challenged	
Multiple	лониѕои	Multiple examples of questionable ballots	Perjury, impersonation of a voter	Multiple	Ballots challenged	
2010	JOHNSON	Voter registered at MO bar, voted in KS in 2006, 2008, 2010	Perjury, voting without being qualified	1	Referred to D.A.	

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
		Voter received advance ballot for which he did			
2010	JOHNSON	not apply. Another person filed application.	Perjury.	1	No action taken
		Persons voted advance in person, then voted			
2010	ЛОНИЅОИ	at polls on election day	Double vote	3	Referred to D.A.
2008	JOHNSON	Non US citizen registered, voted in 2008	Perjury, voting without being qualified	1	No action taken
		Person registered to vote in JO, WY			Provisional ballot, not
2008	JOHNSON	same day and attempted to vote in both	Double vote	1	counted
		Registration applications received with			
2008	JOHNSON	KS address, MO zip codes	Perjury.	20	No action taken
		Person not registered, found another person's			
		address on poll book, used that address to			
2008	JOHNSON	register and vote	Perjury, impersonation of a voter	1	Referred to D.A.
					Prosecuted by US Attorney,
					pled guilty to misdemeanor,
					convicted by federal
2004	KANSAS CITY	Persons voted in Missouri and Kansas	Double vote	3	government
					Referred to county
2008	LYON	Non US citizen registered to vote	Perjury	1	attorney, not pursued
				·	Convicted by federal
					government of Title 18
ļ			<u> </u> .		U.S.C. 242, Deprivation of
2008	MONTGOMERY	Persons voted in KS and AZ	Double votes	2	Rights Under Color of Law
<u> </u>		Person voted in both Nemaha			Convicted of misdemeanor
2004	NEMAHA	and Shawnee counties	Double vote	1	by state of KS
					Referred to law
2010	OSAGE	Person under felony sentence registered to vote	Perjury	1	enforcement, no charges
2002	051.05				
2002	OSAGE	Nursing home assistance when voter not aware	Perjury, forgery	1	No action taken
		Multiple advance ballots mailed to apartments			Referred to law
2006	POTTAWATOMIE	where voters did not live, ballots were voted	Perjury, forgery	7	enforcement, not pursued
		Advance ballot voted by voter who no	1 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	-	Referred to law
2006	POTTAWATOMIE	longer resided in KS, but in France	Perjury, forgery	1	enforcement, not pursued

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
		Ballot applications signed by parent,			Provisional ballots not
Multiple	SEDGWICK	spouse or relative	Perjury	Multiple	counted
		Parent voted for college student by			Provisional ballot not
2006	SEDGWICK	power of attorney	Perjury, impersonation of a voter	1	counted
		Candidates and poll watchers			
		intimidated voters by asking voters who			
2006	SEDGWICK	they were and who they voted for	Voter intimidation	Multiple	No action taken
					Dept. of Homeland Security
		Name II Contains an electronical control in		i i	contacted county election
2010	SED CHARGO	Non U.S. citizen registered, voted in		1	office. Not pursued.
2010	SEDGWICK	2000, 2002, 2004, 2006, 2008	Perjury, voting without being qualified	1 8	Referred to D.A.
2009	SEDGWICK	Non US citizens registered; 1 voted	Perjury, voting without being qualified	8	Provisional ballot not
2000	CED CHAICK	Non-matching signature on an advance	B 4 6	1	counted
2009	SEDGWICK	ballot envelope	Perjury, forgery	1	Referred to law
2006	SEDGWICK	lutinidation of nall works	Disardarly startion conduct	Multiple	enforcement
2000	SEDGWICK	Intimidation of poll workers Candidate paid \$50-\$75 to deliver	Disorderly election conduct	Multiple	emorcement
2006	SEDGWICK	20 votes each	Election bribery	Multiple	No action taken
2000	SEDGAAICK	Electioneering by a candidate at a	Election bribery	lviditiple	No action taxen
2006	SEDGWICK	polling place	Electioneering	1	Referred to D.A.
2011	SEWARD	Non U.S. citizen registered to vote	Perjury	1	Registration canceled
2011	JEVVARD	Employer bused employees, including	reijury		Registration acreases
		alleged non-citizens, to register to			
1997	SEWARD	vote at election office	Perjury	Multiple	No action taken
1337	JE VVAILD	Advance ballots picked up and delivered	reijury	Widilipie	The delivery dates
		to a campaign P.O. Box and never			
2005	SHAWNEE	delivered to election office	Advance voting suppression	Multiple	No action taken
2005	SIMVIVEE	Campaign workers picked up voted	Advance voting suppression	W.G.O.P.G	Referred to law
2005	SHAWNEE	ballots, did not deliver to election office	Advance voting suppression	4 .	enforcement, not pursued
2005	J. II TVITLE	Tyler Towers, Jackson Towers, Polk Plaza voted	The same sound supplies and the same supplie		
2005	SHAWNEE	ballots picked up but not delivered	Advance voting suppression	Multiple	No action taken
		Ballots taken to dark room and flashlight			
2005	SHAWNEE	used to see how they were voted	Advance voting suppression	Multiple	No action taken

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
		Voters had their voted ballots			
2005	SHAWNEE	taken from mail box	Advance voting suppression	Multiple	No action taken
					KS US attorney plans to
2008	SHAWNEE	Person voted in both Kansas and Kentucky	Double vote	1	prosecute
		Person voted in both city and county on	·		Investigated but not
2005	SHAWNEE	consolidation question	Double vote	1	prosecuted
					Investigated by FBI, not
2002	SHERMAN	Person voted in both Kansas and Colorado	Double vote	1	pursued
		Nurse's aides voted ballots for			Provisional ballots not
Multiple	WYANDOTTE	residents without their consent	Perjury, forgery	Multiple	counted
· · · · · · · · · · · · · · · · · · ·					Provisional ballots not
Multiple	WYANDOTTE	Spouse voting for spouse	Perjury, impersonation of a voter	Multiple	counted
		Felons voted. Provisional			Referred to D.A., under
2010	WYANDOTTE	ballots were not counted	Voting without being qualified	17	investigation
		Persons not registered. Signed affidavits claiming			Referred to D.A., under
2010	WYANDOTTE	residency in Wyandotte	Perjury	4	investigation
					Referred to D.A., under
2010	WYANDOTTE	Persons attempted to vote more than once	Double vote	4	investigation
2008	WYANDOTTE	Non US citizens registered; 1 voted	Perjury, voting without being qualified	3	Referred to D.A.
		Advance ballot applications signed			
2008	WYANDOTTE	by campaign worker, not voter	Perjury	25	No charges filed
		Advance ballot application filed			
2004	WYANDOTTE	without voter's knowledge	Perjury	11	No action taken
2002	WYANDOTTE	Fraudulent advance ballot applications	Perjury	50	Referred to D.A.
	-		TOTAL REPORTS	221+	

Division of Vehicles 915 SW Harrison St Topeka KS 66612-1588 Nick Jordan, Secretary



Phone: 785-296-3041 FAX: 785-368-8392 www.ksrevenue.org

Sam Brownback, Governor

The Honorable Terrie Huntington, Chairwoman, Committee on Ethics and Elections

From:

To:

Carmen Alldritt, Director of Vehicles

Date:

March 9, 2011

Subject: HB 2067

At the committee's request, the Division of Vehicles offers the following information:

Fiscal Impact

A comparison of Census population numbers for Kansas and the number of Kansas licenses and identification cards in force indicates that individuals desiring photo identification already possess either driver's licenses or non-driver identification cards. (According to recently released 2010 Census data, there are 2,126,179 Kansans of voting age population. When compared to the 2,156,446 driver's licenses and identification cards issued to people 18 years or older, the number of licenses and IDs exceeds the number of voting age Kansans by approximately 30,267.) Both licenses and IDs are valid for between four and six years, so it is not expected that a significant number of free ID cards would be issued if this legislation is enacted. We anticipate any costs associated with these IDs for voting purposes can be handled within existing resources as the division will compensate its driver's license vendor out of the Photo Fee Fund for the expected small number of IDs to be issued without the payment of the \$8 photo fee.

Impact on Driver's License Security

HB 2067 would have no impact on driver's license security.

As Kansans, we can be proud of the strides we have taken in the area of driver's license fraud prevention and identity management. To ensure the security of our driver's licenses, we exchange data among state agencies; for example, the Kansas Department of Health and Environment regularly provides death certificate data to the Kansas Department of Revenue (KDOR) so we can cleanse our driver's license data. KDOR also works closely with Homeland Security, FBI, Social Security Administration, IRS, and local law enforcement to confront fraud.

We are implementing new procedures such as "photo first," which allows us to take photos at the beginning of the application process so we have the photos on file electronically in the case that denied applicants attempt to obtain licenses at other offices.

Further, starting this fall, our modernization project will allow us to scan and retain images of documents presented by driver's license applicants, and, importantly, enable us to distinguish between citizenship and lawful presence. The modernization includes enhanced facial recognition to match driver's license photos against databases containing millions of other photos, and we will begin issuing a new-and-improved driver's license credential this fall—which will build in even greater security features to prevent fraud.

Ethics	and Elections Committee	
Attach	nent 2	
Date_	3-9-11	_

SENATE STANDING COMMITTEE ON ETHICS AND ELECTIONS Testimony of Provisional Ballot Judge KATHY PERRY, March 9, 2011 RE: Secure and Fair Elections (SAFE) Act / HB 2067

Mr. Chairman and Members of the Committee:

Thank you for allowing me the time to come before you today and share some of the activities that I witnessed as a provisional ballot judge for the Nov 4, 2008 presidential election. In my remarks I will refer to "we" — meaning myself and the supervising judge, Deanne Dickerson, with whom I worked that day. Deanne is available to verify these events that I am sharing with you today. She also signed my original typed notes as a witness.

As provisional ballot judges we encountered many voters that were not registered in the state of Kansas. Our job was to assist these voters in finding their polling districts or with any other voter problems. We were told to let anyone vote and to not ask ID from anyone unless they were first time voters. We were instructed to allow everyone to vote, even people without any ID. Only first time voters' identification was checked. Providing the proper identification would have helped the poll workers determine the proper ballot/district for these voters in a timely manner; without the identification we had to refer to a map to try to determine where the voters lived. All voters who could not determine where they lived from the maps were given a provisional ballot — which allowed them to cast a vote for the presidential and federal level contests.

The following are examples of incidents that we encountered that day:

- A lady with a thick foreign accent told us that she lived in Tulsa, OK, and Wichita, KS and asked to vote. She voted provisionally in district 0527, at 6:50PM. After we sealed her ballot, she asked if it was OK to vote in two states, and told us that she had driven from Tulsa where she voted earlier in the day. I documented this on the envelope of the provisional ballot she did, however vote a second time in Kansas.
- Two men told us that they were not sure if they were US citizens. We flagged their ballot no identification was given. We were told kindly by election officials not to ask for identification, but that state law allowed anyone to vote.
- A lady came in with a stack of approximately 50 state ballots, not sample ballots, and she asked if I could put her completed ballots into the ballot counter. I asked her where she lived and if she was a first time voter. She said that she did not know. I asked her what side of town she lived on. She did not know. I asked her where she received her official ballots. She said she found stacks of ballots, she said a stack of around 500, that were being handed out at the mall. I asked her which mall, and she told me she could not remember. We were told by election officials that she would have to vote provisionally. When I did a follow up with the elections commissioner about this woman, he shared that the address on her provisional ballot was not one from the city of Wichita. After being asked for identification she left quickly and took her state ballots.
- A man who was not in the registration book was told to fill out the provisional ballot and seal it in an envelope. He filled out his optical scan ballot, but would not put it into the provisional envelope as instructed. As I was assisting the next voter in line, the man rushed the M-100 scanner machine and inserted his ballot, which was counted in the general election. He left the poll site with his provisional envelope.
- Another man who voted in the general election told us that he "advanced voted" in Nebraska, and had just
 voted again at his old Kansas address. He asked us if it was OK to vote twice if his name was not removed
 from the registry. He said that he knew that voters were not taken off the registry after they moved to
 another address.

Ethics	and Elections Commit	tee
Attach	ment3	
Date_	3-9-11	

- A lady that voted electronically said as she was leaving, "IN CHICAGO WE HAVE A SAYING, 'VOTE EARLY AND
 VOTE OFTEN, BYE.'" Yes it was that blatant.
- This final example is documented in the poll registry from the precinct where I worked. Every poll worker was aware of this situation. A lady had three similar first names registered at the same address. [For example Chris, Christine, Christy Fox]. She had three registrations and wanted to have three ballots so she could vote three times. She was given one, and then voted in the general election (She was also reported to Bill Gayle). She could have easily returned and voted under the other two registered names. She admitted that she was the same person as the other two on the list. Her name was flagged in the voter registration book. Without proper identification, no one was able to mark her one actual legal name under which she was registered.

Here are examples of the types of questions I received from people routinely throughout the day after they voted:

- What happens if you vote at different places?
- Can I try and go vote again at my old place that I used to live?
- Can I vote for my father that is now dead if we did not tell?
- Can you look up for me and see if I am registered to vote anywhere else?
- Do you get arrested if you are caught voting more than once?
- Can I vote all the places I have lived before and in other states too?
- What happens if a person gets caught, let's say, voting five times?

I firmly believe that if we had been asking for identification from voters, many if not all of the above situations would have been avoided. At a minimum, proper follow-up could have been done to assist election officials.

This was a very sad day for the election workers. Often disenfranchised voters throughout the day asked if their votes counted since the media accounts showed individuals voting multiple times in other states. Some were asking if there was a point to voting any more. One elderly couple stopped to talk to me and told me that this would be their last election. They drove all the way from Attica, KS to vote in Wichita and felt that it was pointless to vote if others were being allowed to vote multiple times. Many honest voters asked why we did not request identification from them. Many would pass their identification to me without being asked, and comment that everyone should have to show their identification in order to have a fair voting process. They felt very disenfranchised by the unfair identification laws that allow people to vote multiple times without having to identify themselves. One woman commented that we should have our elections at Wal-Mart if we are not going to monitor how many times people vote.

I have learned that the current Kansas laws state that I could not ask voters for identification unless I wanted "lawyers crawling all over the place." I learned that this outdated system needs to be changed to protect the people, the candidates, and our democracy. Why do we throw our democracy into the hands of people who are trying to vote over and over again without getting caught? Are they the people we want deciding who our next elected officials are going to be? Our process depends on the honesty and credibility of the voters, and yet it does not ask for any credible representation of who they are.

Laws that affect the voting process must prove that they are not hindering legally eligible citizens from voting, as well as catching ineligible voters, or those voting multiple times.

Contrary to the opinion of many, voter fraud is happening in Kansas. We have an opportunity with the <u>Secure and Fair Elections Act</u> to protect the integrity of our elections. The right to vote is one of the greatest privileges that we have as Americans, and the SAFE act will protect and preserve every citizen's right to have their vote count. For each person who is allowed to vote unfairly, another honest persons' vote is nullified. In order to protect our elections, we also need to train our poll workers in the proper way to administer the rules in a fair and equitable way for all voters, including the process that should be followed when instances of potential fraud is discovered.

Currently we have laws that require us to provide identification to cash checks, to get prescriptions, to rent DVDs, and even to purchase a can of aerosol paint. If the law does not change, people will continue to cheat the system, vote early and often, and compromise all we hold dear. Currently in eighteen states there are laws requiring identification for all voters. Even in Mexico, voters are required to provide a photo ID, a signature, and a thumbprint in order to vote. These measures to stop voter fraud were instrumental in the fair election of Vicente Fox in the year 2000. I am in support of the Secure and Fair Elections Act, HB 2067, and urge you to pass this bill to protect the voting process in our great state of Kansas.

Thank you for allowing me to speak today and share on behalf of many frustrated voters and election officials.

Kathy Perry Resident of Wichita, KS

Johnson County Election Office



TESTIMONY BEFORE THE SENATE ETHICS AND ELECTIONS COMMITTEE **REGARDING HB2067**

Wednesday, March 9, 2011.

Brian Newby Johnson County Election Commission

Members of the Committee:

As a follow-up to my review and support of House Bill 2067 before the House Elections Committee, I come here today to repeat my support of the bill.

My primary question during my review of the bill and during these discussions, as an election administrator, was, simply, can we successfully implement the provisions in the bill?

I believe we can.

When I came to the Election Office more than six years ago, I quickly realized that election employees—locally and nationwide—are skilled at process, skilled at implementing, and skilled at execution. In fact, in my opinion, the ability to execute a plan is the competency most coveted by businesses, and that competency is very strong with election professionals.

Of course, our office and our elections are run by human beings, so I think it's unreasonable to expect complete perfection in implementing this bill in 2012, but I have tremendous confidence in our staff to develop procedures and training, and in our election workers to follow that training to exécute the new procedures.

One reason for my belief in our election workers is their track record, and another comes from feedback I receive directly from them regarding voter identification.

When it comes to the value of voter identification at the polls, personally, I don't believe my opinion matters. Those of us working elections—in the office, on the phone, and at the polls have heard enough from voters over the last three years in particular to know that many of our voters want to show identification at the polls. I believe overall voter confidence in the election process will increase if persons are required to show ID when voting.

> Ethics and Elections Committee 4

Attachment

I know I'm providing anecdotal testimony with that statement; I haven't been keeping an "ID request file" over the last few years, but I do have a small number of comment cards from voters in this past election cycle regarding ID. We've had many more voters who have called and emailed with similar opinions. In fact, our first voter during advance voting in Shawnee in the August 2010 election demanded that we stop and look at her identification because it made her feel better.

Further, I think this bill represents an evolutionary step. It's important to note, though, that to some degree we have already had a de facto voter ID provision in place for persons who vote by mail because we verify signatures on advance applications and on returned ballots. In 2008's presidential election, for instance, more than 50,000 voters had their signatures checked as valid and their ballots processed.

This bill requires that advance applications include an identification number and that is really the only additional step in the process of provisioning advance ballots. I don't expect our workload to increase significantly because of this extra step.

We also see a good number of registrations coming through the Driver's License Bureau now, but we have reviewed the citizenship verification portion of the bill for processing registrations in our office. We will have more paper to handle for registrations, but I'm not sure we will see any dramatic increase in registration work cycles. Registration workload increase is possible, but we regularly send back registrations today because voters did not circle the ovals that say they are citizens, and with publicity and education efforts getting the word out statewide about the registration change, perhaps we might even see a decrease in the frequency of sending back incomplete registration forms.

We have been working hard to reduce the number of provisional ballots that could be avoided—mostly if someone goes to the wrong polling place. I expect that we will see the number of provisionals increase from 2008, but probably no worse than they were at 2004 levels, which was the first election after the Help America Vote Act was implemented and first-time voters were required to provide ID.

But the good thing there is we have those learnings that have been operationalized and many of the processes that will be utilized with this bill will be extensions of how we handle first-time voters today.

I fully appreciate the discernment this committee will undergo to consider the thoughtful testimony presented by all stakeholders. But ultimately, in looking to advance this bill, the biggest and final question has to be, "Can we actually do this?"

Again, I think the answer is yes.

Therefore, as the administrator who will implement these changes in the largest election office in the state, I stand ready to do so should this bill become law as proposed.

Thank you for your time and consideration of these comments.

OTE

WYANDOTTE COUNTY ELECTION OFFICE

Bruce L. Newby, Election Commissioner Frances D. Sheppard, Assistant Election Commissioner

SENATE STANDING COMMITTEE ON ETHICS AND ELECTIONS

Testimony on House Bill 2067

Wednesday, March 9, 2011

Thank you for the opportunity to testify in support of House Bill No. 2067.

The rules governing elections, voter registration, and voting should be as clear and unambiguous as possible to ensure fair and honest elections. Voting is a fundamental right and privilege of citizenship that is essential to preserving our bold claim to self-government.

Most significantly, this bill is about voter ID. Voter ID is already required of first-time voters. Many regular voters voluntarily offer their ID when coming to vote and are universally surprised when we tell them that ID is not required. Voter ID for all voters ensures that the person voting is the same citizen who registered to vote. It prevents impersonation of another person, living or dead. It allows election officials to more quickly identify the registered voter in the poll book because of instant access to a voter's full name and address as well as the correct spelling of the name and address.

Requiring voter ID of those voters who choose to vote by advance ballot greatly increases the likelihood that a ballot will be sent to only those voters who actually request a ballot. During every national/state election, there continue to be instances where applications are submitted on behalf of voters who tell us that they did not request or want an advance ballot.

The bill lacks clarity concerning the voter ID requirement for the permanent advance voter. This voter automatically receives an advance voting ballot without having to submit an application for each election. For the permanent advance voter, ID verification appears to be limited to signature verification on the voted advance ballot. But permanent advance voters are among the most likely to have significant changes in their ongoing ability to make a signature that resembles the signature on file. We can and do maintain current signatures by sending these voters a signature card for them to sign and return.

The bill requires election officials to verify the voter signatures on applications. We already verify signatures on advance ballot applications. We take the additional precaution of also verifying the signature on the advance ballot envelopes when voted ballots are returned. These signature verification steps allow us to detect instances where ballots are requested or returned and either the advance ballot application or the voted advance ballot was not signed by the voter but by someone else. Requiring voter ID with an application as well as with the voted advance ballot furthers the goal of ensuring that the registered voter actually requested and cast their own ballot.

Wyandotte County Election Office 850 State Avenue Kansas Attachment 5

Phone: 913-573-8500 Fax: 913-573-8580 E-mail: election@wycokck.org Webs Date 3-9-11

This bill requires that a voter designate in writing the person to whom they have given permission to bring a ballot to the Election Office. Our current procedure to receive ballots requires that we log in every ballot, along with the name of the person turning in the ballot(s). But, we continue to have voter complaints where voters claim they gave their ballot to some unknown person and the ballot never made it to the Election Office.

The bill raises some of the criminal penalties from a misdemeanor to a felony. The routine consequence of voting without being registered has been the determination to not count the provisional ballot. While these ballots are not counted, the numbers of unregistered persons voting or offering to vote seems to be excessive. In the 2006 General election, 181 persons who were not registered voted provisional ballots. In the 2008 General election, this number dramatically surged to 470. In the 2010 General election, the number of persons voting who were not registered was 155. Despite the fact that these provisional ballots were not counted, the boast is still made by the persons not registered that they got to vote. As a consequence, many voters come to believe that elections are not "fair and honest."

The bill gives election officers the responsibility to verify citizenship. It helps election officials ensure that the persons registered to vote are, in fact, legally qualified to vote. Training of staff will be necessary for us to be able to recognize valid and counterfeit forms of ID and citizenship. But this will be a better method of securing the integrity of elections than what we are currently able to do.

Under current law, the mere assertion of citizenship is all that is required on the voter registration application. Too often the driver's license or ID numbers provided can't be verified because the applicant gave us a wrong number or the ID number given is for a different person. A registration applicant is potentially able to obtain a Certificate of Voter Registration which is then used to obtain a Kansas Driver's License or non-driver's identification card. The Driver's License or ID card is then shown the first time the person votes as "proof" of identity and current residence. Without some way to verify the lawful presence of a person in the United States of America (citizenship), the Constitutional requirement that a person must be a citizen to vote is circumvented.

It is not necessary that voter registration agencies, such as libraries and school districts or voter registration drives, collect copies of proof of identity or citizenship documents. What is necessary is that applicants understand that they must provide proper identification to County election officials to be registered to vote. We already receive numerous incomplete applications, all of which require some follow-up to obtain the required information. Further, applicants should logically prefer to limit the number of persons or agencies which might have access to copies of these important citizenship and residency documents.

I support House Bill No. 2067 and stand for questions.

Bruce Newby

Wyandotte County Election Commissioner

Testimony of Kelly Parks

Kelly Parks 8055 N. Hoover West Valley, KS 67147

In 2006, I ran successfully for District 4 County Commission of Sedgwick County. At the time, I was employed as Chief of Police with the Valley Center Police Department.

I reference this only to show the situation I encountered during a voter registration drive in one area of my district.

As many candidates do, I was promoting voter registration in many public venues. I had the occasion to be in an "attendant laundry" and obtained permission from the manager to approach customers. I approached a lady and asked her if she was registered to vote. She said "No", and when I presented a blank voter registration card, she gave me the universal sign of rejection by putting forward both of her hands. She added sparse dialog and said, "I can't, I'm not legal". I excused myself and went back to the machine I was using in the immediate area. Within a couple of minutes the manager approached the same with one of the blanks I left at the service counter. He too was told by her that she was in this country illegally and couldn't register to vote. He contradicted her saying, yes she could vote and she indicated that she didn't have a social security number. He replied "Just put down four numbers you can remember".

Shocked, appalled and well outside my jurisdiction, I finished my laundry, and concentrated on voter registration in other parts of the district.

I did let the local election officer know about this incident, although without names and 2 witnesses against one, any action would be impossible.

Kelly Parks 8055 N. Hoover West Valley (unincorporated) Sedgwick County, Kansas 67147

Ethics and Elections Committee
Attachment 6
Date 3-9-11



March 9, 2011 Committee on Ethics and Elections Senator Terrie Huntington – Chair

Madam Chairman and distinguished members of the Ethics and Elections Committee; I would like to thank you for this opportunity to testify in support of HB 2067.

Butler County has about 40,000 registered voters and spends a considerable amount of time and money trying to keep our voter registration data base as accurate and up to date as we possibly can. But at this time, we make little effort to verify that the information a person registering is giving is correct information. Something as simple as a piece of mail is all that is required to prove identity and address. We do not even know if it is current information.

We continually work to improve security in the voting process, and this bill will significantly strengthen what we can do. Currently, there is nothing to stop a voter in line at the check-in table from looking over the person's shoulder in front of them and reading a name in the poll book then using it when their turn comes. Unless the clerk happens to know the voter whose name was used, this could be successfully done. The trend to combine poll sites, for more efficiency, certainly makes it increasingly more difficult for election workers to know voters by name.

Showing ID has become routine for most Americans. People are so conditioned to showing proof of ID that there is very little stigma attached to providing it. There is a lot of speculation about the issues that might arise from requiring ID when voting. It could cause confusion to a voter not being aware of the requirement, or slow down the lines at check-in, or a voter might not have a photo ID. These are all valid concerns.

In 2003 Butler County had a Special Recall Election for a City Council Member in Andover City. We decided to find out what would happen if ID was required at the poll sites when checking in. This was a small election in a city of about 8,500 at that time with some 5,300 plus registered voters and two polling locations. Signs were posted at the entrance doors and on the check-in tables simply stating "Please show valid ID when checking in".

These are good sized sites with about 3,300 voters at one and 2,000 at the other. It turned out the lines were not slower. Indeed, they actually went slightly faster as the election workers did not have to ask for the spelling on unusual names. The names and addresses were visually there for the clerk to easily see. For the most part, voters were not complaining about showing ID except for a small number of women. They weren't mad, just surprised. Once they found out it was not required, they had no complaint.

We received less than 10 objections, all from women, who were surprised by the request and had come to the voting site with their husbands without their purses. Time was spent at the sites visiting with voters about the ID request. Most either had no objections or did not realize it was not a mandatory requirement. Of course this was a small election and voters were allowed to vote normally on the DRE machines, with out showing ID, as long as they were in the poll book register.

This was a very small test in an upscale, conservative area. I do not know how it would play out across the whole state. But it is my opinion that the problems and concerns will be much less than suggested.

I wish to thank you for allowing me the opportunity to share my views with you and recommend your support for HB 2067.

Ronald Roberts
Butler County Clerk & Election Officer

Ron Roberts, County Clerk

Ethics and Elections Committee

Attachment 7

Butler County Courthouse, 205 W. Central, El Dorado, Kansas 670 Date 3-9-1

March 9, 2011

Senate Ethics and Elections Committee Room 159-S 9:30 AM

Re: Testimony in Support of 'SAFE' Act

Madam Chair, Committee Members and Staff- Good morning.

My name is Ken Dunwoody, I live in Johnson County. This is my first time providing testimony before a Kansas Legislative Committee, thank you for allowing me to do so.

The only historical importance of your presence here today as a Kansas Senator, is the chairs within which you sit. Those chairs are the legislative version of a voting booth and the occupant is allowed to vote. And what is the only requirement that allowed you to run for your Senate position and voting authority? Were you a registered voter in the district you represent on the day you filed your election intent. Allow me to repeat that. Were you a registered voter in the district you represent on the day you filed your election intent. Current Kansas law allows a reasonable person to ask if you sit there legally, not only in your district but within the State. How did you Senators, become a registered voter? The 'SAFE' Act will serve to protect the integrity of your presence here today and the historical value of your votes in the future.

There is something else that allows you to be there on that side of the podium today. As a duly elected Legislator, you were provided a State issued photo identification card. That not only allows you access to places in this great building that folks like myself do not have, but it honors and protects the sanctity of the voting booths in which you now sit. Why should Kansas require less from the electorate than the electorate requires of you?

I urge you to support the 'SAFE' Act.

Thank you for your service to this GREAT Nation.

Ken Dunwoody 14850 W. 159th St. Olathe, Ks. 66062 (913)768-1603 kdunwoody2@aol.com

Ethics and Elections Committee
Attachment 8
Date 3-9-11



SEWARD COUNTY 515 N. WASHINGTON AVE LIBERAL, KS 67901 (620)626-3355 www.sewardcountyks.org

March 3, 2011

Senate Ethics and Elections Committee
Honorable Terri Huntington and Committee Members:

Thank you for providing an opportunity to have input into these hearings about the proposed SAFE bill.

Seward County is a community rich in diversity. In 2004 our County became a bi-lingual county due to more than five percent of our population's primary language being other than English. The challenges faced by our County were not easy at first, but were embraced by not only our office, but by the constituents of Seward County. Imagine seeing an elderly Hispanic woman vote for the first time unassisted because she could read and understand the ballot. We were fortunate to be part of such an extraordinary moment.

It is never the intention to complicate the election process, but to ensure integrity and security. The requirement of voter ID by all voters every time provides election officials with a tool to ensure election integrity. Over the years, we have polled the constituents of Seward County regarding voter ID. Our voters are very much in favor of this requirement. We are often scrutinized for not asking all voters for ID. When you use a credit card you are asked for ID to protect your money, why would you not want a board worker to ask for ID to protect your vote?

Why are we in favor of proof of citizenship? Years ago a hot issue in Seward County was hog farms. Employees of the hog farm were transported to our office by their employer to register to vote, some of these employees felt they were pressured to register even though they may not be legal. The issue was so heated that many questioned how we knew each registrant was a citizen. Our answer? Because they signed the voter registration application stating they were a citizen of the United States.

Do you ask a voter to prove citizenship or show ID because their last name is Alvarez or Sanchez? Do you ask for a voter to prove citizenship or show ID because they have dark skin, hair, and eyes? No, it's racial profiling. To ask all voters for proof of citizenship and ID ensures equal treatment to all.

We encourage you to support HB 2067, and we thank you for allowing us to share our thoughts and experiences.

Sincerely,

Stacia D. Long Seward County Clerk Crystal Clemens
Deputy County C'

Ethics and El	lections	s Committee
Attachment_	٩	
Date 3	-9-	<u>U</u>