

SESSION OF 2004

**SUPPLEMENTAL NOTE ON HOUSE
CONCURRENT RESOLUTION NO. 5005**

As Amended by Senate Committee of the Whole

Brief*

HCR 5005, as amended, would urge the United States Congress to amend the National Voter Registration Act of 1993 (NVRA). Specifically, it would:

- ! Urge Congress to simplify the procedure by which voters whose names are to be deleted from the voter registration list are notified, once they have failed to vote in the four preceding two-year general elections. The new procedure would entail two general public notices—one issued two weeks before and the second one week before the date of the election—stating the voter must vote in the next general election or his/her name will be deleted from the voter registration list.

- ! Urge Congress to allow removal of a person's name from the voter registration list if that person fails to vote in, at least, five consecutive two-year general elections.

Background

The NVRA prohibits "the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote." The federal act allows voters to be removed from the registration rolls only at their request, because of criminal convictions, death or mental incapacity, or due to a change of address (provided that particular safeguards are followed). The safeguards surrounding removal due to address change include the requirement that (a) the voter has failed to respond when notified, and (b) the voter has failed to vote in two federal elections (one occurring before and one after the attempt at notification).

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Representative Frank Miller introduced the resolution. In his testimony, he stated it was his intent to accomplish the following:

- ! Urge Congress to allow election officers to automatically remove the name of a person from the registered voter list if that person fails to vote in at least one of the previous consecutive four gubernatorial or presidential elections.
- ! Urge Congress to mandate election officers publish two general notifications advising voters, who did not vote in any of the past three gubernatorial or presidential elections, to vote in the coming election in order to keep their names on the registered voter list.

Also testifying as proponents of HCR 5005 were a representative of the Secretary of State, the Shawnee County Commissioner of Elections and the Montgomery County Clerk. No one testified in opposition to the measure.

The resolution was amended in the Senate Elections and Local Government Committee to change the notification trigger from having not voted in the two preceding federal elections to having not voted in the four preceding two-year general elections, as defined in KSA 25-101.

The Senate Committee of the Whole amended the resolution to conform the name removal trigger with the notification trigger, so that removal of a voter's name would occur after the voter has failed to vote in five consecutive two-year general elections.

A fiscal note was not issued on the resolution.