

The Sandstone Group, LLC

R.J. Wilson, President and Lobbyist

T: 913-209-3936

rjwilson@ssgks.com

Testimony on behalf of the Kansas County Clerks and Election Officials Association in opposition to SB 211

Chairman Pyle and Members of the Senate Ethics, Elections and Local Government Committee:

Thank you for the opportunity to present testimony today in opposition to Senate Bill 211. I am R.J. Wilson, a former member of the Kansas House of Representatives and a Certified County Clerk, here today representing the 109 member Kansas County Clerks and Election Officials Association.

A majority of the 105 County Clerks, serving in their capacity as each county's Chief Election Officer, and the four Election Commissioners, agreed last year to a resolution opposing the movement of the City/School Election currently held in the late Winter and early Spring of each year.

In your packet of information for this hearing you will find written testimony in opposition to SB 211 from Donald Pyle, the Crawford County Clerk and chairman of the Elections Committee for KCCEOA; Sherrie Riebel, the Allen County Clerk; Karen Defore, the Cowley County Clerk and Bruce Newby, the Wyandotte County Election Commissioner. All four election officials apologize for their inability to be in attendance today. As you know, tomorrow is city/school Primary Election Day across Kansas and each of the C.E.O.'s who testified in the House Elections Committee are busy preparing for tomorrow's election.

In their absence, I would like to point each of you in the direction of Commissioner Newby's testimony where he lists 20 solid reasons why the Spring elections should not be moved to the Fall. Additionally, on the second page of Mr. Pyle's testimony you will find another list of reasons with detailed explanations as to why the elections should remain at the same time they occur today.

Because of increased printing and tabulating costs, multiple page ballots, budgetary timing, retention of poll workers, the inability to reconcile the final vote totals with the poll book, the inability to cost effectively submit a special question to the electorate but once every two years, as well as many other legitimate reasons, we respectfully ask you to please oppose SB 211.

Thank you for the opportunity to present testimony on this topic. I will be happy to stand for questions at the appropriate time.



WYANDOTTE COUNTY ELECTION OFFICE

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

SENATE STANDING COMMITTEE ON ETHICS, ELECTIONS AND LOCAL GOVERNMENT

Testimony on Senate Bill 211

Monday, February 25, 2013

Thank you for the opportunity to testify in opposition to Senate Bill No. 211.

First, I believe consolidating elections is bad public policy. It is based on a multitude of false assumptions of what elections require of voters, election officials, and optical scan voting machines used to count paper ballots. Consolidating elections will be disastrous for local candidates and issues.

Second, consolidating elections will severely impair and overwhelm our ability to conduct elections. The current election methodology is not broken and does not need to be fixed. Kansas may have the best election laws in all of the United States. While there are some things which need to be tweaked, Kansas elections do not need to be drastically changed.

Consolidating elections will cause a host of unintended and undesirable consequences:

- Multi-page and complicated ballots; many will skip races/questions with which they are unfamiliar.
- The causes of low voter turnout are not magically fixed by simply moving local elections.
- Longer ballots double or triple programming and ballot printing costs.
- Ballot complexity will necessitate procurement of substantially more voting machines. There is no optical scan voting machine that will count a multi-page ballot as one ballot.
- Five-minute voter time limit in the voting booth; more time simply causes longer voter lines.
- Complexities create the need for more and better trained election workers.
- Recruiting and retaining election workers from a rapidly shrinking pool of volunteers.
- Two-year gap between elections works against recruiting, training and retention of workers.
- Stagnant election worker pay which is less than minimum wage. Statute sets the pay too low.
- Increased election worker training costs and significant increase to the time needed for training.
- Local candidates and issues will be unable to compete successfully to fund their campaigns.
- Local candidates and issues will lose their visibility to voters.
- Simultaneous candidate filings at both the state and local level create confusion.
- Increases the probability and necessity for special elections at greater cost to the taxpayer.
- Assumed savings of consolidating elections is illusory.
- Shifts costs to even years, but election complexity will actually increase costs.
- Increases the need for more polling places with fewer locations meeting ADA requirements or willing to participate; paying more for non-public locations which meet requirements.
- Insufficient time to obtain taxpayer information for creating drainage district poll books. Significant complexity of determining voter eligibility when voters are designated representatives.
- Different voter eligibility criteria forces Drainage District elections to be conducted simultaneously and separate from regular election.
- Feast or famine budgets with odd-year overly austere and even-year seriously underfunded.

I oppose Senate Bill No. 211. I am available to answer any questions in more detail.

Donald P. Pyle
PO Box 249
111 E. Forest St.
Girard, Kansas 66743



620-724-6115
Fax 620-724-6007
www.crawfordcountykansas.com
countyclerk@ckt.net

Office of the Crawford County Clerk

February 21, 2012

Honorable Kansas State Senator Dennis Pyle
Chairman, Senate Ethics, Elections and Local Government Committee
and Distinguished Members of the Committee

Re: Senate Bill 211, Concerning City & School Elections

Chairman Pyle and Distinguished Committee Members,

As Chairman of the Elections Legislation Committee for the Kansas County Clerks and Election Officials Association, I thank you for your time in allowing me to testify on this bill. The KCCEOA last year adopted a resolution that opposes moving the City and Schools Elections from the spring of even-numbered years to the fall of odd-numbered years. We have identified several issues that must be considered prior to making such a change.

By moving these elections to coincide with other federal, state and local elections we will have to print two ballots to include all the races. This will make it much easier for mistakes to be made at the polling place by both election workers and by voters. This also makes it more difficult to verify the number of ballots voted when performing audits. The number of races will make it more difficult for voters to be able to study issues when making their choices. There are other issues that need to be brought to a public election periodically and it is important to have one general election per year to avoid the need for several special elections for sales tax, bonds or other issues. We also feel that holding elections every two years will make it much harder to recruit and retain experienced poll workers. This will be another factor that will cause election errors to increase.

The Kansas County Clerks and Election Officials work hard to make sure that Kansas Elections are administered in a professional manner. We oppose this bill because we feel that the resulting elections will be much harder to manage and there will be problems at the polls. We ask that you carefully consider these factors in making your decision on this matter. Thank you for allowing me to testify and for allowing me to share the reasons that I do not support this change.

Sincerely,

A handwritten signature in black ink that reads "Donald P. Pyle".

Donald P. Pyle
Crawford County Clerk and Election Officer
countyclerk@ckt.net

Issues to Consider Before Moving Odd Year Elections to Even Years

Presented to the Senate Ethics, Elections and Local Government Committee

February 25, 2013

1. **The length of ballots.** Most Counties will not be able to place all their races on the front and back of one ballot. Counties that are required to have ballots in other languages will have more problems with this than other counties. Unless legislation is also passed that reduces the number of items that need to be placed on ballots, most voters will receive two ballots. More than one ballot will make it easier to have mistakes when handing ballots to voters and there will be many voters that will not vote the second ballot due to a lack of time or a lack of interest in the races.

Every page of a ballot is counted by the voting machine as a separate ballot. The entry of multiple ballot pages into a voting machine makes obtaining an accurate machine count of ballots cast a virtual impossibility. While logically, it should be a simple multiple of the number of ballot pages, it has been our experience that this is never the case. The extra pages get pocketed or trashed and never make it to the voting machine (optical scan reader). Some voters will choose to skip a second or third page of a ballot. They may or may not turn it in. Many voters in a Presidential election year are only interested in voting the Presidential race and leave the rest of the ballot(s) blank. A multi-page ballot exacerbates the under-vote problem.

Voters are limited by law (KSA 25-2901) to no more than 5 minutes in a voting booth. Lengthy ballots, and especially multi-page ballots, virtually guarantee election day problems for voters who choose to read and vote every race or question on a ballot. With a multi-page ballot, it will not be possible for many voters to get through the ballot in the time allotted. Many of the waiting lines in the November 2012 election were caused by the lengthy constitutional question which took up the entire back of an 18-inch long ballot. An 18-inch ballot is the longest ballot which can be read by an optical scan reader. As a matter of practicality, lengthy ballots increase the likelihood of under-votes and over-votes, as voter confusion is increased.

2. **Mixture of partisan and non-partisan ballots at the primary.** The way the primary is currently set up, we could have some primaries for non-partisan races at the same time as the primaries for the partisan races. This would require separate ballots for the partisan and non-partisan races or the

partisan ballots could also have the non-partisan races included on them. The number of races and candidates could easily make it necessary to have two page ballots for the primary. The party affiliation rules also contribute to confusion at these elections.

An August Primary is a party election with rules for voting of ballots set by the 2 major political parties. Non-partisan races or questions always require a separate ballot to make available a ballot to any voters not affiliated with one of the two major parties. With party rules, there is already substantial confusion about which voters get which ballot. Adding a non-partisan ballot further complicates the confusion. The confusion is not limited to voters. Many election workers already have difficulty understanding the rules.

With the growing complexity of elections, fewer persons are willing to volunteer or even be a paid volunteer to work an election. Most election workers are paid less than minimum wage. There is too little time for adequate training, which is also not adequately funded by most counties.

Voters will not understand why some races are non-partisan. It will also be confusing to have many races that allow voters to vote for multiple candidates (some school district and city contests) alongside the traditional partisan elections that allow for only one choice. Combining partisan and non-partisan races in the same election increases the dissatisfaction of partisan voters who demand to know the party affiliation of every candidate.

3. **Necessity of other public elections.** Many cities, school districts and other public entities also use the odd year elections as a vehicle to put sales tax issues, bond issues and other issues that require an election to a public vote without holding a separate election. These issues, which may still require an election in the odd years, will still be paid for with public funds.

With elections scheduled in every calendar year, local jurisdictions have a more regular opportunity to present issues to voters in conjunction with a scheduled election. The elimination of odd-year scheduled elections virtually guarantees an increase in the number of special elections which will become necessary.

For example, if a school district missed the opportunity to place a bond issue on an even-numbered year ballot, they would have to wait as much as two years before they could bring the issue to voters without asking for and paying for a special election. Rather than saving money, the special elections are conducted at considerable expense with only the direct election expenses being a reimbursable cost to the county.

4. **Ballot printing problems.** With the additional amount of printing for ballots and the additional races and candidates that will need to be included in the programming of ballots, the turnaround for ballots will be longer and it will be even more difficult to meet UOCAVA deadlines.

Pushing all elections to even-numbered years merely shifts all of the costs associated with ballot design, programming and printing into one year rather than being able to spread the cost over two years.

Lead times for ballot printing will increase making it considerably more difficult to have printed ballots available prior to the 45-days-prior ballot mailing deadline for UOCAVA voters.

In some years, the filing deadlines and election schedules already make it impossible to meet the federal (UOCAVA) voter ballot deadline or to even have a candidate list from which to design a ballot. With redistricting every 10 years, this virtually guarantees we will have a situation like we had in 2012 where redistricting decisions were made and the necessary changes made to the affected databases that took us past the deadline. Federal UOCAVA voters then get a ballot under construction rather than a final ballot. This creates an unfair voting situation for UOCAVA voters.

5. **Additional races and issues.** The addition of many more candidates and races into an election cycle will make it even more difficult to sort out all the issues and candidates. Scheduling for forums and debates will become more cluttered. The amount of yard signs will be massive. With additional races will also come additional write in votes which will require additional write in boards and more hours of work.

The additional races and candidates means that state and federal office candidates will be filing with the Secretary of State while simultaneously, large numbers of candidates are filing with their county election officer for local offices. These local filings, appointments of campaign treasurers, the filing of Statements of Substantial Interest and other campaign finance issues will occur at a time when the county election office is least able to provide an appropriate and expected level of assistance to local candidates.

Local candidates receive a candidate packet containing the most current information possible about filing, campaign finance, running a campaign, a code of ethics, appointment of poll agents and other information. A federal election year is just too busy to devote the time to the assembly of local candidate

packets. This increases the likelihood that some packets will be incomplete or will be missing the most current information.

6. **Cost Savings.** We may save some money in the odd numbered years, but in the even numbered years we will spend a lot more than we are currently spending because we will have more printing and ballot costs and probably some other additional costs. This will cause our budgets for elections to fluctuate even more from one year to the next and make that harder to manage.

This change will primarily shift expenses from one year to the next instead of actually saving money. If anything, the complexities of the resulting elections will operate to radically increase the net cost. In fact, the costs of conducting elections continue to increase to keep up with legislative changes, paying election workers, and the major costs which will be associated with training workers who are only exposed to election requirements just every 2 years. Even with elections annually, there is already a significant decay of election knowledge from year to year which will be exacerbated by election worker recruiting and retention issues.

Consistent annual elections help county election officers to maintain some degree of continuity from election to election. Making the gap two years, virtually assures that each election year we will be starting from scratch to recruit and train election workers. It will be very difficult to maintain any sort of continuity from election to election when the time between elections is so great.

The proposal to push all elections to even-numbered years, ignores the prerogatives of some local jurisdictions according to their charter. For example, the rules established that govern the conduct of the number of candidates necessary before there is a nonpartisan primary does not apply to a local government organized under a charter which says otherwise.

7. **Budget Considerations.** The actual cost-savings realized by shifting elections to even-numbered years is difficult to calculate. If anything, it will become more difficult to make sure elections are adequately funded. This puts county election offices on a feast-or-famine budget schedule with radically different budgets for even- or odd-numbered years. Under the guise of cost savings, even-numbered year budgets will be underfunded and odd-numbered year budgets will be underfunded adversely affecting the ability of the county election officer to conduct special elections. Special elections only require as much as 60-120 days advance notice. It is impossible to predict in the budget

planning cycle just how many special elections will be done. There may be none or there could be many.

Having a minimum of two elections scheduled in every calendar year facilitates good budget planning because costs are fairly balanced in each year. Even though odd-numbered year election costs may be somewhat smaller than even-numbered year elections, a consistent budget gives county election officers the opportunity to focus on equipment maintenance and modernization or other issues during odd-numbered years.

Karen D. Defore
Cowley County Clerk
Clerk
kdefore@cowleycounty.org



Amy Scott
Deputy County
ascott@cowleycounty.org

311 E. 9th
Winfield KS 67156
(620)221-5400 (Winfield)
(620)441-4500 (Arkansas City)
Fax (620)221-5498

Thank you for the opportunity to testify in opposition of Senate Bill 211, regarding moving the current spring elections to August and November of even number years.

As Cowley County Clerk I also serve as the Election Officer with a staff of four including myself. Cowley County population is 36,311. School district boundaries do not follow traditional precinct lines and often times cross County borders. Candidate information has to be passed on to other counties for placement on that county's ballot.

Anytime there is exchange of information along with the additional busyness of the Presidential Election cycle the possibility that a candidate name will be misspelled or worse completely left off the ballot increases. Not only do school district elections create complexities due to crossing county boundaries they also create a substantial number of additional precincts. With each additional precinct follows increased costs. The additional races will also increase the length of the ballot which will cause each paper ballot to continue on to a second page increasing the complexity of the election for the voter and also increasing costs.

Increasing voter turnout is something Election Officers statewide are concerned with and we continually try to think of ways to generate more interest in elections. The complexities that are caused by combining the City/School Election to even number years will create significant cost increases that will not be offset by the cost saving of eliminating the spring elections. If they were moved to odd years in the fall these complexities would not occur any differently than they currently happen in the spring.

Thank you for your consideration in this matter.

Karen D. Defore
Cowley County Clerk/Election Officer

ALLEN COUNTY COURTHOUSE

Sherrie L. Riebel
COUNTY CLERK

1 N. Washington
Iola, KS 66749

620-365-1407
Fax: 365-1441

Email: coclerk@allencounty.org

To: Senate Committee on Ethics, Elections and Local Government

Re: Testimony on Senate Bill 211

From: Sherrie L. Riebel, Allen County Clerk

Honorable Chair and Members of the Committee:

Thank you for the opportunity to testify in opposition to Senate Bill 211.

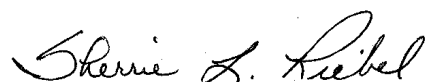
In November of 2010, Allen County had to use a 17" ballot to get US Senator, US Representative, Governor/Lt. Governor, Secretary of State, Attorney General, State Treasurer, Commissioner of Insurance, State Representative, State Board of Education, County Commissioner, two special questions, two constitutional questions, four Supreme Court Justices, seven Court of Appeals Judges, one District Judge, and one Magistrate Judge on one ballot, front and back. Normally our ballot in Allen County is 14" long, but I went to the longer ballot to allow voters to be able to read the font and to keep board workers from getting confused on handing out two ballots.

Every spring in odd-years Allen County has a community college, city councils, USD, and extension district election. The front of the ballot is filled with College, City, USD, and Extension candidates and then sometimes a special question which ends up on the back of the ballot. If we were to have City/School Elections in the fall with Federal, State and Local elections, we would be forced to have two ballots if not more. Allen County only has 21 precincts, which is a very small county compared to the larger counties.

This is just the top reason why I would prefer not changing spring elections to the fall of even-years. This bill would cause a chain reaction and add more confusion than we can predict affecting cities, schools, colleges and county voters.

I urge the committee to report Senate Bill 211 as unfavorable. Thank you for your consideration.

Sincerely,



Sherrie L. Riebel
Allen County Clerk