

## MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on February 15, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Virginia Beamer- excused  
Representative Melody Miller- excused

Committee staff present:

Mike Heim, Legislative Research Department  
Martha Dorsey, Legislative Research Department  
Norm Furse, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Rep. Tom Holland  
Brad Bryant, Office of the Secretary of State  
Brian Newby, Johnson County Election Office  
Ron Roberts, Butler County  
Kevin Siek, Topeka Independent Living Resource Center  
Michael Byington, Kansas Association for the Blind and Visually Impaired  
Michael Donnelly, Disability Rights Center of Kansas  
Rep. Dilmore  
Danielle Noe, Johnson County Board of County Commissioners  
Mike Pepon, Sedgwick County  
Terry Holdren, Kansas Farm Bureau

Others attending:

See attached list.

Chairman Vickrey opened the hearing on:

**HB 2254**      **Elections; paper verification for electronic voting machines**

Rep. Tom Holland testified in support of the bill (Attachment 1). He said the legislation, if enacted, would require that all electronic voting machines/Direct Recording Electronic (DRE) systems be able to generate a voter verified paper audit trail (VVPAT).

Brad Bryant, Office of the Secretary of State, testified in opposition to the bill (Attachment 2). He said the proposed legislation is an unnecessary and extremely expensive technical requirement that is not feasible with current technology.

Brian Newby, Johnson County Election Office, testified in opposition to the bill (Attachment 3). He said a required paper printout (VVPAT) would create a need for purchasing more machines to have at polling locations to accommodate the increase in voting time and the longer lines that would result from this increased voting time.

Ron Roberts, Butler County Clerk/Election Office, testified in opposition to the bill (Attachment 4). He explained that this bill could make necessary the expenditure of \$800,000.00 or more for Butler County if the purchase of new electronic voting machines were required.

Kevin Siek, Topeka Independent Living Resource Center, testified in opposition to the bill (Attachment 5). He said they oppose the legislation because it will disenfranchise voters with visual impairments.

Michael Byington, Kansas Association for the Blind and Visually Impaired, Inc. testified in opposition to the bill (Attachment 6). He said that the technology to make paper ballots accessible to all disability groups simply does not exist.

Michael Donnelly, Disability Rights Center of Kansas, testified in opposition to the bill (Attachment 7). He said that VVPAT technology is not yet able to meet the accessibility requirements of voters with disabilities and, as such, is not yet ready for deployment in Kansas.

Written testimony in opposition to the bill was submitted by Karen Hartenbower, Lyon County Clerk/Election Office (Attachment 8).

Written testimony in opposition to the bill was submitted by Connie Schmidt, retired Election Commissioner, Johnson County (Attachment 9).

Chairman Vickrey closed the hearing on **HB 2254**.

Chairman Vickrey opened the hearing on:

**HB 2139**      **Fence viewers; designees of board of county commissioners**

Rep. Dilmore testified in support of the bill (Attachment 10). He explained that the current law allows only two commissioners to bind the commission even if there are five or seven members. He said the bill addresses that problem

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and allows for better use of county commissioners' time.

Danielle Noe, Johnson County Board of County Commissioners, testified in support of the bill (Attachment 11). She said that Johnson County has consistently advocated that the current law be amended to allow the Board of County Commissioners to appoint designees to do the fence viewing.

Mike Pepoon, Sedgwick County, testified in support of the bill (Attachment 12). He said that the current legislation needs to be amended if for no other reason than the fact that current law allows two county commissioners be empowered to take action as fence viewers.

Judy Moler, Kansas Association of Counties, testified in support of the bill (Attachment 13). She said that the bill is permissive only and would apply only in counties that choose to designate others as fence viewers.

Terry Holdren, Kansas Farm Bureau, testified in opposition to the bill (Attachment 14). He said that Kansas Farm Bureau members have long supported the responsibility of the majority of county commissioners in each county to serve as fence viewers for settling disputes regarding fences. He said that duty should be maintained.

Chairman Vickrey closed the hearing on **HB 2139**.

**HB 2095**      **Office of public integrity; established**

Rep. Lane made a motion to amend HB 2095 by changing the date from December 31 to January 15, and for the favorable passage of HB 2095 as amended. Rep. Holland seconded the motion. The motion carried.

**HB 2229**      **Cities; unilateral annexation; factors to consider prior to annexation**

Rep. Huebert made a motion for the favorable passage of the HB 2229. Rep. Lane seconded the motion. The motion carried.

**HB 2093**      **Counties; procedure to change boundaries**

Rep. Yonally made a motion to adopt a balloon amendment (Attachment 15) to delete a provision which would have allowed the boards of county commissioners to initiate a change in boundaries of counties to submit the issue to the electorate. Rep. Goico seconded the motion. The motion carried.

Rep. Goico made a motion for the favorable passage of HB 2093 as amended. Rep. Sawyer seconded the motion. The motion carried.

**HB 2094**      **City and county consolidation**

Rep. Sawyer made a motion to adopt a balloon amendment (Attachment 16) to add the dual majority vote requirement; the added newspaper notice; the ballot question language regarding the necessity of a tax levy and the increased number of meetings required of the reorganization commission. Rep. Lane seconded the motion. The motion carried.

Rep. Storm made a motion for the favorable passage of HB 2094 as amended. Rep. Swenson seconded the motion. The motion carried.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Thursday, February 17, 2005.