

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on February 9, 2009, in Room 446-N of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Mike Peterson- excused

Committee staff present:

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

Conferees appearing before the committee:

Brad Bryant, Deputy Assistant, Office of Secretary of State
Representative Mike Burgess, District 51
Richard Fry, November Patriots
Nancy Sargent, Topeka League of Women Voters
Dan Winter, Executive Director, American Civil Liberties Union

Others attending:

See attached list.

Hearing on **HB 2066** - Elections; Help American Vote Act (HAVA) compliance, voter identification requirements, party affiliation declaration.

Ken Wilke, Office of the Revisor of Statutes commented on the changes in the bill and said the intent is to make all items uniform throughout the statutes. He said that various issues, including first time voters, provisional ballots, an amendment to clarify HAVA, register of new and changes of address, and identification requirements at polling places all need to be in compliance with and verified through a state-wide database.

Brad Bryant, Deputy Assistant, Office of Secretary of State, provided testimony on the bill, stating there is no change in current state policy; the intent is to bring state law in compliance with federal law for the purpose of resolving the conflict between two state laws passed in 2004. His testimony included a summary of each section of the bill (Attachment 1). A proposal of some "if then" amendments are listed on page four of his testimony. Mr. Bryant recommended passage of the bill with the proposed amendment.

The Chairman asked if anyone wished to speak in opposition to the bill. Mr. Paul Deneger, founder, lobbyist and President of Citizens Against Illegal Immigration, Topeka, gave oral testimony to the committee as an opponent stating the number of illegal voters has influenced the outcome of elections. He said this is a states' rights issue and holds the position that HAVA is non-constitutional.

After committee discussion, the Chairman closed the hearing on **HB 2066**.

Hearing on **HB2077** - Elections; voters; photo identification required; free photo identification, certain persons.

Mr. Wilke provided an overview, saying the changes proposed by the Secretary of State's Office would require voters to provide their name, photograph and signature. Persons exempt from the requirement are those with disability, military personnel serving on active duty and their spouses and persons over 65 years of age. He said the Department of Revenue would be required to issue non-driver's identification cards free of charge for certain individuals.

Representative Mike Burgess, District 51, addressed the committee as a proponent of **HB 2077**, stating the bill is based on a conference committee report passed by the legislature in 2008 (Attachment 2). He noted the statistics from some states indicating the increase in voter registration and turnout. Representative Burgess recommended **HB 2077** be passed favorably by the committee.

CONTINUATION SHEET

Minutes of the House Elections And Governmental Organization Committee at 3:30 p.m. on February 9, 2009, in Room 446-N of the Capitol.

Brad Bryant spoke to the committee as a proponent of **HB 2077**, saying the Secretary of State has supported voter identification for many years. He asked committee members to consider two specific points regarding the provisions offered in this bill (Attachment 3). Mr. Bryant offered to provide full assistance from the office of the Secretary of State should the committee require additional information. He recommended the passage of the bill in order to improve security in the voting process.

Staff provided a corrected fiscal note for **HB 2077** showing estimated revenue and expenditures for FY 2010 (Attachment 4).

Staff distributed a document from National Conference of State Legislatures for committee members. The document provides detailed information on State Requirements for Voter Identification (Attachment 5).

Richard Fry, November Patriots, spoke to the committee regarding voter and registration fraud (Attachment 6). He is concerned about the number of foreign nationals who are voting and said Kansas has a sub-component of illegal aliens estimated at 80,000 to 150,000. He quoted statistics from the Department of Revenue provided in January of 2008, saying that 50,000 Kansas driver's licenses are in the hands of individuals who could not prove "legal residency."

Nancy Sargent, a member of Kansas League of Women Voters of Topeka-Shawnee County read testimony provided by Diane Kuhn, President, League of Women Voters of Kansas, stating opposition to any new barriers this bill might require, such as photo identification (Attachment 7). She noted the League's involvement in the voting process includes poll workers and supervisory judges; no credible evidence of non-citizens attempting to vote has been apparent during their watch. The League opposes any efforts to block citizen voter participation.

Dan Winters, Executive Director, American Civil Liberties Union of Kansas and Western Missouri, spoke in opposition to the proposed voter identification program (Attachment 8). He cited problems of discrimination, voting rights, the possibility of increased identity theft, and significant cost increases to monitor all the necessary changes.

Martha Dorsey, staff of Kansas Legislative Research, indicated a study from Rutgers/Eagleton Institute on issues pertinent to voter registration and identification was presented to the committee during the 2008 session. In addition, the author of a study from Heritage Institute provided testimony last year. It can be given to members at the next meeting; however the Rutgers/Eagleton document is not available.

Tom Stoffers, Coordinator, Leavenworth County November Patriots, gave verbal testimony stating protection of the right to vote must be provided through some type of voter identification. (His written testimony coincides with Mr. Fry's (see Attachment 6).

The Chairman closed the hearing on **HB 2077**.

Hearing on **HB 2244** - Campaign finance; report of unitemized contributions.

Staff provided an overview explaining the requirements a candidate must file when \$1,000 or more per calendar year is given; unitemized contributions are \$50 or less.

Representative Scott Schwab provided testimony giving an example of donations made online, which does not allow documentation as to where the money was procured (Attachment 9). After some discussion among members, the Chairman closed the hearing on **HB 2244**.

Hearing on **HB 2193** - Campaign finance; filing of certain reports by certain candidates for state office.

Staff provided information on the issue of a candidate having to file with both the Secretary of State and the office of the county in which the candidate is residing. The bill seeks to remove the dual requirement and require filing only with the Secretary of State.

The hearing on **HB 2193** was closed.

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The meeting was adjourned at 5:10 p.m. The next meeting is scheduled for February 11, 2009 at 3:30 p.m.