

MINUTES OF THE HOUSE COMMITTEE ON ETHICS AND ELECTIONS.

The meeting was called to order by Chairperson Representative Don Myers at 3:30 p.m. on February 19, 2003 in Room 521-S of the Capitol.

All members were present except: Representative David Huff, Excused
Representative Tom Sawyer, Excused
Representative Roger Toelkes, Excused

Committee staff present: Ken Wilke, Revisor
Dennis Hodgins, Research
Kathie Sparks, Research
Shirley Weideman, Secretary

Conferees appearing before the committee:

HB 2288 Proponents: Brad Bryant, Deputy Assistant Secretary of State
Mindy Miller, Secretary of State's Office

Others attending: See attached list.

Chairman Myers requested that Ken Wilke, Revisor of Statutes, give the committee an overview of **HB 2288**. Ken said that the main purpose of the bill is to bring the state into conformity with the Help America Vote Act (HAVA) of 2002. He indicated that some of the changes are requiring voters to provide identification when voting: verifying that the voter is qualified to vote, adding an affirmation to the poll book signed by the voter at the polling place, and amending the requirements of the voter registration application form. Ken said there are also changes in advance voting, federal services voter applications and new requirements for ballots that are cast after regular polling hours are extended by court order. Ken indicated that there are actually two sets of parallel voting requirements, one set for regular voting and one for advanced voting. He responded to questions asked by committee members.

Committee Chairman Myers opened the hearing on **HB 2288 - Elections; changes to comply with Help America Vote Act of 2002.**

Brad Bryant, Deputy Assistant Secretary of State, appeared before the committee as a proponent for **HB 2288**. He gave an overview of the federal funding plan for the Help America Vote Act of 2002. Most of the funding for Kansas out of federal law is in title 1 and title 2 funds. Recently Congress appropriated \$650 million nationwide. Of that, Kansas' share is \$5 million. Title 2 funds are a still-to-be-determined amount. Mr. Bryant said the amount could be \$830 million nationwide and Kansas' amount could be \$7.5 million, but these funds would have strings attached. Certain requirements must be met in order for Kansas to receive Title 2 funds and one of those is that Kansas must match 5% of those funds and another is that Kansas must submit a state plan for full implementation of HAVA to the federal government. (Attachment 1).

Also appearing as a proponent for **HB 2288** was Mindy Miller, Legal Associate on Elections and Legislative Matters with the Office of the Secretary of State. She outlined the 6 mandates of HAVA that require compliance by January 1, 2004. Those requirements deal mostly with voter identification. The

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ETHICS AND ELECTIONS at on February 19, 2003 in Room 521-S of the Capitol.

others are concerned with applications from federal services voters and the posting of sample ballots, election date, and polling place hours at the polling place. Ms. Miller said there are concerns about less than full compliance with the federal mandates of HAVA. She also said that one concern is the potential for a lawsuit initiated by the Department of Justice and the money from HAVA cannot be used for a lawsuit. Another concern she mentioned was the possible denial of federal funds for implementation, while implementation must still take place. Her greatest concern, however, is that Kansas could be classified as a "pre-clearance state" by the U.S. Department of Justice, where all election laws would need prior approval from that department before being passed and any procedures or administration would also need prior approval from the U.S. Department of Justice. (Attachment 2)

Both Brad Bryant and Mindy Miller answered questions from committee members, including when and if money is coming from the federal government, going beyond HAVA in requiring more identification from Kansas voters including whether HAVA requires proof of citizenship from voters, and not allowing voters still in line, but outside the building when the polls close, to vote.

Committee Chair Myers said he would work **HB 2288**, today unless the committee had strong objections.

Representative McLeland moved to amend HB 2288 by striking "a" in Section 4, page 3, line 24 and replacing with "my" so that it reads "(2) my current and valid Kansas driver's license". Representative Seigfried seconded the motion. The motion passed.

Representative McLeland moved to amend HB 2288 in Section 8, page 9, line 19 by deleting "or refuses" so it will read in (d) "If the voter is unable to provide current and valid identification". Representative Huebert seconded the motion. The vote was 8 in favor and 5 against. The motion passed.

Representative Wilson moved a conceptual amendment to HB 2288 to remove the state requirement for all voters who register to vote for the first time and, instead, only use the HAVA requirements. Representative Svaty seconded the motion. With 4 votes for the amendment and 7 votes against the amendment, the amendment failed.

Representative Powers moved to pass HB 2288 favorable as amended from committee. Representative Miller seconded the motion.

Representative Wilson moved a substitute motion to HB 2288 to allow any voter in line to vote, whether they are outside the building or inside the polling place when the polls close. Representative Gilbert seconded the motion. The vote was 4 in favor and 8 opposed. The motion failed.

The vote for Representative Power's motion to move HB 2288 as amended favorably was 8 in favor and 4 opposed. The motion passed. Representative Betts, Representative Wilson and Representative Gilbert were recorded as "no" votes.

The meeting was adjourned at 5:40 p.m. The next scheduled meeting is February 24.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ETHICS AND ELECTIONS at on February 19, 2003 in Room 521-S of the Capitol.