

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 March 15, 2005 in Room 519-S of the Capitol.

All members were present.

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:

Brad Bryant, Office of the Secretary of State
Elizabeth Ensley, Shawnee County
Pat Rahija, Wyandotte County
Karen Hartenbower, Lyon County
Kevin Siek, Topeka Independent Living Resource Center
Michael Donnelly, Disability Rights Center of Kansas
Michael Byington, Kansas Association for the Blind and Visually Impaired
Brian Newby - Johnson County

Others attending:

See attached list.

Chairman Vickrey opened the hearing on:

SB 132 **Elections-Optical scanning voting equipment**

Brad Bryant, Office of the Secretary of State, testified in support of the bill (Attachment 1). He explained that many of the laws cited in the bill have not been amended since 1982 and need to be revised to reflect the current state of technology and to recognize the fact that the operating systems, firmware, and software, as well as the hardware, must be considered when reviewing and certifying voting systems.

Elizabeth Ensley, Commissioner of Elections, Shawnee County, appeared in opposition to the bill (Attachment 2). She said the issue that concerns her is the requirement to notify the voter of any under vote.

Pat Rahija, Wyandotte County Elections Office, appeared in opposition to the bill (Attachment 3). She explained that she supports the bill but would recommend an amendment to Sec. 10 (h) on page 7, line 30 of the proposed bill.

Karen Hartenbower, Lyon County Clerk/Elections Office, testified in opposition to the bill (Attachment 4). She expressed concerns with the portion of the bill pertaining to notification of under voting.

Chairman Vickrey closed the hearing on **SB 132**.

SB 132 **Elections-Optical scanning voting equipment**

Rep. Goico made a motion to adopt technical amendments, and to delete the provision which would have required notice when a voter casts fewer votes than authorized on the ballot. Rep. Lane seconded the motion. The motion carried.

Rep. Yonally made a motion for the favorable passage of **SB 132** as amended. Rep. Beamer seconded the motion. The motion carried.

Chairman Vickrey opened the hearing on:

SB 142 **Elections; security of advance voting ballots**

Brad Bryant, Office of the Secretary of State, testified in support of the bill (Attachment 5). He said the intent of the bill is to enhance the security of the advance voting process by: (1) controlling the ballot application and delivery processes, and (2) requiring the county election office to check the signatures on most voters' ballot envelopes. He said, in addition, the bill updates the language in one statute to agree with similar amendments made in 2004 in other laws.

Pat Rahija, Wyandotte County Elections Office, testified in support of the bill (Attachment 6). She said their office received over 800 applications for advance ballots for the Presidential Election that were signed by someone other than the voter. She explained that the signatures on those applications were in no way similar to the voter's signature

CONTINUATION SHEET

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of record.

Kevin Siek, Topeka Independent Living Resource Center, testified in opposition to the bill (Attachment 7). He said they are concerned that the signature comparison provision of the bill will have the unintended affect of disenfranchising some voters with disabilities.

Michael Donnelly, Disability Rights Center of Kansas, testified in opposition to the bill (Attachment 8). He said they do not support the use of signature comparison or limits on delivery of advance ballots as an appropriate deterrent for fraud.

Michael Byington, Kansas Association for the Blind and Visually Impaired, Inc., testified in opposition to the bill (Attachment 9). He explained that many elections officers and their employees are not expert in their knowledge or qualifications in handwriting analysis.

Chairman Vickrey closed the hearing on **SB 142**.

Chairman Vickrey opened the hearing on:

SUB. SB 143 Sub for S 143 by Committee on Elections and Local Government-Elections; direct recording electronic voting systems

Brad Bryant, Office of the Secretary of State, testified in support of the bill (Attachment 10). He said the bill was proposed to updated the laws governing the requirements and certification of direct recording electronic (DRE) voting systems, bring them into compliance with the Help America Vote Act of 2002 (HAVA), and repeal outdated laws in Article 13 of Chapter 25 that provided for lever machines and punch card ballots.

Brian Newby, Johnson County Elections Office, testified in support of the bill (Attachment 11). He said they see components of the voting experience as interdependent, and that the components include expectations around convenience of registration, convenience of voting, assurance of accurate results, assurance of timely results, communication of results and other voter information, and assurance that taxpayer dollars are neither overspent nor underutilized to provide for these components.

Michael Byinton, Kansas Association for the Blind and Visually Impaired, Inc., testified in support of the bill (Attachment 12). He said his organization is, generally, opposed to voter verified paper audit trails (VVPAT's). He explained that it might be acceptable if the VVPAT's were added strictly for voter comfort but not used for vote count purposes.

Michael Donnelly, Disability Rights Center of Kansas, testified in support of the bill (Attachment 13). He explained that the purpose of the bill is to empower Kansas to comply with the requirements of HAVA, specifically, the placement of accessible electronic voting systems in each Kansas polling place.

Kevin Siek, Topeka Independent Living Resource Center, testified in support to the bill (Attachment 14). He expressed concern at the possibility of an amendment to the bill to include language requiring a verifiable voter paper audit trail for electronic voting machines.

Karen Hartenbower, Lyon County Clerk/Election Office , testified in support to the bill (Attachment 15). She spoke against any possible amendment to include paper audit trails.

Rep. Tom Holland proposed an amendment to the bill (Attachment 16). He explained that the amendment, if enacted, would require that all electronic voting machines/Direct Recording Electronic (DRE) systems purchased after January 1, 2006 by the State of Kansas be able to generate a voter verified paper audit trail (or VVPAT).

Chairman Vickrey closed the hearing on **SUB. SB 143**.

Approval of Minutes

Rep. Yonally made a motion to approve the minutes of the February 3, 2005 and February 8, 2005 meetings. Rep. Oharah seconded the motion. The motion carried.

Chairman Vickrey adjourned the meeting.

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