

Approved: 2-10-93
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on February 9, 1993 in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Secretary of State Bill Graves
Marilyn Chapman, Commissioner of Elections, Sedgwick County

Others attending: See attached list

Hearing on:

HB 2055 - authorizing absentee voting for all qualified electors.

Secretary of State Bill Graves testified in support of HB 2055 (Attachment 1). He provided a balloon of two additional amendments, one to direct canvassers not to open or count absentee or mail ballots that arrive in unsigned envelopes, and the second specifying absentee and mail ballot envelopes be kept with other non-ballot election materials for two years (Attachment 2). He pointed out an error in the bill on line 41 and 42, which should read "men and women".

Marilyn Chapman, Sedgwick County Elections Commissioner, appeared in support of HB 2055, stating she felt there would be more participation but pointed out there would be expense to do so (Attachment 3).

Written testimony was distributed on behalf of Jim Edwards, Kansas Chamber of Commerce and Industry, in support of HB 2055 (Attachment 4), and Lori Martin, Chautauqua County Election Officer, with concerns about HB 2055 (Attachment 5) since they could not attend the hearing.

Secretary of State Graves appeared in response to the Legislative Post Audit Committee report concerning practices and procedures on handling absentee ballots and updating voter registration lists. He advised of their efforts to address its findings (Attachment 6). Secretary of State Graves stated he will follow-up before the session ends of their progress.

Representative Dillon moved approval of the minutes for February 4, 1993 as presented. Representative Gilbert seconded. The motion carried.

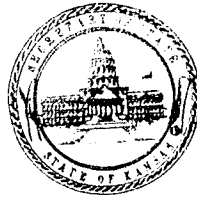
The meeting was adjourned at 9:53 a.m. The next meeting is scheduled for February 10, 1993.

GUEST LIST

COMMITTEE: Harrold Hunt Organization
4 Elections

DATE: 2-9-93

[illegible]



Bill Graves
Secretary of State

2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

Remarks by Bill Graves
Secretary of State
to Committee on
Governmental Organization and Elections
February 9, 1993

Mr. Chairman, Committee Members:

Last November, we witnessed a remarkable indication of Kansans' attitudes toward voting. Motivated and mobilized by diverse reasons and groups, Kansans registered to vote in record numbers and turned out on election day in record numbers. The final tally on registration showed 1,365,847 Kansans or 75 percent of the voting age population registered to vote. On election day 1,160,826 Kansans or 85 percent of those who were registered voted. That number is 138,835 more Kansans than had ever voted before, representing a 14 percent increase over the previous record and was 64 percent of the voting age population. Based only on numbers 1992 was a tremendous success.

But to continue that level of participation we must constantly search for responsible new ways to register voters and provide access to the ballot. H.B. 2055 is a way for Kansans to vote more conveniently.

Every year the House and Senate elections committees consider numerous pieces of elections-related legislation, many of which are attempts to modify our system and be more inclusive for Kansans and more responsive to

*2-9-93
House Gov't. Org. & Elections
Attachment 1*

changing times and a changing electorate. H.B. 2055 has been submitted in recognition of the system's need to change in keeping with the people it serves.

H.B. 2055 is not unlike mail-in registration in 1976, voting by mail in 1983 and "motor voter" in 1992. The system must change and adapt to the times. Kansans lead busier, more hectic lives than they once did. We operate at a faster pace, trying to balance jobs, home, children and school.

No-excuse absentee voting acknowledges that citizens' needs have changed. They want a system of voting that is more flexible and available. After all that's been said about the importance of their participation this is our opportunity to re-shape the system to meet people's needs.

Many have heard the call to get involved and to participate in our electoral process, but they need more convenient ways to do so. The advantage of no-excuse voting lies in its convenience. It allows people to vote as earlier as two weeks before the election, avoiding long lines and long waits at the polling place.

Some people will say that no-excuse voting is only being suggested as a quick-fix for the long lines that voters encountered last year in Johnson and Sedgwick counties. That was certainly a factor.

But the bottom line on no-excuse voting is convenience. We should shape an environment for participating that makes voting convenient.

Are there downsides? Certainly. There's an unknown cost factor tied to postage and handling of greater numbers of absentee ballots. Some candidates won't like the idea of greater numbers of voters voting prior to that last campaign weekend, rendering literature drops and blitzes less effective.

Election officials will be interrupted many more times during already hectic election preparation to accommodate a walk-in who wants to cast a no-excuse ballot.

But we are not looking for a system that serves election officials or candidates, we're attempting to shape a system that meets the needs of the people of Kansas.

I believe Kansans will appreciate your support for this concept. Even if they never personally plan to use no-excuse voting, I believe they will acknowledge its benefit.

- Included in this bill — on page six, line 20 — is language to prohibit campaign literature from being distributed in conjunction with absentee ballots.

- Also — on page seven, line 19 — we are suggesting language that clarifies that you must fill out an application to assist a voter.

- And — on page eight, line one — we continue attempts to clarify that unsigned absentee ballots should not be counted.

- Also submitted in balloon form are two amendments:

The first specifically directs canvassers not to open or count absentee or mail ballots that arrive in unsigned envelopes.

The second specifies that absentee and mail ballot envelopes shall be kept with other non-ballot election materials for two years.

I support HB 2055 and encourage you to do so.

25-3002. Rules for canvassers; validity of ballots or parts thereof. (a) The rules prescribed in this section shall apply to:

- (1) The original canvass by election boards.
- (2) Intermediate and final canvasses by county boards of canvassers.
- (3) Final canvass by the state board of canvassers.
- (4) All election contests.
- (5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) Any ballot upon which an identifying mark has been made shall be wholly void and no vote thereon shall be counted. Determination of whether a mark is an identifying mark shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest. The secretary of state may adopt rules and regulations describing certain types of marks upon ballots which may be considered identifying marks, but such rules shall not be considered as either all inclusive or as conclusive.

(3) Any ballot which has been defaced, mutilated or torn shall be wholly void and no vote thereon shall be counted.

(5) (4) The occurrences listed in this subpart (4) shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in said portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this subpart (4) shall apply are:

(A) Whenever a voting mark shall be made in the square at the right of the name of more than one

candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

(B) Whenever a voting mark is placed in the square at the right of a space where no candidate is listed.

(c) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and:

- (1) Both candidates' names are written on the ballot; or
- (2) only the name of the candidate for governor is written on the ballot.

Insert: (4) Any absentee or mail ballot whose envelope containing the voter's written declaration is unsigned, shall be wholly void and no vote thereon shall be counted.

2-9-93
House Gov't Org. & Elections
Attachment 2

25-2709. Destruction of election records. The county election officer may destroy the following election records after they have been on file for the period stated:

- (1) Appointments and oaths of office of election board members, two (2) years.
- (2) Registration lists, five (5) years.
- (3) Poll books, five (5) years.
- (4) Party affiliation lists, five (5) years.
- (5) Abstracts of voting records, twenty (20) years.
- (6) Affidavits required to be filed by the election laws of the state of Kansas, two (2) years.
- (7) All other election records used at polling places, two (2) years.

Insert: "including absentee and mail ballot envelopes containing voters' declarations,"



SEDGWICK COUNTY, KANSAS

COMMISSIONER OF ELECTIONS

Marilyn Chapman

HISTORIC COURTHOUSE • 510 NORTH MAIN • WICHITA, KANSAS 67203-3798 • TELEPHONE (316) 383-7101

TO: House Governmental Organizations and Elections

FROM: Marilyn Chapman

DATE: February 8, 1993

SUBJECT: HB 2055

It is impossible to estimate a dollar amount for implementing this bill in Sedgwick County. There are several factors which must be considered.

First, how many voters will take advantage of this service? I anticipate that a great many voters will wish to vote at their convenience. Everyone who works and everyone who has ever stood in a line to vote will want to vote early. There is also a large number of people in professions which make it difficult for them to vote during "regular" voting hours. These people could now become legal voters with the "no fault" system. Once voters learn of this service, I can imagine that more than 50% of Sedgwick County's turnout will be by absentee. This, in turn, will make planning at the precinct level very difficult. Ballot printing costs in machine counties will skyrocket while other costs will not be reduced.

Second, most counties, including this one, have systems which will be woefully inadequate to handle this kind of work load. New counting systems, new computer software, hardware, or all of the above, will be necessary. In Sedgwick County alone the cost could be hundreds of thousands of dollars.

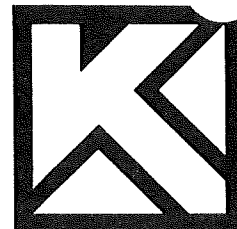
Third, absentee ballots are very labor intensive, and will require additional staff. Since few election offices have enough space, consideration will have to be given to off-site locations for absentee voting, which will involve rent, utilities, telephones, computer access and other expenses.

Sedgwick County would like to lead the way in this innovation. However, the above referenced factors call for caution and careful planning, plus funding. It is unrealistic to expect counties to pick up such large tabs when tax dollars are at such a premium.

An alternative to "no fault" absentee voting might be to hold these elections to be planned and held entirely by mail, allowing the few people who might choose to come to the election office to vote during the same time period.

2-9-93
House Gov't. Org. & Elections
Attachment 3

LEGISLATIVE TESTIMONY



Kansas Chamber of Commerce and Industry

500 Bank IV Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321

A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

HB 2055

February 9, 1993

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

House Governmental Organization and Elections Committee

by

Jim Edwards

Director of Chamber and Association Relations

Mr. Chairman and members of the Committee:

I am Jim Edwards, Director of Chamber and Association Relations for the Kansas Chamber of Commerce and Industry. I apologize for not being able to join you today for your hearings on HB 2055, a bill which would permit no excuse, absentee voting in Kansas. I did however want you to have a copy of my testimony which expresses KCCI's support for the issue.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

*2-9-93
House Gov't Org. & Elections
Attachment 4*

Kansas, in the last general election, experienced a "good yet bad scenario." The good was that many more voters participated in this election but the bad was that this unplanned increase led to some long waits in voting lines for many voters. In order to maintain or even increase these new voting levels, it is important that Kansas and its election system focus on a solution to the problem. We believe that without changes, Kansas voters' enthusiasm will turn to apathy.

HB 2055, the bill that was requested by Secretary of State Bill Graves, seems to address this issue and address it in a manner that will require very little, if any at all, extra funding. It would permit early voting in any election for any reason. With this bill in place, Kansans could plan their voting times and avoid the possibility of long lines again.

We would ask that after your review you send this issue to the full House along with your favorable recommendation.

Once again I apologize for not being able to present this testimony in person but would be more than happy to join the committee for questions at a later date.

Lori Martin
County Clerk of Chautauqua County
215 N. Chautauqua
Sedan, KS 67361

Phone 316-725-3370

County Commissioners
Mike Champlin, 1st District
Charles Bowen, 2nd District
Clark V. Benson, 3rd District

TO: The Honorable Marvin E. Smith
Kansas State Representative

FROM: Lori Martin
Chautauqua County Election Officer

RE: House Bill 2055

DATE: February 8, 1993

I am writing to express concerns about House Bill 2055. Under current law, voters who cast an absentee ballot in an election must certify that they will be unable to vote at the polls on election day because of illness, disability, or absence from the county. House Bill 2055 would allow "no excuse" absentee voting. Any eligible voter could cast a ballot as early as one month prior to an election by voting absentee in the office of the county election officer (county clerk) or by requesting a mail ballot.

The reasoning behind House Bill 2055 is that it would increase voter turnout for elections. However, Chautauqua County, along with the majority of Kansas counties, experienced outstanding voter turnout (over 80% at many precincts) in the general election held November 3, 1992. When electors care about the issues, it is evident that they will make the effort to go to the polls.

The casting of an absentee ballot is not a simple process. Affidavits must be filed, signatures checked, and detailed records must be kept, in addition to the preparation of ballots and envelopes. Eight or nine steps are involved in the casting of each individual ballot. Probably the greatest chance for error or election fraud lies in the absentee balloting process.

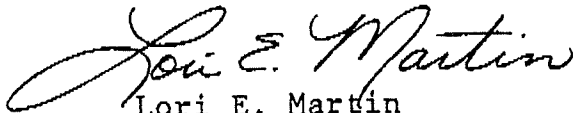
On election days, the polling places are open from 7 a.m. to 7 p.m. For the most recent election, Chautauqua County spent \$4500 to hire poll workers. This represents over half of the entire cost of holding the election. If voters choose to vote absentee ballots in the County Clerk's office, this defeats the purpose of hiring poll workers to receive the ballots. Additional personnel would be required at the Clerk's office, and postal costs would also increase significantly. (The cost of mailing an absentee ballot to a voter averages \$1.00 each). If House Bill 2055 becomes law, we estimate an increase of 10% in our county's overall election budget will be required.

2-9-93
House Govt. Org. + Elections
Attachment 5

House Bill 2055
February 8, 1993
Page 2

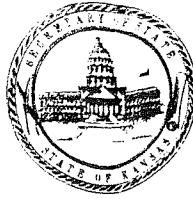
Based on the increased cost to taxpayers, the increased chance for error and/or election fraud, and the recent high levels of voter turnout in Kansas elections, I am strongly opposed to House Bill 2055.

Sincerely,



Lori E. Martin
County Election Officer of
Chautauqua County

lem



Bill Graves
Secretary of State

2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

Remarks by Bill Graves
Secretary of State
to Committee on
Governmental Organization and Elections
February 9, 1993

Mr. Chairman, Committee Members:

The Legislative Post Audit Committee recently received a report concerning practices and procedures on handling absentee ballots and updating voter registration lists. I am here today to briefly advise you, as the committee directly involved with shaping election legislation, on the report.

Specifically, we have been asked to address education, legislation and the possibility of rules and regulations. It appears — at this time — as if only some corrective legislation may be necessary. This legislation will address areas in the law that are conflicting or unclear. For example, as we have just discussed, HB 2055 and the amendments we proposed would clarify whether county election officers should retain absentee ballot envelopes on which the voter's declaration appears. It would also make it clear to judges that ballots in unsigned envelopes should not be counted.

There was a lively debate over the need for my agency to adopt rules and regulations. Post Audit's report points out that rule-making authority has existed since 1967 and has never been used. We will examine all areas where

*2-9-93
House Gov't Org. & Elections
Attachment 6*

authority for rule-making exists and report to you our conclusions on specific need. Any suggestions you have would be welcomed.

Additional education efforts will build on our current efforts. These efforts are highlighted on the attached page. In many areas, we merely need to emphasize the absolute importance for county election officers to comply with existing statutes. I am pleased that the clerks have instituted their own three-year training and certification program in conjunction with Wichita State University. To the extent that we can improve our out-reach to county election officials, I promise we will. But be aware that any significant enhancement, like most programs you deal with, will have some cost.

We want you to be aware of the post audit report and of our efforts to address its findings. Some minor errors and inconsistencies were found, but no instances of fraud or official misconduct were discovered. However, we take those errors and inconsistencies seriously. It is our desire —which we are confident you share — that elections in Kansas be conducted in such a manner as to generate public confidence in the process and the outcome.

This means that elections in Kansas must continue to be conducted fairly, openly and professionally, to be inclusive of all the state's citizens and, ultimately, to express their desires.

We hope you will assist us in this process. We believe that a dialogue between our office, county election officers and the legislature will ensure the continuation of the state's robust electoral process, and the public's confidence in it.

Office of the Secretary of State Education/Training Schedule for County Election Officers

Current Programs

1. Newsletter — *Canvassing Kansas*
Articles are included on elections laws, current election events, registration ballot rates, etc.
2. Publications
 - a. Election Laws notebook insert
 - b. Election calendar
 - c. Information sheet on "Accessibility and Assistance" for disabled/elderly voters, which was disseminated publicly but also given to CEOs for distribution.
 - d. Information sheet on rules and dates for registration for public dissemination (was used at the Kansas State Fair). Also given to CEOs for distribution.
3. Meetings
 - a. Secretary of State and staff attend regional county clerk meetings, if invited.
 - b. Office of the Secretary of State participates in Kansas Association of Counties meetings, if invited.
 - c. Midwest Election Officials conferences in 1989 and 1991 were initiated, organized and sponsored by Office of the Secretary of State — specifically for training CEOs.
 - d. Office of the Secretary of State hosts meetings with CEOs to discuss proposed legislation.
4. Memos/letters
 - a. Many memos are sent from the Office of the Secretary of State to CEOs statewide in response to telephone calls indicative of widespread concern or questions.
 - b. Many memos are sent from the Office of the Secretary of State to CEOs statewide during an election year informing them about filing deadlines, canvass procedures, points of law, etc.
5. Telephone calls
Division of Elections and Legislative matter receives numerous telephone calls daily from CEOs about elections.
 - a. Provide advice.
 - b. Information about proper procedures.
 - c. Provide legal interpretations.
 - d. Encouragement
6. Assisted CEOs in production of video about training poll workers.