

Approved: 1-21-94
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 January 19, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Tom Bishop

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:

Brad Bryant, Secretary of State's Office
Elizabeth Ensley, Shawnee County Election Officer

Others attending: See attached list

Hearing on:

HB 2591 - elections; federal services absentee voting.

Brad Bryant, Secretary of State's Office, provided testimony in support of HB 2591, explaining that this bill would permit overseas Kansans to vote by facsimile (Attachment 1). There would be no cost to the state and very little to the county.

HB 2593 - elections; instruction of election board judges.

Brad Bryant, Secretary of State's Office, provided written testimony in support of HB 2593, stating the bill would promote uniformity and tighten control of election procedures across the state by requiring election schools be conducted for precinct election judges (Attachment 1).

Elizabeth Ensley, Shawnee County Election Officer, appeared before the committee to request introduction of a bill less restrictive in the description of voting booths and not enumerating the exact number of voting booths but leaving it to the discretion of the county election officer (Attachment 2). Since Shawnee County has voted to go to paper ballots and therefore discontinue using voting machines, from now on they will be operating under the paper ballot laws. That law states you must have three, five or seven members. This means each time you need one additional board member, you must have two new members. For this reason Ms. Ensley requested the statute be changed to allow appointment of only one board member rather than having to have two.

Representative Wootten made a motion to introduce both of the requested bills. Representative Gilbert seconded. Motion carried.

Action on:

HB 2592 - elections; identification of voters at polling places.

Brad Bryant distributed a handout to make certain clarifications necessary in HB 2592 (Attachment 3).

Representative O'Connor made a motion to change the word "write" to "sign" to clarify that the voter must sign his/her own name. Representative Wells seconded. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 19, 1994.

Representative Macy made a motion to add a section at the appropriate place with the declaration stated so that the declaration would not have to be repeated throughout the bill. Representative Benlon seconded. Motion carried.

Representative O'Connor made a motion to move the bill out of committee as amended. Representative Macy seconded. Motion carried.

HB 2591 - elections; federal services absentee voting.

Representative Ballard moved to pass HB 2591 favorably. Representative Dawson seconded. Motion carried.

HB 2593 - elections; instruction of election board judges.

After discussion on HB 2593, the consensus was there should be some time to think about mandating training schools for election board judges.

Representative Wootten moved for approval of the minutes for January 18, 1994, as submitted. Representative Ballard seconded. Motion carried.

The meeting was adjourned at 9:45 a.m. The next meeting is scheduled for January 21, 1994.

GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 1-19-94

[illegible]

Bill Graves
Secretary of State



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

STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on HB 2591 & HB 2593

January 19, 1994

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee and urge your support and passage of HB 2591 and HB 2593. HB 2591 will allow federal services voters overseas to vote their absentee ballots by facsimile. The bill will amend K.S.A. 25-1216, which is part of the federal services ballot statutes, required by federal law. HB 2593 will amend K.S.A. 25-2806 to strengthen the process whereby county election officers train their precinct election board workers before elections.

HB 2591

The Federal Voting Assistance Program (FVAP), operating as part of the Department of Defense in the Pentagon, is charged with overseeing the process by which American military personnel stationed overseas and their dependents may vote in the state and county of their residence. The FVAP also includes non-military U. S. citizens, such as ambassadors and other federal employees.

According to the FVAP, in 1992 81% of the 1.8 million military personnel and 76% of their 1.5 million dependents voted. Three years ago, during the Desert Storm conflict, a precedent was set in many states, including Kansas, whereby military personnel voted by facsimile. The Department of Defense encouraged states to allow FAX voting during that emergency, and now it encourages states to write such provisions into their election laws.

This bill will allow federal services voters to request absentee ballots by FAX, receive their ballots from county election officers by FAX, and return their voted ballots to the county by FAX. In exercising this option, they will sign a statement waiving their right to a secret ballot. County election officers are charged in this legislation with ensuring secrecy as far as practicable.

HB 2591 is one more method of opening up the voting process a little more and encouraging participation by a segment of the electorate for whom voting is

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January 19, 1994
Attachment 1*

sometimes difficult. It will cost the state nothing, and it will cost most counties very little money if any.

We in the Secretary of State's office join the Department of Defense and the Federal Voting Assistance Program in urging passage of HB 2591.

HB 2593

This bill will promote uniformity and tighten control of election procedures across the state through four provisions:

(1) It requires, instead of merely allows, county election officers to conduct election schools for their precinct election judges before each national and state general election.

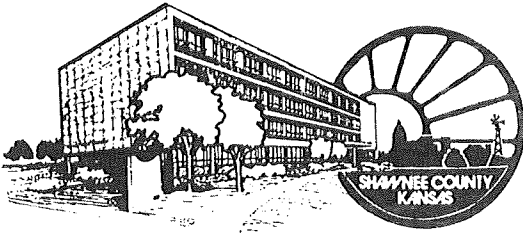
(2) It allows county election officers to conduct schools at other times.

(3) It requires county election officers to ensure that their judges receive adequate instruction.

(4) It requires the Secretary of State's office to assist county election officers in preparation of instruction.

If adopted, HB 2593 will promote communication between state and local election officials prior to elections, improve knowledge of precinct election board workers, and promote uniformity of elections among counties. There will be no noticeable financial impact on state government; some counties might incur some costs if they have not been conducting schools in the past.

The Secretary of State's office supports HB 2593 as a way to improve elections in Kansas, and we recommend this committee favorably report the bill.



Shawnee County
Commissioner of Elections

Elizabeth Ensley
Election Commissioner
Norine Staab
Asst. Election Commissioner

911 S.W. 37th, Suite A
Topeka, Kansas 66611-2378
(913) 266-0285

MEMORANDUM

DATE: January 19, 1994

TO: Committee on Governmental Organization
and Elections

FROM: Elizabeth Ensley
Shawnee County Commissioner of Elections

RE: Introduction of Legislation

December 14, 1993, the Shawnee County Board of Commissioners accepted my recommendation to purchase the Global Accu-vote 2000 precinct counter. This means that we now come under paper ballot laws. I believe some of these laws will cause unnecessary expense for Shawnee County.

K.S.A. 25-2808 allows voting machine counties to have three or more board members while paper ballot counties can only have three or some greater odd number of board members. There are times that four member boards are useful and this would save Shawnee County \$10,000 per election.

K.S.A. 25-2703 requires voting booths to have four sides and one booth for every 60 voters expected to turn out. Both of these are excessive and exceedingly expensive. We currently have one voting machine for every 200 registered voters.

Therefore, I would like to request the introduction of legislation which would address these issues.

Thank you for your time and consideration.

House Gov't Org. & Elections
January 19, 1994
Attachment 2

Bill Graves
Secretary of State



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STATE OF KANSAS

House Committee on Governmental Organization and Elections

Testimony on H.B. 2592

January 19, 1994

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

Mr. Chairman and Members of the Committee:

In yesterday's hearing on HB 2592, several amendments were discussed. The Secretary of State's office has recommended language for those amendments, and the Revisor's office has printed and distributed them for consideration by the committee. These amendments will accomplish the following:

1. Extend county election officers' options. The bill as originally drafted allowed the county election officer in each county to choose whether to use only a registration book in each precinct, or to use a registration book and poll book. Voters were required to sign the registration book. This amendment allows county election officers who opt for the two-book system, as is currently used statewide, to designate which book voters will sign.
2. Require voters to sign their names exactly as they appear on the registration book.
3. Change "county clerk" on page 2, line 2, to "county election officer."

We have been told by members of the county election officers' committee on elections legislation that they strongly support these changes. The Secretary of State's office recommends adoption of HB 2592 with these amendments.

*House Gov't Org + Elections
January 19, 1994
Attachment 3*

HOUSE BILL No. 2592

By Committee on Governmental Organization and Elections

1-11

8 AN ACT relating to elections; concerning identification of voters at
9 polling places; amending K.S.A. 25-2507 and 25-2908 and re-
10 pealing the existing sections.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 25-2507 is hereby amended to read as follows:

14 25-2507. (a) "Poll book" means a book in which ~~the name of each~~
15 ~~voter is written~~ and a number is assigned by one of the clerks of
16 the election board when the voter is given a ballot or set of ballots.

17 (b) "Registration book" means: (1) A book or list containing the
18 names and other information relating to registered voters. Registra-
19 tion books shall have the names entered therein before the same or
20 copies thereof are delivered to the supervising judges. Registration
21 books shall also contain blank lines on which each voter shall sign
22 the voter's signature. The following declaration shall appear on each
23 page of the registration book: "I, the undersigned, declare under
24 penalty of perjury that I am a duly qualified voter of the state of
25 Kansas, county of _____, that I have not signed a name
26 other than my own in order to represent myself as any other reg-
27 istered voter, and that I have not previously voted and will not vote
28 again at this election."; or

30 (2) a book meeting the requirements of K.S.A. 25-2507 (b)(1),
31 and amendments thereto, and containing the numbers assigned by
32 one of the clerks of the election board when voters are given ballots
33 or sets of ballots.

34 (c) "Party affiliation lists" means a list containing the names of
35 all registered voters of a county who have lawfully designated a party
36 affiliation. Notwithstanding the foregoing provisions of this sub-
37 section (c), at the primary election in August, 1972, in territory
38 where registration is not required prior to such primary elec-
39 tion, "party affiliation list" means a list containing the names
40 of persons who have lawfully designated a party affiliation.

41 Sec. 2. K.S.A. 25-2908 is hereby amended to read as follows:
42 25-2908. (a) Each polling place shall use either: (1) A registration
43 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A.
44 25-2507(b)(1), and amendments thereto; or (2) a registration book,

each voter may write the voter's name

If the county election officer determines that voters shall sign the poll book, such book shall also contain on each page the following declaration "I, the undersigned, declare under penalty of perjury that I am a duly qualified voter of the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I have not previously voted and will not vote again at this election".

may

If the county election officer determines that voters shall sign the registration book

; containing blank lines on which each voter shall sign the voter's signature; containing the following declaration, which shall appear on each page of the registration book: "I, the undersigned, declare under penalty of perjury that I am a duly qualified voter of the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I have not previously voted and will not vote again at this election";

election officer

1 as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The
 2 county ~~clerk~~ shall determine which books are used in each county.

, and which book voters shall sign

3 (b) Persons desiring to vote shall give their names, and if re-
 4 quired their residence, to the judges of election, one of whom shall
 5 announce the name in a loud and distinct tone of voice, and if the
 6 name is in the registration books, the member of the election board
 7 having the registration record shall repeat the name. For the purpose
 8 of identifying voters at the polling place, the voter shall add the
 9 voter's signature to the registration book ~~beside the voter's printed~~
 10 name, and the voter shall be allowed to vote. The judges shall give

or poll book

11 the voter one and only one of each ballot to be cast at the election,
 12 on the upper right-hand corner of each of which shall be written
 13 the number corresponding to the voter's number in the ~~poll~~ books,
 14 and the voter's name shall be marked in the registration books and
 15 the party affiliation list. If the voter refuses to sign the registration
 16 book, the election board judge shall challenge such person's vote
 17 pursuant to K.S.A. 25-414, and amendments thereto.

as listed in the registration book,

registration book or

18 If the name of any person desiring to vote at an election is not
 19 in the registration books, the person may be challenged as pro-
 20 vided in K.S.A. 25-414. If any person desiring to vote at any
 21 election shall be challenged, the person shall not receive a
 22 ballot until the person has established the right to vote, and
 23 then the person shall be furnished a challenged ballot and be
 24 permitted to vote as provided by law an election board member

or poll book

5 shall print the name and address of the person appearing to vote
 26 in the registration book. The person appearing to vote shall add
 27 such person's signature to the registration book ~~beside such person's~~
 28 printed name, and the election board judge shall challenge such
 29 person's vote pursuant to K.S.A. 25-414, and amendments thereto.

or poll book

or poll book

30 During the pendency of a challenge other voters shall be given ballots
 31 and be permitted to vote.

as listed in the registration book or poll book,

32 Sec. 3. K.S.A. 25-2507 and 25-2908 are hereby repealed.

33 Sec. 4. This act shall take effect and be in force from and after
 34 its publication in the Kansas register.