

Approved: 3-10-94  
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 March 9, 1994 in Room 521-S of the Capitol.

All members were present except: Representative Walker Hendrix

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:

Senator Janice Hardenburger  
Elizabeth Ensley, Kansas County Clerk's Association  
Edward Rowe, League of Women Voters of Kansas  
Debra Leib, Executive Director, Common Cause of Kansas  
Beverly Komarek

Others attending: See attached list

Hearing on:

SB 613 - elections; unregistered residents voting for candidates for national office.

Senator Janice Hardenburger provided written testimony in support of SB 613, stating this bill encourages registration of all eligible voters. The overall intent of the bill is to retain and preserve the state's voting laws as they currently are implemented for all elected offices with the exception of the national offices, that is election for president/vice-president, U.S. Senator and U.S. Representative. Any resident of the state who is 18 years old and older, is a citizen of the United States, and who has not registered to vote in accordance with the laws of the state, shall be entitled to vote for the national candidates on the day of the election (Attachment 1).

Written testimony from Elgia Stevenson, Johnson County Election Commissioner, was distributed (Attachment 2).

Elizabeth Ensley, Kansas County Clerk's Association and Shawnee County Commissioner of Elections, testified on SB 613 with some observations and suggestions (Attachment 3). Their main concern is that the federal ballots cast by those appearing on the day of the election to register should be challenged ballots, giving the election office time to verify the ballots. There is concern as to how many of these special ballots should be made available, and also concern as to challenging voters. This could be solved by challenged ballots also.

Questions revealed that there is no cost to the state involved in SB 613, and it was also pointed out that the bill is written that the ballots will be challenged ballots.

Edward Rowe, League of Women Voters, testified in opposition to SB 613 because it would not permit election-day voting on state and local candidates and he does not believe it would put Kansas in compliance with the National Voter Registration Act of 1993 (Attachment 4). He believes the better alternative would be SB 489 which has already been drafted and is in full compliance with the National Voter Registration Act of 1993. There is a \$2 million fiscal note with SB 489.

Debra Leib, Common Cause of Kansas, gave testimony in opposition to SB 613, stating it would be discriminatory to allow registration for national voting and not state and local voting (Attachment 5).

CONTINUATION SHEET

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

Beverly Komarek, past president of League of Women Voters, spoke briefly about a meeting she attended in Washington on Motor Voter legislation. She concurred with Mr. Rowe in opposition to SB 613.

Rep. Farmer made a motion to approve minutes for the March 8, 1994 meeting. Rep. Scott seconded. Motion carried.

The meeting was adjourned at 10:15 p.m. The next meeting is scheduled for March 10, 1994.

## GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 3-9-94

[illegible]

JANICE L. HARDENBURGER

SENATOR, 21ST DISTRICT  
 CLAY, CLOUD, MARSHALL  
 NEMAH, WASHINGTON, RILEY  
 AND A PORTION OF  
 POTTAWATOMIE COUNTY  
 RT. 1, BOX 78  
 HADDAM, KANSAS 66944  
 (913) 778-3375

STATEHOUSE—143-N  
 TOPEKA, KS 66612-1504  
 (913) 296-7371



TOPEKA

SENATE CHAMBER

## COMMITTEE ASSIGNMENTS

VICE CHAIRMAN: ELECTIONS, CONGRESSIONAL AND  
 LEGISLATIVE APPORTIONMENT, AND  
 GOVERNMENTAL STANDARDS  
 MEMBER: ENERGY AND NATURAL RESOURCES  
 PUBLIC HEALTH AND WELFARE  
 ASSESSMENT AND TAXATION  
 JOINT COMMITTEE ON ADMINISTRATIVE  
 RULES & REGULATIONS

March 9, 1994

Mister Chairman and members of your committee, I appreciate the opportunity to introduce Senate Bill 613 to your committee.

To provide background for the introduction of Senate Bill 613, last year, Congress passed the National Voter Registration Act mandating states to register voters through selected state agencies and military recruiting offices.

Under our present State election laws, it is estimated that 77% of our eligible voters are registered. In 1992, the Legislature passed the Motor Voter Bill to extend the opportunity to register at the Division of Motor Vehicles when a person applies for a drivers license. The Division of Motor Vehicles has been gearing up to meet this provision which takes effect on July 1, 1994. This new registration site is predicted to register 13-15% more voters. The NVRA is projected to increase registration an additional 5% at an undue expense.

The estimation of cost to implement the NVRA in Kansas is (attached) estimated to be \$2,226,000 for the counties for the first year, with ongoing yearly costs of \$833,388; \$1,654,000 for the state with ongoing costs of \$732,000. Also attached is the fiscal note for Senate Bill 613 which is negligible.

I believe 613 addresses the spirit of the law - that is, to encourage registration of all eligible voters. The overall intent of Senate Bill 613 is to retain and preserve the state's voting laws as they currently are implemented for all elected offices with the exception of the national offices. This bill would pertain only to the election of three national offices - elector for president/vice-president, U.S. Senator and U.S. Representative. Any resident of the state who is 18 years old and older, is a citizen of the United States, and who has not registered to vote in accordance with the laws of the state shall be entitled to vote for the national candidates on the day of the election.

*House Gov't Org + Elections*  
*March 9, 1994*  
*Attachment 1*

A typical election - day scenario would be:

1) An unregistered voter would go to his/her designated polling place, give their name and address to the judge of the election board, who would enter the name and address of such person in a registration book provided for such purpose. Whereupon the voter would sign an affidavit declaring their US citizenship, legal age and residence address.

2) The voter would be given a federal ballot. In a primary election, the voter would also sign a written declaration of party affiliation in addition to the declaration confirming residency.

3) At this time, each voter would be given the opportunity to register to vote in subsequent state elections. If a voter declines to register, the information would be recorded in a declination register, maintained by the county election officer and forwarded to the secretary of state within ninety days. The declination data would meet the requirements of the National Voter Registration Act.

One final issue that must be of serious concern in considering this bill is the continued unwarranted intrusion of the feds into strictly local-state government functions. Hopefully, the implementation of SB 613 would allow Kansas to be exempt from the provisions of the federal act.

I stand for questions.

JANICE L. HARDENBURGER

SENATOR, 21ST DISTRICT  
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TOPEKA

## SENATE CHAMBER

## COMMITTEE ASSIGNMENTS

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 LEGISLATIVE APPOINTMENT, AND  
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MEMBER: ENERGY AND NATURAL RESOURCES  
 PUBLIC HEALTH AND WELFARE  
 ASSESSMENT AND TAXATION  
 JOINT COMMITTEE ON ADMINISTRATIVE  
 RULES & REGULATIONS

## IMPACT of SENATE BILL 613 ON ELECTION DAY

**Johnson County:**      \*Number of Registered Voters                      214,418  
                                  \*\* Motor Voter Registrations                      41,760  
                                  \*\*\* Senate Bill 613 (unregistered)                      13,920  
                                  Number of polling places                      224  
                                  Number of unregistered voters  
                                  at each polling place                      62  
                                  (5 an hour)

**Sedgwick County:**      Number of Registered Voters                      199,541  
                                  Motor Voter Registrations                      38,865  
                                  Senate Bill 613 (unregistered)                      12,955  
                                  Number of polling places                      244  
                                  Number of unregistered voters  
                                  at each polling place                      53  
                                  (4 an hour)

**Crawford County:**      Number of Registered Voters                      18,162  
                                  Motor Voter Registrations                      3,540  
                                  Senate Bill 613 (unregistered)                      1,180  
                                  Number of polling places                      49  
                                  Number of unregistered voters  
                                  at each polling place                      24  
                                  ( 2 an hour)

**Washington County:**      Number of Registered Voters                      4,091  
                                  Motor Voter Registrations                      795  
                                  Senate Bill 613 (unregistered)                      265  
                                  Number of polling places                      26  
                                  Number of unregistered voters  
                                  at each polling place                      10  
                                  (1 an hour)

\* Based on 1993 list of registered voters and determined to be 77% of eligible voters: (Secretary of State's Office)

\*\* Based on projected 15% increase of eligible voters

\*\*\* Based on projected 5% increase of eligible voters



## DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1504

(913) 296-2436

FAX (913) 296-0231

February 8, 1994

Joan Finney  
GovernorGloria M. Timmer  
Director

The Honorable Barbara Lawrence, Chairperson  
Senate Committee on Elections, Congressional and  
Legislative Apportionment and Governmental Standards  
Statehouse, Room 143-N  
Topeka, Kansas 66612

Dear Senator Lawrence:

SUBJECT: Fiscal Note for SB 613 by Senators Hardenburger, et  
al.

In accordance with KSA 75-3715a, the following fiscal note  
concerning SB 613 is respectfully submitted to your committee.

SB 613 would allow voting by unregistered individuals for  
candidates of national offices. Every citizen of the United States  
who is (1) 18 years of age or older, (2) a resident of Kansas or  
(3) not registered to vote would be able to vote on a "federal  
ballot." The national offices on the "federal ballot" would  
include presidential electors for President and Vice-President of  
the United States, United States Senator, and United States  
Representative.

Unregistered individuals could vote after signing a  
declaration stating that they meet the conditions to vote on a  
federal ballot. The penalty for making a false declaration would  
be a fine of up to \$2,500. SB 613 would take effect after January  
1, 1995. MARCH 10, 1993.

There is estimated to be no fiscal impact on any state agency  
or local unit of government upon passage of SB 613.

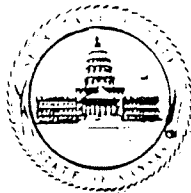
Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer".

Gloria M. Timmer  
Director of the Budget

cc: Ron Thornburgh - Secretary of State

Bill Graves  
Secretary of State



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

## STATE OF KANSAS

February 3, 1994

SB 489

Ms. Gloria Timmer  
Director of the Budget  
State Capitol, 1st Floor  
Topeka, KS 66612

Dear Ms. Timmer:

Senate Bill 489, an act concerning implementation of the National Voter Registration Act, has many variables, making it difficult to determine the fiscal impact to the state of Kansas. We have used two methods to determine the estimated costs: (1) a survey of the state agencies and counties involved, and (2) cost estimates based on Secretary of State staff research. The survey results vary significantly among agencies and counties with seemingly similar circumstances. Because these estimates have not been reviewed, it is likely that some respondents have overlooked necessary expenditures and that others have over-estimated the costs of SB 489.

Through a survey (copy attached) of each state agency assumed to be affected by SB 489, the estimated fiscal impact on state agencies of the motor voter and the agency based voter registration proposal is \$731,016 on initial implementation costs and \$732,548 for ongoing yearly costs.

Secretary of State staff project that state assistance to local governments would be approximately \$3,000 per county for a personal computer, a modem and a laser printer at a total cost of \$315,000. In addition, because SB 489 will mandate new voter registration cards of a different size than currently used in any county, each county can reasonably be assumed to have to purchase new voter registration card filing cabinets. With an estimated 1.4 million voter registration cards, new filing cabinets would be approximately \$608,000. Total estimate for assistance to local governments is \$923,000.



Page Two  
SB 489  
February 3, 1994

County government will also have many other costs associated with the implementation of SB 489 including, but not limited to, increased postage costs, an additional phone line (\$25 per month ongoing cost) and poll worker training. However, costs associated with voter registration have traditionally been paid by the counties and may not necessarily have to be assumed by the state. In a survey of county election officers (copy attached), implementation of SB 489 is estimated to cost \$2,226,844, while the ongoing costs are estimated to be \$833,388 per year.

NOTE: The county survey estimates included the costs of the computer equipment and filing cabinets estimated by our staff in the previous paragraph, but different amounts may have been estimated by the counties and the Secretary of State's office. The county survey included all cost to the counties, not just those for which the state may be responsible.

If you have any questions, please feel free to contact our office.

Sincerely,



RON THORNEBURGH  
Assistant Secretary of State



Johnson County  
Kansas

Elgia C. Stevenson  
Election Commissioner

TO: House Committee on Governmental Organization and Elections  
Representative Marvin Smith, Chair

FR: Elgia C. Stevenson *Elgia C. Stevenson*  
Johnson County Election Commissioner

RE: SB 613 (unregistered residents voting for national candidates)

DT: March 9, 1994

Whenever possible, I appear in person to discuss bills with you, but an imminent move to a new facility has curtailed any travel for this week, and possibly longer.

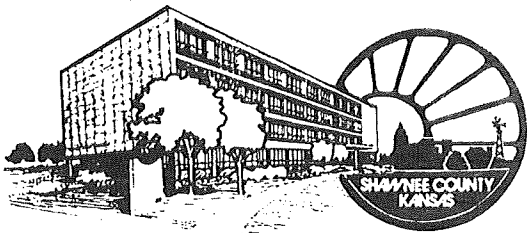
After reviewing SB 613, in the form passed by the Senate, the Johnson County Election Office is confident of its ability to meet all directives of SB 613, while recognizing the potential of a minimal fiscal impact and minor operational challenges. The bill is viewed as another positive variable in election service for Kansas voters.

Thank you.

*Deane Grit Dig + Elections*

*March 9, 1994*

*Attachment 2*



## 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

DATE: March 9, 1994

TO: Governmental Organization and Elections Committee

FROM: Elizabeth Ensley, Co-Chair, Elections Committee  
Kansas County Clerks Association

RE: SENATE BILL 613

The Kansas County Clerk's Association has worked very closely over the last few months with the Secretary of State's Office and other State Agencies to formulate legislation that would conform to the National Voter Registration Act. The result was SB 489 which was tabled.

The County Clerks have reservations regarding any legislation which may not fully comply with federal law. One principle concern will be to allow enough time to implement any new requirements which require preparation and budget adjustments. Secondly, if SB 613 is found to not fulfill NVRA, we would have to continue to carry out these provisions in addition to the federal law.

Should SB 613 become the policy for the State of Kansas, the County Clerks would like to make some observations and suggestions.

1. The Bill does not specify what happens to the federal ballot after it is voted. If it is to be counted at the precinct, there is the chance that someone could vote at every precinct. If the challenged ballot were sent to the Board of Canvassers the Election Official could determine ahead of the meeting whether that person voted in another precinct and the ballots could be rejected.

2. The federal ballot does mean another ballot style to be printed and distributed and creates the problem of determining how many of these special ballots to send to each precinct. Making this ballot available only at the election office would minimize this difficulty.

3. There are times when voters are challenged in error. This voter is currently allowed to vote on a paper ballot, the error is found and the Board of Canvassers counts the vote. This voter is entitled to vote on ALL of the candidates. Another way to achieve the same day voting is allow the challenged voter to vote on a regular challenged ballot and fill out a registration card but change the instructions to the Board of Canvassers.

The Canvassers would determine based on the facts of the case whether the entire ballot will be counted or whether just the votes on federal offices should be counted. This determination would be made prior to opening the ballot. All votes for federal offices would be counted unless it was determined that the elector voted more than once.

Thank you for your time and consideration.

*House Govt Org. & Elections*  
*March 9, 1994*  
*Attachment 3*

# LWVK

## LEAGUE OF WOMEN VOTERS OF KANSAS

Testimony relating to Senate Bill 613 before the House Committee  
on Governmental Organization and Elections

March 9, 1993

Chairman Smith and members of the Committee:

I'm Edward Rowe, lobby corps co-chair for the League of Women Voters of Kansas. I have been following SB 613 and related bills on the Senate side. With me today is Beverly Komarek from Great Bend. She is a past president of LWVK and has good firsthand knowledge of League's history of working for increased voter registration and participation and the campaign for "Motor Voter" legislation.

Though we speak frequently in this country of the right to vote, we still make it difficult for some of our citizens to participate and the U.S. ranks low among democracies in percentage who participate in elections. The National Voter Registration Act of 1993 was designed to lower remaining barriers to registration. NVRA targets government offices serving the handicapped and the poor, as well as driver license bureaus. As a volunteer group known for voter registration efforts, we in the League welcome the introduction of state agencies into the campaign for increased voter participation.

You have before you SB 613, and the good news is that it would probably increase voter participation by permitting election-day voting.

The bad news is that SB 613 would not permit election-day voting on state and local candidates. Many of our League members are experienced election board workers and think this rule would lead to confusion and frustration on election day.

Even worse news is that if this bill passes, Kansas will not be in compliance with the National Voter Registration Act of 1993. Under NVRA, states which allowed election-day voting were exempted from agency-based registration, but only if their election-day

*House Gov't Org & Elections  
March 9, 1994  
Attachment 4*

voting laws were in effect before March 11, 1993. To this non-lawyer, it appears that SB 613 can become legal in one of two ways, either Congress can be convinced to move its March, 1993, deadline to some date in the future or we can trust that no one in our litigious society will take us to court for passing a law with an effective date a whole year earlier than the date of its passage. Both strategies seem very risky to us.

In the meantime the clock is ticking. What if the Kansas Legislature passes SB 613 and then Congress does not modify the NVRA as requested? Or what if someone takes this into court? We think it's potentially very expensive to be in noncompliance with federal law. If the NVRA applied only to elections, Kansas would have until 1996 to straighten this out. But NVRA applies also to registration procedures and these are scheduled to start in January, 1995. Isn't it true that if we are to meet the 1995 deadline, we will have to have Kansas law in place by the end of this session?

There is a better alternative, SB 489, an elections bill already drafted by the Secretary of State's office in consultation with the Revisor of Statutes. It was written to be in full compliance with the National Voter Registration Act of 1993.

Kansas is squandering time which could be more constructively used by the Secretary of State and by county election officers to get ready for the new NVRA rules. We urge you to ask your colleagues to support SB 489 and the NVRA. Let the county elections officers and the staff of the Secretary of State get to work now, rather than later, on implementing NVRA.

Thank you for allowing me to testify.

Testimony before the  
Committee on Governmental Organization and Elections  
Kansas House of Representatives

March 9, 1994

by

Debra R. Leib  
Executive Director, Common Cause of Kansas

Mr. Chairman and members of the House Committee on Governmental Organization and Elections, my name is Debra Leib and I am executive director for Common Cause in Kansas. I want to thank you for the opportunity to testify on S.B. No. 613, which would allow unregistered voters to vote on election day for candidates for national offices.

As you may know, voter registration has long been an important state issue for Common Cause. Although we continue to support efforts to broaden citizen participation in the democratic process, we register our qualified opposition to S.B. No. 613.

Implementation of this bill would establish a bifurcated system, one for federal elections and one for state and local elections, that will prove confusing, unnecessarily costly, and potentially unconstitutional. Moreover, the intent of the bill, as expressed by its sponsors, is merely to circumvent the National Voter Registration Act.

It is unclear to us why the sponsors of S.B. No. 613 have chosen to disenfranchise citizens in state and local elections. Under this bill, unregistered individuals would be permitted to vote for candidates for national offices in an election, but prohibited from voting for candidates for state or local offices in the same election. While there is no apparent rationale for differentiating registration requirements in any election, the only reason for registration at all is to decrease the potential for electoral fraud or abuse. North Dakota, which does not require registration for any elections, has experienced no significant problems with electoral fraud or abuse. Maine, Minnesota and Wisconsin, which currently have same-day registration, also have no definitive evidence to support the fear of voter fraud.

Common Cause encourages this Committee to reject any attempt to implement discriminatory registration laws and procedures which unfairly restrict access of Kansas citizens to the state and local ballot.

*House Gov't Org + Elections  
March 9, 1994  
Attachment 5*