

Approved: January 26, 1994
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL & LEGISLATIVE
APPORTIONMENT AND GOVERNMENTAL STANDARDS

The meeting was called to order by Chairperson Barbara Lawrence at 1:30 p.m. on January 18, 1994 in Room 529-S of the Capitol.

All members were present except: Senator Phil Martin, excused

Committee staff present: Dennis Hodgins, Legislative Research Department
~~Mary Galligan, Legislative Research Department~~
~~Raney Gilliland, Legislative Research Department~~
Arden Ensley, Revisor of Statutes
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Brad Bryant, Office of the Secretary of State

Others attending: See attached list

Brad Bryant, Office of the Secretary of State, testified before the committee in support of Senate Bill 489 - relating to elections (NVRA). Mr. Bryant stated "this bill culminates ten months of study, discussion and meetings conducted in an effort to determine the meaning of the National Voter Registration Act of 1993, assess its impact on elections and voter registration in Kansas, and plan for its implementation. Discussions are not complete, and the design of the implementation plan is not finalized, but much progress has been made. Adoption of SB 489 will put our state on track to comply with the NVRA on time."

Mr. Bryant further stated that "upon first reading the NVRA, the task of complying with the Act seemed overwhelming. It appeared it might entail a virtual rewriting of Chapter 25 of the Kansas Statutes Annotated. After many discussions and many hours of analysis, the conclusion we have reached is that the task is not insurmountable. This bill is not as long or as far-reaching, and its provisions are not as disruptive, as once feared. Much of the reason is that we have in our state a good election system based on good election laws."

Mr. Bryant informed the committee that the impact of NVRA is lessened because in Kansas we already have mail registration, although more limited than that in NVRA; existing statutes on mandatory registration offices, such as city clerk offices, built upon a controlled system of deputizing by county election officers; a good system of verification of voter registration, requiring mailing of certificates of registration, similar to the NVRA's notices of disposition; good purge laws, although they'll be rewritten by SB 489; an effective system for challenging ballots, which will be expanded by SB 489; and a motor-voter statute. Because our system works, we can comply with the NVRA by amending some statutes instead of completely reworking the system.

Mr. Bryant stated that this bill has 26 sections and he would use the bill itself as the basis for discussion, taking it section by section. Mr. Bryant distributed outlines of SB 489 and the NVRA to committee members. (Attachment I).

Mr. Bryant introduced Jenny Chaulk Wentz, legal counsel for the Secretary of State's Office, and stated she has participated actively in the planning and drafting of this legislation. He will defer to her in some cases for clarification of technical and legal points.

Questions and discussion followed each section of Mr. Bryant's explanation of SB 489.

Senator Lawrence informed the committee that hearings will continue tomorrow on SB 489. Mr. Bryant will continue his summarization of each section of the bill to give the committee an opportunity to fully understand its components.

The committee adjourned at 2:30 p.m.

The next meeting is scheduled for January 19, 1994.

GUEST LIST

SENATE ELECTIONS COMMITTEE

DATE: January 18, 1991

[illegible]

Bill Graves
Secretary of State



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

STATE OF KANSAS

Senate Committee on Elections, Legislative Apportionment and Governmental Standards

Testimony on S.B. 489

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

Jenny Chaulk Wentz, Deputy Assistant Secretary of State
Legal Counsel

Madam Chair and Members of the Committee:

Thank you for the opportunity to appear before the committee to testify in support of Senate Bill 489. This bill culminates ten months of study, discussion and meetings conducted in an effort to determine the meaning of the National Voter Registration Act of 1993 (NVRA), assess its impact on elections and voter registration in Kansas, and plan for its implementation. Discussions are not complete, and the design of the implementation plan is not finalized, but much progress has been made. Adoption of SB 489 will put our state on track to comply with the NVRA on time.

I wish to make a few remarks concerning the status of the project and our approach to the formulation of legislation, then I will summarize each section of the bill to give the committee an opportunity to fully understand its components.

Preliminary work leading to this legislation was begun by the Secretary of State's office in June, 1992, in discussions with the Kansas Division of Motor Vehicles regarding implementation of the state motor-voter statute. That work intensified early in 1993 when it became clear that passage of some form of federal voter registration act was imminent due to strong support in Congress and the White House.

One group of election officials who will see many changes due to the NVRA, and who are mentioned repeatedly throughout the bill, are the county election officers. There has been an NVRA committee of county election officers for two years, and

SENATE ELECTIONS
1-18-94
ATTACHMENT 1

the Secretary of State's office has worked with that committee to study the NVRA and plan how to write its provisions into Kansas election law.

In September, 1993, Secretary of State Graves appointed an Advisory Panel to provide guidance during the planning stage. The Panel was composed of officials of various state agencies likely to be involved in implementation, elected officials, and county officials. The Panel met in September, November and December, 1993; at least one more meeting is planned.

Members of the Secretary of State's office and other state and county officials have attended two national conferences to learn about the NVRA: one hosted by the Election Center in August, 1993, and one hosted by the Federal Election Commission (FEC) in October. The FEC is the principal federal oversight agency for the NVRA.

The Secretary of State's office has met with other groups with stakes in the outcome of the project, including the Kansas Association of Counties and state and county data processing managers.

In October, 1993, at the request of the chair of this committee, the Secretary of State's office presented a one-half day overview of the NVRA and status of the implementation plan, with a two-hour question and answer period following. The input received from the committee and the other discussions mentioned earlier have brought us to the development of SB 489 and today's hearing.

Upon first reading the NVRA, the task of complying with the Act seemed overwhelming. It appeared it might entail a virtual rewriting of Chapter 25 of the Kansas Statutes Annotated. After many discussions and many hours of analysis, the conclusion we have reached is that the task is not insurmountable. This bill is not as long or as far-reaching, and its provisions are not as disruptive, as once feared. Much of the reason is that we have in our state a good election system based on good election laws.

For instance, the impact of the NVRA is lessened because in Kansas we already have:

- mail registration, although more limited than that in NVRA;
- existing statutes on mandatory registration offices, such as city clerk offices, built upon a controlled system of deputizing by county election officers;
- a good system of verification of voter registration, requiring mailing of certificates of registration, similar to the NVRA's notices of disposition;
- good purge laws, although they'll be rewritten by SB 489;
- an effective system for challenging ballots, which will be expanded by SB 489;
- a motor-voter statute.

Because our system works, we can comply with the NVRA by amending some statutes instead of completely reworking the system.

This bill has 26 sections. If it pleases the chair, we would like to use the bill itself as the basis for discussion, taking it section by section. With copies of this introduction we have distributed outlines of SB 489 and the NVRA.

Attending today's meeting with me is Jenny Chaulk Wentz, legal counsel for the Secretary of State's office. She has participated actively in the planning and drafting of this legislation. I would like to defer to her in some cases for clarification of technical and legal points.

Senate Bill 489

Outline

- Section 1 Challenged Ballots
Changes challenged ballots to provisional ballots
Certain voters must complete voter registration applications and vote provisional ballots
- Section 2 Fail-Safe Voting
Voters who move within the county and fail to re-register must complete voter registration applications and vote provisional ballots
Precinct election board workers have the duty to supply the ballots
- Section 3 Fail-Safe Voters Choose Precinct Where They Vote
They may choose either their new precinct or a central location
- Section 4 Challenged Ballots Called Provisional Ballots
- Section 5 Substitutes "Registration Application" for "Oath"
Same as Section 1 above; applies to counties using voting machines
- Section 6 Voter Registration Agencies
State must name mandatory and designated agencies
Division of Motor Vehicles included elsewhere
- Section 7 Voter Registration Application Card
Procedure for eligible persons to apply
Data elements required
Content of application as required by NVRA
Maintenance of records of declinations
Notices of disposition
Door-to-door registration
Agencies' transmittal of data to counties

- Section 8 Confirmation Mailings
New duty for county election officers required by NVRA
- Section 9 Opening/Closing of Voter Registration
- Section 10 Additional Voter Registration Hours Before Elections
Exempts NVRA agencies
- Section 11 Expenses
- Section 12 Fail-Safe Voting
Who may vote fail-safe
Limited purging
Confirmation mailings
Felony convictions
• • •
- Section 13 (new) Registration List Maintenance
National Change of Address checks
- Section 14 Motor-Voter
Amends 1992 state motor-voter statute
Voter registration application simultaneous with Division of Motor
Vehicle transactions
Information required; form of application
Transmittal of data to counties
Rules and regulations
- Section 15 (new) Illegal Compensation for Distribution of Voter
Registration Applications
Makes it a crime to receive payment for registering voters
- Section 16 Chief State Election Official
NVRA requires designation of a chief state election official
- Section 17 Voting Booth Privacy, Adequacy

- Section 18 Preservation of NVRA Records
 Agencies and counties must store records for federal reporting
 purposes
- Section 19 Challenged Ballots Called Provisional Ballots
- Section 20 Handling Provisional Ballots
- Section 21 Declaration of Party Affiliation
 Registrants must receive opportunity to affiliate when applying
- Section 22 Verifying Petition Signatures
- Section 23 (new) Rules and Regulations
- Section 24 Disqualification for Felony Conviction
- Section 25 Repeal of Statutes
- Section 26 Effective Date

National Voter Registration Act of 1993

- Section 1 Title
- Section 2 Findings and Purposes
- Section 3 Definitions
- Section 4 General Description; Certain States Exempted
- Section 5 Motor-Voter
- Section 6 Mail Registration
- Section 7 Agency-based Registration
- Section 8 Administrative Requirements
 - Receipt, Confirmation, Handling of Registration
 - Purging
 - Voting After Change of Address
 - Disqualification Form Voting
 - Postal Rates
- Section 9 Federal Regulation
 - Federal Election Commission
 - Universal Mail Voter Registration Form
- Section 10 Designation of Chief State Election Official
- Section 11 Enforcement and Private Right of Action
- Section 12 Criminal Penalties
- Section 13 Effective Date