

MINUTES OF THE HOUSE ELECTIONS AND GOVERNMENTAL ORGANIZATION COMMITTEE

The meeting was called to order by Chairman Mike Burgess at 3:30 P.M. on March 14, 2007 in Room 231-N of the Capitol.

All members were present except:

Representative Mike Peterson- excused

Committee staff present:

Martha Dorsey, Legislative Research Department

Matt Spurgin, Legislative Research Department

Mike Heim, Revisor of Statutes Office

Maureen Stinson, Committee Assistant

Conferees appearing before the committee:

Sen. Marcie Francisco

Brad Bryant

Jamie Shew

Janis McMillen

Others attending:

See attached list.

SB 283 Election boards; flexibility in the operation of

Chairman Burgess opened the hearing on **SB 283**.

Senator Marci Francisco testified in support of the bill (Attachment 1). She said she hopes this change will make it easier for our county election officers to recruit all the election board members needed for each of our elections and also allow many of our citizens who are unable to work a full 14- hour shift to have the opportunity to work at the polls.

Brad Bryant testified in support of the bill (Attachment 2). He explained that recruiting, training, and keeping good poll workers is a problem across the nation as well as in many counties in Kansas.

Jamie Shew testified in support of the bill (Attachment 3). He explained that one of the largest challenges facing many counties in Kansas is a growing shortage of election board workers.

Janis McMillen testified in support of the bill (Attachment 4). She said that it was becoming increasingly difficult to recruit persons to work more than a 12- hour day at the polls.

Written testimony in support of the bill was submitted by Linda Buttron, Jefferson County Clerk (Attachment 5).

Written testimony in support of the bill was submitted by R.J. Wilson, Crawford County Clerk (Attachment 6).

H Sub for SB 100

Representative Tom Sawyer made a motion to amend SB 100, as amended by Senate Committee, by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 100" by adding the contents of SB 101, SB 158, and SB 160. Representative Vickrey seconded the motion. The motion carried. Representative Brunk made a motion to amend with a technical change. Representative Vickrey seconded the motion. The motion carried. Representative Menghini made a motion to amend relating to a date change. Rep. Huebert seconded the motion. The motion carried. Representative Brunk made a motion for the favorable passage of the substitute bill. Representative Otto seconded the motion. The motion carried.

The meeting was adjourned.

CONTINUATION SHEET

MINUTES OF THE House Elections and Governmental Organization Committee at 3:30 P.M. on March 14, 2007 in Room 231-N of the Capitol.

The next meeting is scheduled for Thursday, March 15, 2007.

**House Elections and
Governmental Organization Committee**

Date 3 - 14 - 2007

Name	Representing
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[illegible]

STATE OF KANSAS

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER

AGRICULTURE

NATURAL RESOURCES

MEMBER

UTILITIES

ELECTIONS AND LOCAL GOVERNMENT

MEMBER, JOINT COMMITTEE

ARTS AND CULTURAL RESOURCES

LEGISLATIVE EDUCATIONAL PLANNING

Testimony In Support Of SB 283
Kansas House Elections And Governmental Organization Committee
On March 14, 2007

Mr. Chairman, Representative Burgess,
Mr. Vice-Chairman, Representative Powers
Ranking Minority Member, Representative Sawyer,
and Members of the Committee:

Thank you very much for scheduling a hearing on Senate Bill 283, and for this opportunity to testify in favor of this bill.

I introduced this legislation at the request of the League of Women Voters of Kansas and of the County Clerk of Douglas County, Jamie Shew, to allow county election officers more flexibility in allocating staffing resources at voting places. The change will require two members of the election board, including the supervising judge, to be on duty for the entire time that the polls are open but allow for split shifts for a third election board member and staffing as needed for boards that are larger than three members. The requirement to certify the election results was changed to be only those judges and clerks at the same voting place *on duty when the polls close* so that any judge or clerk who was not working at the end of the day would not be required to return to certify the results.

I have learned how our election process works and met a great many of my neighbors over the years I have been an election board member in Douglas County. I hope this change will make it easier for our county election officers to recruit all the election board members needed for each of our elections and also allow many of our citizens who are unable to work a full 14-hour shift to have the opportunity to work at the polls.

I am pleased that others are here to testify. I urge you to give favorable consideration to this bill and am available to stand for any questions you may have.

House Elections & Gov. Org.
Date: 3-14-2007
Attachment # 1

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
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Topeka, KS 66612-1594
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STATE OF KANSAS

House Committee on Elections and Governmental Organization

Testimony on Senate Bill 283

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

March 14, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 283. This bill would allow county election officers to use split shifts on election boards. We support this measure and others that may help address the chronic problem of recruiting an adequate supply of poll workers.

Recruiting, training and keeping good poll workers is a problem across the nation as well as in many counties in Kansas. We are considering other approaches, such as programs to assign county government employees to work at polls or obtaining corporate sponsorships where local businesses would contribute employees to work on election day.

The Kansas Legislature took a positive step to address this situation in 2000 when it passed the so-called teenage poll worker law which allows sixteen- and seventeen-year olds to work at the polls if they meet the other requirements of qualified electors. This program has been successful and beneficial in the areas where it has been used, and it has had no drawbacks as far as we know.

Senate Bill 283 represents another step to assist counties in recruiting poll workers. Many poll workers find it difficult to work the 14 hour day required to operate a polling place. It would be easier in many areas to recruit poll workers if they could be assigned for a shorter work shift. One very good feature of the bill is that there would be consistency in procedures throughout the voting hours because the supervising judge and at least one other poll worker would be required to be present for the entire period that the polls are open.

The duties of poll workers have become more varied and somewhat more complicated in recent years with the increase in technology at the polling place, the growth in provisional voting, and other factors. The recruitment of qualified poll workers who are comfortable with the changes in procedures and the new technology is increasingly important. Senate Bill 283 is one way to address that need.

It should be pointed out that, based on our conversations with county election officers, we do not believe all election officers will immediately adopt split poll worker shifts if Senate Bill 283 becomes law. Some are anticipating that they will need a greater total number of poll workers and increased resources committed to training them. Senate Bill 283 provides the option at the county level if they choose to use it.

The Senate amended the bill on page 2, lines 21-22 to clarify that only those poll workers on duty when the polls close are required to certify the election results. We support this amendment.

Thank you for your consideration.

House Elections & Gov. Org.
Date: 3-14-2007
Attachment # 2

House Committee on Elections and Governmental Organization

Testimony on SB 283

March 14, 2007

Jamie Shew, Douglas County Clerk

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of the proposed changes found in SB 283.

One of the largest challenges facing many counties in Kansas is a growing shortage of election board workers. Factors complicating my ability to recruit and retain board workers include: increased polling place responsibilities, the introduction of new voting technologies, the maturation of our current pool of dedicated election board workers and a changing civic demographic. The key to a successful Election Day is in having the polls staffed by well-trained, experienced election board workers. During the 2006 General election, Douglas County used almost 300 election board workers. In the seventy-two hours prior to the General Election, we had over 30 election board workers drop out for a variety of reasons. This represented almost 10% of the election work force. After depleting our pool of substitutions, I resorted to staffing the polls with individuals hired through a temporary labor agency. While this situation was not ideal, it was necessary to adequately staff the polls.

In Douglas County, we have implemented programs to help recruit poll workers; including allowing county employees to work the polls without taking a vacation day, recruiting from local universities and outreach to civic organizations. We have also increased the compensation in an effort to recruit more workers. One of the common barriers to working the polls for citizens and students is the ability to work the full 14 hour day. Having the flexibility to use some citizens on a part-time basis could increase my ability to staff the polling place. In addition, this bill would allow counties to use supplemental staffing during heavier voting times on Election Day. An additional poll worker could be used during the morning and evening times to provide extra coverage while using our resources efficiently.

Security and continuity are also extremely important in polling place operations. Having two board workers, including the supervising judge, that are required to be present for the full-day addresses my concerns about security.

Election board workers are the unsung heroes and heroines of Election Day. Their efforts are essential to the democratic process. This bill provides me an additional tool to address the current challenges in staffing these boards. Your support for this bill is strongly encouraged.

Thank you for your time, and I am available to stand for any questions.

House Elections & Gov. Org.
Date: 3-14-2007
Attachment # 3



LEAGUE OF WOMEN VOTERS® OF KANSAS

March 14, 2007

President
Janis McMillen
Overland Park

Honorable Mike Burgess, Chair
Elections and Governmental Organization
The Kansas House of Representatives

1st Vice President
Sharon Aillsieger
Wichita

Chairman Burgess and members of the Committee:

2nd Vice President
Cathy Hoy
Emporia

I am pleased to speak on behalf of the League of Women Voters of Kansas in support of SB 283. Our interest in this legislation stems from a study on Election Administration conducted by the League in 2001-2002. During that time, we sent an approximate 60 question survey to all 105 election officers in Kansas. The topic areas assessed included: Voter Access, Disabled Voter Issues, Community Issues, Voting Procedures, Poll Workers, and Voter Education. An impressive 101 election officers returned the completed survey to us.

Secretary
Carol Snyder
Overland Park

After analyzing the data, we determined that: 1) election administration in this state generally works well, and 2) three counties had resorted to split shifts for poll workers, that is, permitting them to work partial days. It was our understanding that the use of split shifts was not consistent with existing statutes, and in our follow-up discussions with Secretary Thornburgh, he indicated that allowing poll workers to work "split shifts" was not a practice that was encouraged, for a variety of reasons.

Treasurer
Leonore Rowe
Overland Park

Directors

Gwen Elliott
Topeka

Ellen Estes
Wichita

In talking with election officers from around the state, we confirmed that it was becoming increasingly difficult to recruit persons to work more than a 12-hour day at the polls. Several things are changing about elections: 1) increasing numbers of women are employed and thus unavailable to work at the polls, 2) the retirees who volunteer are older now, 3) businesses have not been enthusiastic about offering employees time-off to work and the polls, and 4) the 12-14 hour days of monitoring increasingly complex processes (technology changes, more provisional ballots, etc) are stressful.

Linda Johnson
Manhattan

Bob Kruh
Manhattan

One of the recommendations that emerged from our study was to provide county election officers the option of offering a more flexible workday for poll workers, while requiring that the supervising judge be present the entire day. For these reasons, we are advocating the changes reflected in this bill as a way of acknowledging the need to encourage citizens to volunteer to work on elections, and to meet the ever increasing demands on election workers and election officers. Now seems to be the right time to consider changes regarding the election workforce, and Secretary Thornburgh is in agreement.

Janice Norlin
Salina

Attached to my testimony is the League's entire position on Election Administration that was developed following our study.

Nona Ponder
Wichita

I urge you to give favorable consideration to this bill.

Webmaster
Carol Yoho
Topeka

Janis McMillen

House Elections & Gov. Org.
Date: 3-14-2007
Attachment # 4

Election Administration

BACKGROUND: An evaluation of the Election Administration process in Kansas was adopted as a state study in April, 2001. A survey questionnaire, developed and used by the League of Women Voters U.S. following Election 2000, was distributed to the local election official in every Kansas County. Responses were received from 101 of 105 counties. The information provided the basis for consensus and developing a position statement. Implementation of the proposed changes in administration of statewide elections will require legislative action. The goal is to improve the voting process and enhance the voters' confidence in the process. This statement of position was adopted in 2003.

STATEMENT OF POSITION: The League of Women Voters of Kansas supports:

1. A statewide standard for training poll workers and supervisory judges who administer elections as well as a mandatory training requirement for all first time poll workers and all supervisory judges.
2. Provision of training materials, mandatory training sessions for new poll workers, and abbreviated refresher training sessions for experienced workers in each county.
3. Base compensation set by each county for poll workers and additional compensation for supervisory judges, to reflect increased training and increased responsibilities.
4. Requiring supervisory judges to work the full day, with the option of a split shift for other poll workers.
5. Inclusion in the training materials and sessions of sufficient information on the use of provisional ballots in order to ensure poll workers are able to explain their use to voters.
6. A statewide effort conducted by the Secretary of State to educate voters on the use of the provisional ballot. The Secretary should make known the criteria for discarding a provisional ballot and release statistics for each county and for the state on the numbers of provisional ballots issued, the numbers discarded and the reason for discarding. The goal is to make the use of the provisional ballot in Kansas a fail-safe method of voting.
7. Reminding all voters, in advance of elections, of the criteria for discarding a provisional ballot, and posting these criteria at each polling place.

Jefferson County, Kansas

Linda M. Buttron, COUNTY CLERK

P.O. Box 321 • Oskaloosa, Kansas 66066

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COUNTY OFFICES

Commissioners
863-2272

Clerk
863-2272

Attorney
863-2251

Sheriff
863-2766

Register of Deeds
863-2243

Treasurer
863-2691

Clerk of the
District Court
863-2461

Road & Bridge
863-2211

Assessor
863-2080

Auxiliary Services
863-2581

Emergency
Services
863-2278

Extension
863-2212

Planning & Zoning
863-2241

Health
Department
863-2447

GIS/IT
863-2173

911 Dispatch
863-2247

Written testimony in support of Senate Bill 283
Provided by Linda M. Buttron, Jefferson County Clerk

Mr. Chairman Burgess and Honorable members of the House Elections
and Local Government Committee

Thank you for the opportunity to submit testimony in support of House
Bill 283.

13 hours, that is the average time a poll worker spends at the polling place
on election day. While that may be a standard working day for many
executives, it is a long working day for board workers. The average age of
my board workers in Jefferson County is 65. For the most part they are
past the point in their lives when a 13-hour workday is the standard. They
are a dedicated wonderful group of people that serve twice a year most
years, but as they age they wonder how long they can do this who will
take their place.

I wonder about the same issue. Currently the law does not allow me to
split a shift between workers. This severely limits the pool of workers that
I can draw from. Parents have to get their kids to and from day care and to
and from after school activities. They would be willing to serve if they
could split the day with another board worker who might not have kids to
shuttle after school. Recent legislation allows me to use student board
workers. I have had a difficult time recruiting students as well. They are
not able to commit to a 13-hour day. They have sports practice and other
commitments that do not allow them to work such a long day. I would
have much better success with students if I could offer them a split shift.

I also consider the work product that board workers produce at the end of
a 13-hour day. With the new requirements put on board workers to meet
federal legislation, election board workers are dealing with new
technology and new procedures as well as the voters. It isn't just a matter

House Elections & Gov. Org.

Date: 3-14-2007

Attachment # 5

of greeting the voter as they come into the polling place and handing them a ballot. A board worker must determine if the voter is properly registered and process them correctly if they are not, determine which type of ballot the voter wants to cast, (electronic or paper) and provide assistance to the voter in using the new technology to cast their vote. It is difficult for anyone to be 100% accurate at the end of a long workday. I think allowing the option for split shifts will create a better work product.

I would appreciate your support of this bill to give County election officers the option of splitting shifts for board workers.

Thank you for your consideration of my testimony.

Sincerely,

A handwritten signature in dark ink, appearing to read "Linda M. Buttron", written over a horizontal line.

Linda M. Buttron
Jefferson County Clerk

Crawford County Clerk
R. J. Wilson



Written testimony in support of Senate Bill 283
Provided by R.J. Wilson, Crawford County Clerk

Mr. Chairman Burgess and Honorable members of the House Elections and Governmental Organization Committee:

Thank you for this opportunity to submit testimony today in support of Senate Bill 283.

As the administration of elections becomes more scrutinized through the final implementation of the Help America Vote Act it becomes more and more important for local election officials to have additional tools at their disposal to assure that every vote is counted and every voice is heard.

I am conferring with you by written testimony today to ask for your favorable consideration of allowing the Secretary of State's Office to promulgate rules and regulations pertaining specifically to poll workers and the hours they are permitted to work at the polls. Commonly, we would refer to this provision as "split shifts" for poll workers on Election Day.

Our poll worker force has diminished significantly since I took office in 2005. Any number of reasons can take the blame for this reduction including the collective age of the workforce prior to the implementation of the Help America Vote Act. Monthly, one of our poll workers in Crawford County will die or move away from the county for various reasons. HAVA implementation has caused some of our poll workers to feel too overwhelmed by the technology before they even touched or saw one of the new devices. Another byproduct of HAVA has been the reduction of polling places and some poll workers have decided that they don't want to make the move to a new location with new people. Others simply refuse to endure the hours of training I require for all poll workers. In each example poll workers are lost and their replacement is not easily found.

Today I am asking for your favorable consideration of the idea of split shifts for poll workers. For people with children, grandchildren or a dependent spouse who require care at certain

Testimony in support of SB 283

Page 1 of 2

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countyclerk@ckt.net ~ phone: 620-724-6115

House Elections & Gov. Org.

Date: 3-14-2007

Attachment # 6

Crawford County Clerk
R.J. Wilson

times of the day; For people who have medical issues that will only allow them to be seated or in one place for a set period of time; or for people who lead busy lives or run businesses, fulfilling civic duty as a poll worker is impossible for a committed 12-14 hour day.

Your favorable consideration of this Act will allow the Secretary of State to promulgate rules and regulations so a poll worker may work a split shift. Split shifts will allow one person per polling place the opportunity to split the day providing time for the necessities mentioned in the previous paragraph. In our consolidated polling places we will be able to use college students, stay at home moms and dads, corporation employees and many others who have commitments which fall within the 12-14 hour period.

During your consideration I would recommend one amendment prior to the passage of this measure. That amendment would involve the tightening of the phrase "...*may allocate staffing resources, as needed at the voting place...*" I believe it to be important to make certain that this act apply only to rule and regulation power for the provision of split shifts of election workers in the polling place. Without tightening the language specifically to the issue of split shifts I believe the Secretary of State, both currently and in the future, may have latitude over local control of polling places by the County Election Officer. I am sure the committee can provide guidance to the Revisor of Statutes in this regard to prevent the language from applying to all facets of KSA 25-2810. With such an amendment I am fully in favor of this legislation.

Thank you for your potentially favorable consideration of SB 283 and thank you again for the opportunity to confer in writing today.

Best wishes and I hope to see you all soon:



R.J. Wilson
Crawford County Clerk