

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Schwab at 9:00 a.m., on January 31, 2011 in Room 546-S of the Capitol.

All members were present .

Committee staff present:

Doug Taylor, Office of Revisor of Statutes
Katherine McBride, Office of Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department
Diane Brian, Committee Assistant

Conferees appearing before the Committee:

Stacia Long, Seward County Clerk
Tabitha Lehman, Administrative Officer, Sedgwick County Election Office
Mike Burgess, Representative of the 51st District
Brian D. Newby, Elections Commissioner, Johnson County
Bruce L. Newby, Elections Commissioner, Wyandotte County
W. Paul Degener, concerned citizen
Kathy Perry, Provisional Ballot Judge
Kris Kobach, Secretary of State

The Chairman opened the Hearing on **HB 2067 – Voter photographic identification requirement.**

Stacia Long spoke in support of **HB 2067, (Attachment 1).**

Tabitha Lehman spoke in favor of **HB 2067, (Attachment 2).**

Katherine McBride, Office of the Revisor of Statutes, provided a brief overview on **HB 2067.**

Representative Mike Burgess appeared in support of **HB 2067, (Attachment 3).**

Brian D. Newby offered testimony in support of **HB 2067, (Attachment 4).**

Bruce L. Newby spoke in favor of **HB 2067, (Attachment 5).**

W. Paul Degener spoke in support of **HB 2067, (Attachment 6).**

Kathy Perry testified in support of **HB 2067, (Attachment 7).**

Secretary Kobach presented testimony in support of **HB 2067, (Attachment 8),** and answered questions from the committee members.

Written testimony in support of **HB 2067** was submitted by:

Derek Schmidt, Attorney General, **(Attachment 9)**

Sharon Seibel, Ford County Clerk, **(Attachment 10)**

Richard D. Fry, General Council, November Patriots Coalition, **(Attachment 11).**

Hearing on **HB 2067** was suspended.

Chairman Schwab announced that the committee would continue the hearing on **HB 2067** at the next scheduled meeting.

The next meeting is scheduled for February 2, 2011

The meeting was adjourned at 10:50 a.m.

HOUSE ELECTIONS COMMITTEE

9:00 AM,

Room 546-S, Capitol Building

GUEST LIST

DATE: 1/31, 2011

NAME	REPRESENTING
BRIAN NEWBY	TO CO ELECTION OFFICE
Kathy Perry	
Robert Hume	Sdg County Election Office
Paul Dejenar	Concerned Citizen
Renee Slinkard	
Crystal Clemens	Seward County
Stacia D. Long	
BRUCE NEWBY	WYANDOTTE CO. ELECTION OFFICE
Brad Bryant	Sec of State
Franklin Lee Willes	SELF
Karen Spier	KISOA
DEEKE HEW	HEW LAW FIRM
Jack & Cindy Soosman	Topeka
Kari Presley	Kearney & Associates
Kathleen Humming	Topeka
John D. Hanna	Associated Press
Linda McGinnis	HB2067 Supporter
Steve McGinnis	HB2067 Supporter

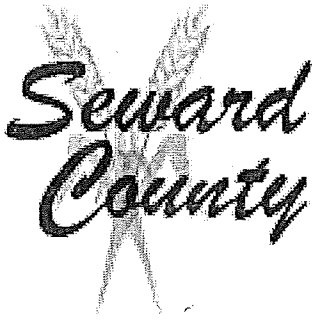
HOUSE ELECTIONS COMMITTEE
9:00 AM,
Room 546-S, Capitol Building

GUEST LIST

DATE: ^{1/31}, 2011

NAME	REPRESENTING
Kern Jyues	HB 2067 Supporter
Ron BRUSH	HB 2067 SUPPORTER
Edward Larson	KS Catholic Conference

Sue Anderson	
Amber Verslin	KS NOW



SEWARD COUNTY
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(620)626-3355
www.sewardcountyks.org

January 31, 2011

House Committee on Elections
Honorable Scott Schwab and Committee Members:

Thank you for providing an opportunity to have input into these hearings about the proposed SAFE bill.

Seward County is a community rich in diversity. In 2004 our County became a bi-lingual county due to more than five percent of our population's primary language being other than English. The challenges faced by our County were not easy at first, but were embraced by not only our office, but by the constituents of Seward County. Imagine seeing an elderly Hispanic woman vote for the first time unassisted because she could read and understand the ballot. We were fortunate to be part of such an extraordinary moment.

It is never the intention to complicate the election process, but to ensure integrity and security. The requirement of voter ID by all voters every time provides election officials with a tool to ensure election integrity. Over the years, we have polled the constituents of Seward County regarding voter ID. Our voters are very much in favor of this requirement. We are often scrutinized for not asking all voters for ID. When you use a credit card you are asked for ID to protect your money, why would you not want a board worker to ask for id to protect your vote?

Why are we in favor of proof of citizenship? Years ago a hot issue in Seward County was hog farms. Employees of the hog farm were transported to our office by their employer to register to vote, some of these employees felt they were pressured to register even though they may not be legal. The issue was so heated that many questioned how we knew each registrant was a citizen. Our answer? Because they signed the voter registration application stating they were a citizen of the United States.

Do you ask a voter to prove citizenship or show ID because their last name is Alvarez or Sanchez? Do you ask for a voter to prove citizenship or show ID because they have dark skin, hair, and eyes? No, it's racial profiling. To ask all voters for proof of citizenship and ID ensures equal treatment to all.

We encourage you to support HB 20671, and we thank you for allowing us to share our thoughts and experiences.

Sincerely,

Stacia D. Long
Seward County Clerk

Crystal Clemens
Deputy County Clerk

HOUSE ELECTIONS
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ATTACHMENT: 1

Testimony submitted to the Kansas House Election Committee
by Tabitha Lehman, Administrative Officer, Sedgwick County Election Office
January 31st, 2011

Thank you for the opportunity to speak with you today in support of HB2067. Being an Election Official provides a unique perspective to this legislation. I have seen many things that lead me to the conclusion that stricter election laws are long overdue. I am sure that you will hear testimony from people on both sides of this debate and will surely hear from multiple people explaining why we need these changes to provide more secure elections. I most certainly agree that we need to increase the security of our elections but thought it might be useful to explain how these changes will improve the processes and accuracy of elections. After all, we are all here to serve the citizens of the great state of Kansas

Let me start by saying that I believe we have very excellent election officials in the state of Kansas. However, we are human and we do make mistakes. Some of this legislation would make it easier for those mistakes to be caught...for example, requiring an id number be on each Advance ballot application would increase the number of records that we have identification numbers for on file. This would be a tremendous help in checking for duplicates not only in our own county, but across the state, helping us provide more accurate voter registration lists.

The citizenship verification becomes vitally important when you realize that we currently have no way to verify if someone is a citizen. When we verify someone's identity using Agency Central, we can prove that the identification number provided to us belongs to that individual but nothing alerts us if the person is not a citizen. In 2009 we had a lady in Sedgwick County who registered and voted in the City Primary Election. It was not until some time later that it was brought to our attention by the SOS that she was not a citizen. We must have a way to verify citizenship and I believe this legislation will be the foundation for building a system that will be beneficial not only to Election Officials but to the voters of the state of Kansas.

Requiring government issued photo id would not only add much needed security to the election, but would speed up the check in process for the voter. How many times have you had to repeat your name, maybe even spell it for a poll worker? As technology progresses, it is imperative that we progress with the times. In Sedgwick County, we have purchased equipment that will allow us to scan the barcode on the back of a driver's license and check the person in. This will be an incredible tool for increasing efficiency and accuracy in the check in procedure.

I have read through this legislation and have looked at our procedures in our office and believe that these changes will be implemented with minimal impact. With just a few enhancements to our voter registration database we will be able run at full efficiency.

Thank you for your time and I look forward to the passage of HB2067.

Kansas House of Representatives



Representative Mike Burgess 51st District

State Capitol, Room 151-S
Topeka, KS 66612

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Mike.Burgess@house.ks.gov

Testimony in Support of HB2067

Chairman Schwab and members of the House Elections Committee:

The citizens of Kansas have a justified expectation for a secure and accessible election process. Over the last few years, we have taken several steps to make our process more accessible including passing a Satellite Advance Voting Bill and a bill to allow special polling places at nursing homes. It is now time to take steps to make our elections more secure.

I have spent quite a bit of time working on election issues as have a number of people here in this room. The concept of requiring voters to show a photo ID is not a new one, so we have the benefit of learning from the other states and improving upon their experience.

There are others here today to testify about why this bill is necessary as well as many of the technical aspects of the bill. I would like to take a slightly different approach and offer some of my personal observations. For the last few elections, I've worked as a supervising judge for a precinct here in Shawnee County. I never cease to be amazed at the experience being on the front lines like this has to offer.

This year a significant number of people would walk up to the table to check in and ask what they had to show to vote. We would have them state their name and address per existing statute. We would verify their name and address in the poll book and if they were not a first-time voter, we would inform them that they did not need to show any ID. They would then hand us their Drivers License and say they believe everyone should have to show an ID to vote.

I also helped check people in during the 2008 Kansas Presidential Caucus here in Topeka. Everyone had to show a photo ID to vote. It was my experience that this made the process much faster.

Thank you for this opportunity to appear before you today in support of this bill. I urge you to pass HB2067 and recommend it favorable for passage. I would be happy to stand for questions at the appropriate time.

Johnson County Election Office



Brian D. Newby
Election Commissioner

TESTIMONY BEFORE THE HOUSE ELECTIONS COMMITTEE REGARDING HB2067

Monday, January 31, 2011

Members of the Committee:

I have reviewed House Bill 2067 and discussed many of the implementation aspects with the Secretary of State and his staff, as well as staff members at our office.

My primary question during my review of the bill and during these discussions, as an election administrator, was, simply, can we successfully implement the provisions in the bill?

I believe we can.

When I came to the Election Office more than six years ago, I quickly realized that election employees—locally and nationwide—are skilled at process, skilled at implementing, and skilled at execution. In fact, in my opinion, the ability to execute a plan is the competency most coveted by businesses, and that competency is very strong with election professionals.

Of course, our office and our elections are run by human beings, so I think it's unreasonable to expect complete perfection in implementing this bill in 2012, but I have tremendous confidence in our staff to develop procedures and training, and in our election workers to follow that training to execute the new procedures.

One reason for my belief in our election workers is their track record, and another comes from feedback I receive directly from them regarding voter identification.

When it comes to the value of voter identification at the polls, personally, I don't believe my opinion matters. Those of us working elections—in the office, on the phone, and at the polls—have heard enough from voters over the last three years in particular to know that many of our voters want to show identification at the polls. I believe overall voter confidence in the election process will increase if persons are required to show ID when voting.

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I know I'm providing anecdotal testimony with that statement; I haven't been keeping an "ID request file" over the last few years, but I do have a small number of comment cards from voters in this past election cycle regarding ID. We've had many more voters who have called and emailed with similar opinions. In fact, our first voter during advance voting in Shawnee in the August 2010 election demanded that we stop and look at her identification because it made her feel better.

Further, I think bill represents an evolutionary step. It's important to note, though, that to some degree we have already had a de facto voter ID provision in place for persons who vote by mail already because we verify signatures on advance applications and on returned ballots. In 2008's presidential election, for instance, more than 50,000 voters had their signatures checked as valid and their ballots processed.

This bill requires that advance applications include an identification number and that is really the only additional step in the process of provisioning advance ballots. I don't expect our workload to increase significantly because of this extra step.

We also see a good number of registrations coming through the Driver's License Bureau now, but we have reviewed the citizenship verification portion of the bill for processing registrations in our office. We will have more paper to handle for registrations, but I'm not sure we will see any dramatic increase in registration work cycles. Registration workload increase is possible, but we regularly send back registrations today because voters did not circle the ovals that say they are citizens today, and with publicity and education efforts getting the word out statewide about the registration change, perhaps we might even see a decrease in the frequency of sending back incomplete registration forms.

We have been working hard to reduce the number of provisional ballots that could be avoided—mostly if someone goes to the wrong polling place. I expect that we will see the number of provisionals increase from 2008, but probably no worse than they were at 2004 levels, which was the first election after the Help America Vote Act was implemented and first-time voters were required to provide ID.

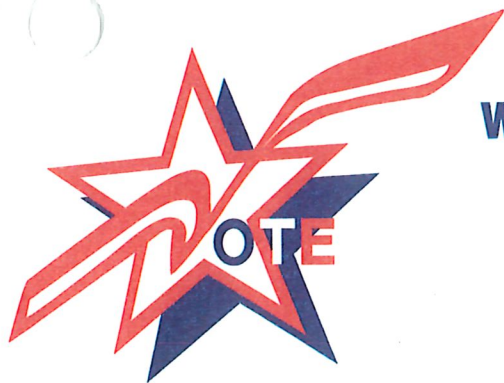
But the good thing there is we have those learnings that have been operationalized and many of the processes that will be utilized with this bill will be extensions of how we handle first-time voters today.

I fully appreciate the discernment this committee will undergo to consider the thoughtful testimony presented by all stakeholders. But ultimately, in looking to advance this bill, the biggest and final question has to be, "Can we actually do this?"

Again, I think the answer is yes. If I thought the new processes would lead to us crashing and burning, I would tell you. I think there could be some unanticipated potholes in 2012 despite our best efforts to plan for them, but believe we will be successful in 2012 and have the new processes down to repeatable routines by 2014.

Therefore, as the administrator who will implement these changes in the largest election office in the state, I stand ready to do so should this bill become law as proposed.

Thank you for your time and consideration of these comments.



WYANDOTTE COUNTY ELECTION OFFICE

Bruce L. Newby, Election Commissioner
Frances D. Sheppard, Assistant Election Commissioner

HOUSE STANDING COMMITTEE ON ELECTIONS

Testimony on House Bill 2067

Monday, January 31, 2011

Thank you for the opportunity to speak briefly in support of House Bill No. 2067.

As the Wyandotte County Election Commissioner, I want and need for the rules governing voting to be as clear and unambiguous as possible to ensure fair and honest elections. Voting is a fundamental right and privilege of citizenship that is essential to preserving our bold claim to self-government.

Most significantly, this bill is about voter ID. Voter ID is already required of first-time voters. Many regular voters voluntarily offer their ID when coming to vote and are universally surprised when we tell them that ID is not required. Voter ID for all voters ensures that the person voting is the same citizen who registered to vote. It prevents impersonation of another person, living or dead. It allows us to more quickly identify the registered voter in the poll book because we have instant access to a voter's full name and address as well as the correct spelling of the name and address.

Requiring voter ID of those voters who choose to vote by advance ballot greatly increases the likelihood that a ballot will be sent to only those voters who actually request a ballot. During every national/state election, we continue to have instances where applications are submitted on behalf of voters who tell us that they did not request or want an advance ballot. As a matter of ballot security, I have been amazed at the frequency with which voters will offer personal information on an application to a complete stranger going door-to-door. I would hope that a voter ID requirement would significantly reduce or eliminate any temptation to commit identity theft or to use personal voter information improperly.

The bill requires us to verify the voter signatures on applications. We already verify signatures on both advance ballot applications and on the advance ballot envelopes when voted ballots are returned. This signature verification step has allowed us to eliminate instances where ballots were requested or returned and had not been signed by the voter but by someone else. Requiring voter ID with an application and the voted advance ballot furthers the goal of ensuring that the named voter actually cast their own ballot.

We welcome the requirement that a voter designate in writing the person to whom they have given permission to bring a ballot to the Election Office. Our current procedure to receive ballots requires that we log in every ballot, along with the name of the person turning in the ballot(s). But we continue to have voter complaints where voters claim they gave their ballot to some unknown person and the ballot never made it to the Election Office. Where we have substantive information, we ask the county sheriff to investigate.

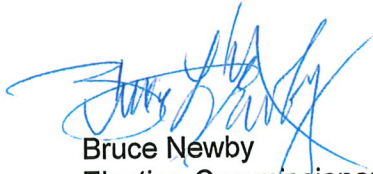
Testimony on House Bill No. 2067
Monday, January 31, 2011

The sections that raise the criminal penalties from a misdemeanor to a felony are also a welcome change. The punitive consequence of voting without being registered has been limited to not counting the voted ballot. While these ballots are challenged and not counted the numbers of illegal votes are excessive. In 2006, 181 persons voted provisional ballots and were not registered. In 2008, this number dramatically surged to 470. In 2010, the number of persons voting who were not registered was 155. Despite the fact that the ballots were not counted, the boast is still made that persons who are not registered voters got to vote. So long as election crimes are treated as misdemeanors that result in no punitive actions, voters will perceive that voting is not "fair and honest."

The section that gives election officers the responsibility to verify citizenship is not overly burdensome. It helps us to ensure that the persons we register to vote are, in fact, legally qualified to vote. While some training of staff will be necessary to be able to recognize valid and counterfeit forms of ID and citizenship, this will be a better method of securing the integrity of elections than what we are currently able to do. Voter Registration agencies such as libraries and school districts will have to be diligent about collecting the copies of proof of identity and citizenship documents that we need to verify voter registration applications. But if this becomes the rule we follow, we can all adapt to meeting the requirements.

Section 12 exempts certain categories, especially those who serve us in our military services. A category of voter also covered by the federal law protecting the voting rights of those serving overseas is the overseas civilian and their immediate families. I would recommend that the bill be amended to include these overseas civilians.

I support Senate Bill No. 2067 and stand for questions.



Bruce Newby
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January 27, 2011

SUBJECT: HB 2067, Voter Photographic Identification Requirements

Good Morning Mr. Chairman and members of the committee.

My name is Paul Degener, I am here today as a concerned citizen in support of HB 2067.

In the past I have testified in opposition to providing driver's licenses to illegal aliens and in opposition to in-state tuition for illegal aliens.

This is not a matter of race, it is a matter of foreign born persons invading our country uninvited and illegally, it makes no difference the color of their skin, their native tongue or their country of origin.

They have come to this country illegally, they have broken our laws, they have brought with them diseases and violent vicious gangs, not to mention the deaths they have caused to U.S. Citizens.

Voting in our elections is not a right, it is a duty of every U.S. Citizen, not to be taken lightly, and it is our duty to do everything we can to insure that our ballot boxes are secure from fraudulent acts. We have been hearing for decades of dead people voting in Chicago and more recently the reported vote fraud in Arizona. Who is to say that the same things cannot happen in Kansas? Opponents to this of this legislation will tell you that we have no proof that there is voter fraud in Kansas. I say to them, you have no proof that there isn't voter fraud in Kansas. We have all heard the phrase, "It is like closing the barn door after the horses are out". Let's not wait until the horses are out, let's close the barn door now.

In April and May of 2006, there were rallies held for illegal aliens on the south steps of this very building. I hope to show you that a large number of illegal aliens and their allies have no allegiance to this country. I attended those rallies as a spectator only. During the April 6th rally, they had several international flags on very nice flagstaffs along with many Mexican Flags. Amongst the international flags were flags from the Communist Countries of China, Viet Nam, North Korea, and Cuba and most

interestingly the Hammer and Sickle Flag from the former USSR. There was one particularly interesting U.S. Flag, carried not on a nice flagstaff, but by the corners upside down by two individuals.

The other rally was held on May 1st, May Day, a Communist Holiday. As the rally was breaking up, remember these again are illegal aliens, the master of ceremonies commented over the loud speakers, "Don't forget to register to vote and don't forget to vote". Now I would like someone to convince me that there are not attempts to get illegal aliens to vote.

I have enclosed a copy of a current voter registration form to my testimony. I would like to point out two things that grabbed my attention.

1. All it takes to register to vote is a sworn statement that you are a U.S. Citizen, no documentation to support that statement. If a person is willing to sneak across the border illegally, what would be the fear of making a false statement on a voter registration form? Additionally, they don't even have to have an interpreter; the forms printed in Spanish can be picked up by the carload at the election office. And some of these foreigners complain about being offended. I am offended.
2. Go down the right side of the form to the Driver's License Block. There you find an asterisk with the comment "Follow the Instructions". The companion asterisk is in the upper right hand corner where you find the instructions.
 - a. Enter your Kansas Driver's License Number or your Kansas Identification Card Number.
 - b. If you don't have either one of those numbers, enter the last four of your Social Security Number.
 - c. If you don't have any of those numbers, just write NONE in the box.

Now, that just makes me feel warm and fuzzy all over, knowing that our voter registration form lacks any kind of controls or means of identifying a registrant other than a name that may or may not be valid.

I have no problem with showing my ID when I vote. Is it really that big of a problem? Many times while cashing a check at a business, you have to show your Photo ID. How many of us pull out our Dillon's Plus card, or our Lowe's, Home Depot, Best Buy or Dick's Sports card in order to receive a small bonus, that is if you go to the trouble of logging in to the respective web site and dream up yet another password?

Let's run a tight ship for Kansas and for the United States.

I only have one problem with this legislation.

Page 22:

Line 21 (i) The following persons are exempt from the photographic identification document requirements of this section:

Lines 34 and 35: (5) any voter whose religious beliefs prohibit photographic identification.

If they are foreigners and they came to this country, then they need to learn to assimilate. If they are offended, sorry about that. We need to know who is in this country and for what purpose. If they come in legally and they want to assimilate, that includes obeying our laws, then they are welcome.

Paul Degener

Voter Registration Instructions

You can use this application to:

- register to vote in Kansas, change your name or your address on your registration, affiliate with a political party, or change your party affiliation.

To register to vote you must:

- be a U. S. citizen and a resident of the State of Kansas.
- have reached the age of 18 years before the next election.
- have received final discharge from imprisonment, parole, or conditional release if convicted of a felony.
- have abandoned your former residence and/or name.

How to register to vote

- Return your completed application to your county. Addresses are on the back of this application. Your county election officer will mail you a notice when your application has been processed.
- Postmark this application by the 15th day before an election in order to be eligible to vote in that election.
- If you decline to register to vote, that fact will remain confidential and will be used for voter registration purposes only. If you do register to vote, the office where you apply will be kept confidential and will be used for voter registration purposes only.
- If this form is incomplete, it may be rejected.

* Identification number requirements

Enter your current Kansas driver's license number or nondriver's identification card number. If you do not have either one, enter the last four digits of your social security number. If you do not have any of these numbers, write "none" in the box. The number will be used for administrative purposes only and will not be disclosed to the public. (K.S.A. 25-2309)

Notice to first-time voters

If you will be voting for the first time in this county, and do not provide an identification number as requested above, you must complete one of the following options.

- a) Send a copy of a current, valid photo ID along with your application, or
- b) Send a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows your name and address.

If these requirements are not met or, if the information you provide is not verified, you must provide identification the first time you vote in the county.

For further information contact the Office of the Secretary of State, 1-800-262-VOTE (8683) V/TTY. This form is available at www.kssos.org.

Print in blue or black ink, fold on center line, seal and return.

Kansas Voter Registration Application

Qualifications: If you mark "NO" in response to either question 1 or 2, do not complete this form.

1. Are you a citizen of the United States of America? YES ☐ NO ☐
2. Will you be 18 years of age on or before Election Day? YES ☐ NO ☐

Last Name (Please print)		First Name		Middle	Jr. Sr. II III IV
Residence address (include apt. or space number)		City	County	Zip	Section/Township/Range (if rural route)
Mailing address (if different than residence address)		City	Zip	Date Residence established / / Month Day Year	<input type="radio"/> Male <input type="radio"/> Female
Date of Birth / / Month Day Year	Daytime phone number (if available)	Naturalization number (if applicable)		* Driver's license number (see instructions)	

Party Affiliation Choose one of the following: ☐ Democratic ☐ Republican ☐ Libertarian ☐ Reform ☐ Not affiliated with a party

Complete if previously registered Please print

Previous name	Previous address	City	State	Zip	County
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Signature I swear or affirm that I am a citizen of the United States and a Kansas resident, that I will be 18 years old before the next election, that if convicted of a felony, I have had my civil rights restored, that I have abandoned my former residence and/or other name, and that I have told the truth on this application.

Sign here _____ **Date today** _____

Warning: If you submit a false voter registration application, you may be convicted and sentenced to up to 17 months in prison.

FOR OFFICE USE ONLY:	Ward _____	Pct _____	School Dist _____	Member Dist _____
	Sen _____	Rep _____	CoComm _____	

HOUSE STANDING COMMITTEE ON ELECTIONS
Testimony of Provisional Ballot Judge KATHY PERRY, January 31, 2011
RE: Secure and Fair Elections (SAFE) Act / HB 2067

Mr. Chairman and Members of the Committee:

Thank you for allowing me the time to come before you today and share some of the activities that I witnessed as a provisional ballot judge for the Nov 4, 2008 presidential election. In my remarks I will refer to "we" – meaning myself and the supervising judge, Deanne Dickerson, with whom I worked that day. Deanne is available to verify these events that I am sharing with you today. She also signed my original typed notes as a witness.

As provisional ballot judges we encountered many voters that were not registered in the state of Kansas. Our job was to assist these voters in finding their polling districts or with any other voter problems. We were told to let anyone vote and to not ask ID from anyone unless they were first time voters. We were instructed to allow everyone to vote, even people without any ID. Only first time voters' identification was checked. Providing the proper identification would have helped the poll workers determine the proper ballot/district for these voters in a timely manner; without the identification we had to refer to a map to try to determine where the voters lived. All voters who could not determine where they lived from the maps were given a provisional ballot – which allowed them to cast a vote for the presidential and federal level contests.

The following are examples of incidents that we encountered that day:

- A lady with a thick foreign accent told us that she lived in Tulsa, OK, and Wichita, KS and asked to vote. She voted provisionally in district 0527, at 6:50PM. After we sealed her ballot, she asked if it was OK to vote in two states, and told us that she had driven from Tulsa where she voted earlier in the day. I documented this on the envelope of the provisional ballot - she did, however vote a second time in Kansas.
- Two men told us that they were not sure if they were US citizens. We flagged their ballot - no identification was given. We were told kindly by election officials not to ask for identification, but that state law allowed anyone to vote.
- A lady came in with a stack of approximately 50 state ballots, not sample ballots, and she asked if I could put her completed ballots into the ballot counter. I asked her where she lived and if she was a first time voter. She said that she did not know. I asked her what side of town she lived on. She did not know. I asked her where she received her official ballots. She said she found stacks of ballots, she said a stack of around 500, that were being handed out at the mall. I asked her which mall, and she told me she could not remember. We were told by election officials that she would have to vote provisionally. When I did a follow up with the elections commissioner about this woman, he shared that the address on her provisional ballot was not one from the city of Wichita. After being asked for identification she left quickly and took her state ballots.
- A man who was not in the registration book was told to fill out the provisional ballot and seal it in an envelope. He filled out his optical scan ballot, but would not put it into the provisional envelope as instructed. As I was assisting the next voter in line, the man rushed the M-100 scanner machine and inserted his ballot, which was counted in the general election. He left the poll site with his provisional envelope.
- Another man who voted in the general election told us that he "advanced voted" in Nebraska, and had just voted again at his old Kansas address. He asked us if it was OK to vote twice if his name was not removed from the registry. He said that he knew that voters were not taken off the registry after they moved to another address.

HOUSE ELECTIONS
DATE: 1/31/11
ATTACHMENT:

- A lady that voted electronically said as she was leaving, "IN CHICAGO WE HAVE A SAYING, 'VOTE EARLY AND VOTE OFTEN, BYE.'" Yes it was that blatant.
- This final example is documented in the poll registry from the precinct where I worked. Every poll worker was aware of this situation. A lady had three similar first names registered at the same address. [For example Chris, Christine, Christy Fox]. She had three registrations and wanted to have three ballots so she could vote three times. She was given one, and then voted in the general election (She was also reported to Bill Gayle). She could have easily returned and voted under the other two registered names. She admitted that she was the same person as the other two on the list. Her name was flagged in the voter registration book. Without proper identification, no one was able to mark her one actual legal name under which she was registered.

Here are examples of the types of questions I received from people routinely throughout the day after they voted:

- What happens if you vote at different places?
- Can I try and go vote again at my old place that I used to live?
- Can I vote for my father that is now dead if we did not tell?
- Can you look up for me and see if I am registered to vote anywhere else?
- Do you get arrested if you are caught voting more than once?
- Can I vote all the places I have lived before and in other states too?
- What happens if a person gets caught, let's say, voting five times?

I firmly believe that if we had been asking for identification from voters, many if not all of the above situations would have been avoided. At a minimum, proper follow-up could have been done to assist election officials.

This was a very sad day for the election workers. Often disenfranchised voters throughout the day asked if their votes counted since the media accounts showed individuals voting multiple times in other states. Some were asking if there was a point to voting any more. One elderly couple stopped to talk to me and told me that this would be their last election. They drove all the way from Attica, KS to vote in Wichita and felt that it was pointless to vote if others were being allowed to vote multiple times. Many honest voters asked why we did not request identification from them. Many would pass their identification to me without being asked, and comment that everyone should have to show their identification in order to have a fair voting process. They felt very disenfranchised by the unfair identification laws that allow people to vote multiple times without having to identify themselves. One woman commented that we should have our elections at Wal-Mart if we are not going to monitor how many times people vote.

I have learned that the current Kansas laws state that I could not ask voters for identification unless I wanted "lawyers crawling all over the place." I learned that this outdated system needs to be changed to protect the people, the candidates, and our democracy. Why do we throw our democracy into the hands of people who are trying to vote over and over again without getting caught? Are they the people we want deciding who our next elected officials are going to be? Our process depends on the honesty and credibility of the voters, and yet it does not ask for any credible representation of who they are.

Laws that affect the voting process must prove that they are not hindering legally eligible citizens from voting, as well as catching ineligible voters, or those voting multiple times.

Contrary to the opinion of many, voter fraud is happening in Kansas. We have an opportunity with the Secure and Fair Elections Act to protect the integrity of our elections. The right to vote is one of the greatest privileges that we have as Americans, and the SAFE act will protect and preserve every citizen's right to have their vote count. For each person who is allowed to vote unfairly, another honest persons' vote is nullified. In order to protect our elections, we also need to train our poll workers in the proper way to administer the rules in a fair and equitable way for all voters, including the process that should be followed when instances of potential fraud is discovered.

Currently we have laws that require us to provide identification to cash checks, to get prescriptions, to rent DVDs, and even to purchase a can of aerosol paint. If the law does not change, people will continue to cheat the system, vote early and often, and compromise all we hold dear. Currently in eighteen states there are laws requiring identification for all voters. Even in Mexico, voters are required to provide a photo ID, a signature, and a thumbprint in order to vote. These measures to stop voter fraud were instrumental in the fair election of Vicente Fox in the year 2000. I am in support of the Secure and Fair Elections Act, HB 2067, and urge you to pass this bill to protect the voting process in our great state of Kansas.

Thank you for allowing me to speak today and share on behalf of many frustrated voters and election officials.

Kathy Perry

Resident of Wichita, KS

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STATE OF KANSAS

Testimony of Secretary of State Kris Kobach

Before the House of Representatives

Committee on Elections

January 31, 2011

Regarding H.B. 2067

Chairman and Members of the Committee, I present this testimony to you today in support of House Bill 2067, the Kansas Secure and Fair Elections (S.A.F.E.) Act. H.B. 2067 is a comprehensive measure designed to protect Kansas elections against voter fraud, while maintaining ease of participation for all eligible Kansas voters. In short, H.B. 2067 will ensure that in future Kansas elections, it is easy to vote but hard to cheat.

Voter Fraud in Kansas

Attached to this testimony is a chart of reported incidents of election fraud compiled by the Elections Division of the office of the Kansas Secretary of State. The data in this chart was collected during three different administrations and spans the period from 1997 through 2010. Many of the reported crimes in this chart were included in a letter from Deputy Assistant Secretary of State Brad Bryant to Kansas legislators in February 2008. However, since that letter, three years of elections have occurred, and the office of the Kansas Secretary of State has received numerous additional reports from earlier election cycles.

At the outset, it must be made clear that *this report significantly understates the incidence of election fraud in Kansas. Until my administration took office in January 2011, there was no reporting system or process for receiving reports of election fraud.* The Secretary of State's office might learn about a reported case, or might not, depending upon whether the government entity receiving the report bothered to relay it to the Secretary of State. *The Secretary of State's office did not even begin attempting to collect information on election fraud until 2007. On top of that, until my administration took office, voters did not have a central place to report incidents of voter fraud.* As a result, the only cases that we know about are the ones observed by individuals who were willing to spend a significant amount of their time figuring out where to report election fraud. Finally, it must be remembered that many forms of voter fraud are never observed and never reported. For all of these reasons, it is reasonable to estimate that this report catalogs less than ten percent of the incidents of voter fraud that actually occurred.

With all of those caveats established, I offer to this committee the chart "Known Reported Incidents of Election Crimes, 1997-2010." The chart details more than 221 cases of reported election crimes. Those cases cover twenty counties, and include every corner of the state. Not surprisingly, the greatest number of cases come from the counties with the greatest population. But no geographic region of Kansas has been immune from voter fraud.

There is an additional figure that this committee should be aware of, which is not included in this chart. That is the following: 54 aliens were discovered on Kansas voter rolls in 2009. Those 54 cases were discovered by the Office of the Secretary of State by matching voter roll data with Kansas driver's license data indicating the citizenship of the driver's license holder. Those 54 cases come from only a small subset of aliens living in the state of Kansas—the subset defined as lawfully present aliens who obtain a Kansas driver's license. That subset does not include lawfully present aliens who have not applied for a driver's license. And it does

not include the tens of thousands of illegal aliens living in Kansas. Of those known 54 aliens who registered, we are aware of five who actually voted—one of whom voted in five different elections. Therefore, on at least nine occasions, aliens voted in Kansas elections.

The Provisions of H.B. 2067

Current Kansas law criminalizes most forms of voter fraud at a relatively low level. But it does little else to minimize the risk of voter fraud. The Kansas legislature attempted to address this vulnerability to election fraud in 2008 by enacting a bill on the subject. But that bill was vetoed by Governor Sebelius.

H.B. 2067 will transform Kansas from a state that is among the most vulnerable to voter fraud, to the state with the strongest protections in the nation against voter fraud. The provisions of H.B. 2067 can be divided into three categories: (1) photo identification provisions, (2) proof of citizenship provisions, and (3) provisions to increase the prosecution of election crimes.

1. Photo identification provisions. H.B. 2067 requires voters to present a government-issued photo ID when voting in person at a polling place, whether in election day or in advance of election day. The acceptable forms of ID are listed in Section 12 of the bill, specifically in subsection (h) of K.S.A. 25-2908 as amended. A short list of exceptions is found in subsection (i), including persons with a physical disability that makes it impossible for them to travel to a county or state office, and members of the uniformed services or merchant marine who are absent from their county of residence on election day.

Two aspects of the photo-ID provisions are important to note. First, an expired photo ID document may be used by any voter who is 65 years of age or older. Second, the state will provide a free non-driver ID (not a free driver's license) to any voter signs an affidavit stating that he qualifies for various government programs for the needy or resides in a household whose income is 150 percent or less of the federal poverty level.

In addition, it should be noted that H.B. 2067 closes a loophole that is present in other state's photo-ID laws: it applies equivalent security provisions to ballots that are mailed in. In other states with photo-ID laws, absentee ballots are left unchanged—a situation that simply encourages individuals and organizations intent on committing voter fraud to use absentee ballots. H.B. 2067 closes this loophole by taking two steps. First, a voter requesting an absentee ballot must provide his Kansas driver's license or non-driver ID number on the absentee ballot application (or photocopy of qualifying ID if he does not possess one). Second, the relevant county election office must verify that the signature on the advance ballot application form matches the signature on file in the electronic record of the voter. This can be done extremely easy and quickly. Indeed it is already being done in Kansas's largest counties—Johnson, Wyandotte, and Sedgwick Counties.

Photo-ID provisions have already be reviewed and sustained against constitutional challenge by the United States Supreme Court. In 2008, the Court issued its decision in *Crawford v. Marion County Election Board*, 553 U.S. 181, in which the Court voted 6-3 to uphold Indiana's photo-ID law.

2. Proof of citizenship provisions. H.B. 2067 also includes provisions requiring newly-registered Kansas voters to provide proof of citizenship at the time they register to vote. All currently-registered Kansas voters are exempted from this requirement in the bill. For most voters, the relevant document will be a birth certificate, a passport, a naturalization document, a driver's license if the license indicates citizenship, or a photocopy of any of these documents.

Arizona and Georgia already have similar provisions in their state statutes and have successfully implemented these provisions. Implementation will be even easier in Kansas, due to the fact that the Kansas Department of Motor Vehicles is already planning to begin scanning photocopies of birth certificates into Kansas driver's license holders' files. Within a few years, virtually all Kansas drivers who are U.S. citizens will have a digital copy of their birth certificate in the state's database, which will allow such individuals to satisfy the proof of citizenship requirement without actually furnishing a hard copy of the document.

Once these provisions are implemented, they will wipe out two forms of voter fraud Kansas: the illegal registering and voting of alien voters, and the registration and voting of false identities.

3. Provisions to increase the prosecution of election crimes. As the attached chart indicates, more than 221 incidents of voter fraud were reported between 1997 and 2010, but the vast majority of these cases were not investigated further. The cases were simply left by the wayside as county attorneys devote their limited time and resources to more pressing crimes. As a result, only seven cases even resulted in a prosecution, with all seven yielding a conviction. Some journalists have incorrectly reported that number as the total number of cases of voter fraud. That is incorrect. The number of convictions is relatively small because resources simply are not being devoted to the investigation of the vast majority of reported election crimes. That will change with the enactment of H.B. 2067.

H.B. 2067 increases the severity level of several crimes. For example, double voting, a crime that appears twenty times in the attached chart, is increased from a misdemeanor to a severity level 8, nonperson felony. In addition, voting without being qualified is expanded to clearly include voting by an alien, which is also elevated to a severity level 8, nonperson felony. By increasing the severity level of the crimes, H.B. 2067 both increases the likelihood of prosecution and increases the deterrent effect of Kansas law.

H.B. 2067 also addresses the problem of inadequate resources at the county attorney level by providing for parallel prosecution authority to the Attorney General and the Secretary of State. At present, at least eight statewide agencies already have prosecution authority within

their jurisdiction, including for example the Kansas Department of Labor, the Kansas Lottery , the Kansas Insurance Commission, and the Kansas Securities Commission. Such authority is usually conveyed through the statutory appointment of a special assistant attorney general to the agency. Alternatively it can be done through the assignment of prosecution authority to the agency itself. Attorney General Schmidt has expressed his preference that H.B. 2067 utilize the latter framework. The bill is drafted accordingly.

Answers to Critics of Photo-ID Laws

Critics of photo-ID laws have leveled a number of criticisms against H.B. 2067. These criticisms are based on either incorrect assumptions or faulty information. The most frequent criticisms are as follows.

1. The elderly will be unable to obtain new photo IDs when their current IDs expires. Section 12 of the H.B. 2067 specifically addresses this assertion. Any voter over the age of 65 may use an expired photo ID for the purposes of voting. In addition, an elderly voter who is physically unable to travel to a government office is exempted from the photo ID requirement entirely.
2. The poor will be unable to afford a photo ID or replace a lost birth certificate. Under H.B. 2067, the state will provide a free non-driver ID or a free replacement birth certificate to any voter signs an affidavit stating that he qualifies for various programs for the needy or resides in a household whose income is 150 percent or less of the federal poverty level.
3. The inconvenience of obtaining a photo ID will burden the right to vote. The Supreme Court has expressly rejected this argument. As Justice Stevens wrote in the *Crawford* decision, "For most voters who need them, the inconvenience of making a trip to the BMV, gathering the required documents, and posing for a photograph surely does not qualify as a substantial burden on the right to vote, or even represent a significant increase over the usual burdens of voting." 553 U.S. 181, 198.
4. Providing free non-driver IDs to the poor will be expensive. This argument rests on two fallacies: that there are a significant number of voters who lack photo IDs, and that it is expensive to the state to provide such IDs. According to the fiscal note for H.B. 2067 provided by the Kansas Department of Revenue, "it is not expected that if this legislation is enacted that a large number of free ID cards would be issued initially." The statistics clearly support this conclusion. The population of voting age Kansas residents is approximately 2,114,000. The number of unexpired driver's licenses or non-driver IDs that have been issued to Kansas residents of voting age is 2,156,446. Thus, virtually every voting age Kansan already has a photo ID. Indeed, some have both a driver's license and a non-driver ID. The second fallacy is that it is expense to produce a non-driver ID for any poor person who qualifies. That is incorrect. The expense to the state is only \$8 per ID. The statistics simply do not support this argument.

Conclusion

In conclusion, consider the role of this body in protecting the foundations of our republic. A constitutional republic rests on two foundations. One is the Constitution itself. The other is the trust of the citizenry that elections are fair and that the will of the people is being conveyed securely through elections that are free from fraud. When that trust begins to break down, the foundation of the republic erodes.

As the United States Supreme Court stated *Purcell v. Gonzalez*: “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised.” 549 U.S. 1, 2 (2006).

It is clear that Kansas voters perceive this threat and want the Kansas legislature to act. A January 18, 2011, statewide survey commissioned by KWCH and performed by Survey USA found that 78 percent of Kansas voters think that all voters should be required to show a photo ID when they vote, and 83 percent of Kansas voters think that newly-registered voters should have to provide proof of US citizenship when registering to vote. I urge this committee to respect the manifest will of the people of Kansas.

Thank you for your consideration of this important legislation.

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2010
 January 31, 2011

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2002	BOURBON	Ballots returned for advance voters with non-matching signatures.	Perjury, impersonation of a voter	Multiple	Unknown
1998	BOURBON	Mother voted for her son, forged signature	Perjury, forgery, impersonation of a voter	1	Unknown
1998	BOURBON	Nursing home supervisor voted for other persons without their consent	Perjury, forgery	Multiple	Unknown
2006	BUTLER	Person voted twice	Double vote	1	Referred to county attorney
2002	CHEYENNE	Person voted in Kansas and Colorado	Double vote	1	Investigated by FBI, not pursued
2004	CLARK	Electioneering near an advance voting location	Electioneering	1	Convicted of 2 counts of Class B misdemeanors by state of KS
Multiple	DECATUR	Nursing home residents' ballots voted by adult children	Perjury, forgery, impersonation of a voter	Multiple	Unknown
2004	DECATUR	Voters incapable of voting but ballots voted anyway	Perjury, forgery, impersonation of a voter	4	Ballots challenged
Multiple	DECATUR	Ballots voted by wife, nephew, social worker of nursing home residents	Perjury, forgery, impersonation of a voter	Multiple	Ballots challenged
2004	DOUGLAS	Party voter registration drive screened applications and did not deliver some	Voter registration suppression	Multiple	D.A. investigation
Multiple	ELLIS	Multiple ballots challenged each election due to nonmatching signatures	Perjury, impersonation of a voter	6	Ballots challenged
2008	FINNEY	Non US citizen registered and voted	Perjury, voting without being qualified	1	Referred to county attorney
2008	HARVEY	Person double voted three times in both HV and LY in 2006, 2008	Double vote	1	Referred to county attorney, not pursued
Multiple	JOHNSON	Advance ballots challenged every election due to nonmatching signatures	Perjury, impersonation of a voter	Multiple	Ballots challenged
Multiple	JOHNSON	Multiple examples of questionable ballots	Perjury, impersonation of a voter	Multiple	Ballots challenged
2010	JOHNSON	Voter registered at MO bar, voted in KS in 2006, 2008, 2010	Perjury, voting without being qualified	1	Referred to D.A.

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2010

January 31, 2011

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2010	JOHNSON	Voter received advance ballot for which he did not apply. Another person filed application.	Perjury, impersonation of a voter	1	No action taken
2010	JOHNSON	Persons voted advance in person, then voted at polls on election day	Double vote	3	Referred to D.A.
2008	JOHNSON	Non US citizen registered, voted in 2008	Perjury, voting without being qualified	1	No action taken
2008	JOHNSON	Person registered to vote in JO, WY same day and attempted to vote in both	Double vote	1	Provisional ballot, not counted
2008	JOHNSON	Registration applications received with KS address, MO zip codes	Perjury	20	No action taken
2008	JOHNSON	Person not registered, found another person's address on poll book, used that address to register and vote	Perjury, impersonation of a voter	1	Referred to D.A.
2004	KANSAS CITY	Persons voted in Missouri and Kansas	Double vote	3	Prosecuted by US Attorney, pled guilty to misdemeanor, convicted by federal government
2008	LYON	Non US citizen registered to vote	Perjury	1	Referred to county attorney, not pursued
2008	MONTGOMERY	Persons voted in KS and AZ	Double votes	2	Convicted by federal government of Title 18 U.S.C. 242, Deprivation of Rights Under Color of Law
2004	NEMAHA	Person voted in both Nemaha and Shawnee counties	Double vote	1	Convicted of misdemeanor by state of KS
2010	OSAGE	Person under felony sentence registered to vote	Perjury	1	Referred to law enforcement, no charges
2002	OSAGE	Nursing home assistance when voter not aware	Perjury, forgery	1	No action taken
2006	POTTAWATOMIE	Multiple advance ballots mailed to apartments where voters did not live, ballots were voted	Perjury, forgery	7	Referred to law enforcement, not pursued
2006	POTTAWATOMIE	Advance ballot voted by voter who no longer resided in KS, but in France	Perjury, forgery	1	Referred to law enforcement, not pursued

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2010

January 31, 2011

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
Multiple	SEDGWICK	Ballot applications signed by parent, spouse or relative	Perjury, impersonation of a voter	Multiple	Provisional ballots not counted
2006	SEDGWICK	Parent voted for college student by power of attorney	Perjury, impersonation of a voter	1	Provisional ballot not counted
2006	SEDGWICK	Candidates and poll watchers intimidated voters by asking voters who they were and who they voted for	Voter intimidation	Multiple	No action taken
2010	SEDGWICK	Non U.S. citizen registered, voted in 2000, 2002, 2004, 2006, 2008	Perjury, voting without being qualified	1	Dept. of Homeland Security contacted county election office. Not pursued.
2009	SEDGWICK	Non US citizens registered; 1 voted	Perjury, voting without being qualified	8	Referred to D.A.
2009	SEDGWICK	Non-matching signature on an advance ballot envelope	Perjury, forgery, impersonation of a voter	1	Provisional ballot not counted
2006	SEDGWICK	Intimidation of poll workers	Disorderly election conduct	Multiple	Referred to law enforcement
2006	SEDGWICK	Candidate paid \$50-\$75 to deliver 20 votes each	Election bribery	Multiple	No action taken
2006	SEDGWICK	Electioneering by a candidate at a polling place	Electioneering	1	Referred to D.A.
2011	SEWARD	Non U.S. citizen registered to vote	Perjury	1	Registration canceled
1997	SEWARD	Employer bused employees, including alleged non-citizens, to register to vote at election office	Perjury	Multiple	No action taken
2005	SHAWNEE	Advance ballots picked up and delivered to a campaign P.O. Box and never delivered to election office	Advance voting suppression	Multiple	No action taken
2005	SHAWNEE	Campaign workers picked up voted ballots, did not deliver to election office	Advance voting suppression	4	Referred to law enforcement, not pursued
2005	SHAWNEE	Tyler Towers, Jackson Towers, Polk Plaza voted ballots picked up but not delivered	Advance voting suppression	Multiple	No action taken
2005	SHAWNEE	Ballots taken to dark room and flashlight used to see how they were voted	Advance voting suppression	Multiple	No action taken

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2010

January 31, 2011

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2005	SHAWNEE	Voters had their voted ballots taken from mail box	Advance voting suppression	Multiple	No action taken
2008	SHAWNEE	Person voted in both Kansas and Kentucky	Double vote	1	KS US attorney plans to prosecute
2005	SHAWNEE	Person voted in both city and county on consolidation question	Double vote	1	Investigated but not prosecuted
2002	SHERMAN	Person voted in both Kansas and Colorado	Double vote	1	Investigated by FBI, not pursued
Multiple	WYANDOTTE	Nurse's aides voted ballots for residents without their consent	Perjury, forgery	Multiple	Provisional ballots not counted
Multiple	WYANDOTTE	Spouse voting for spouse	Perjury, impersonation of a voter	Multiple	Provisional ballots not counted
2010	WYANDOTTE	Felons voted. Provisional ballots were not counted	Voting without being qualified	17	Referred to D.A.
2010	WYANDOTTE	Persons not registered. Signed affidavits claiming residency in Wyandotte	Perjury	4	Referred to D.A., not pursued
2010	WYANDOTTE	Persons attempted to vote more than once	Double vote	4	Referred to D.A., not pursued
2008	WYANDOTTE	Non US citizens registered; 1 voted	Perjury, voting without being qualified	3	Referred to D.A.
2008	WYANDOTTE	Advance ballot applications signed by campaign worker, not voter	Perjury, impersonation of a voter	25	No charges filed
2004	WYANDOTTE	Advance ballot application filed without voter's knowledge	Perjury, impersonation of a voter	1	No action taken
2002	WYANDOTTE	Fraudulent advance ballot applications filed	Perjury, impersonation of a voter	50	Referred to D.A.
			TOTAL REPORTS	221+	



**STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL**

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**Written Testimony Presented to the House Elections Committee
By Attorney General Derek Schmidt
January 31, 2011**

Mr. Chairman, members of the committee, thank you for the opportunity to provide this testimony on House Bill 2067.

My testimony is focused on New Section 15 of the legislation related to jurisdiction to prosecute criminal violations of the statute. I appreciate that Secretary of State Kobach consulted with me on options regarding this language prior to introduction of the bill.

I support the language of New Section 15 in its current form. The current language presents two policy issues to the legislature:

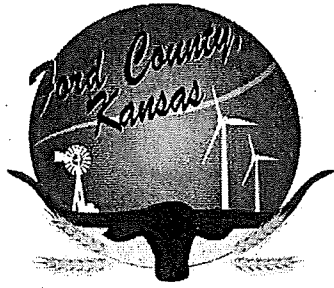
First, it grants the attorney general original jurisdiction to prosecute voting crimes. I support this provision, which strengthens the hand of my office in these types of cases.

Second, it also grants original jurisdiction to the Secretary of State to prosecute voting crimes. I have no objection to this provision. There is precedent in other areas of the Kansas Statutes for granting authority to bring prosecutions to state officials other than the attorney general. The Securities Commissioner, for example, has independent authority to bring criminal or other enforcement actions for violations of the securities law.

As the bill is worked, my request would be that the legislature not reshape this model in New Section 15 to instead create a circumstance of shared responsibility for individual attorneys. There are examples elsewhere in the Kansas Statutes of attorneys who are appointed by the attorney general but actually work within other state agencies. On the whole, I have concerns about this model and I would ask that the legislature not use this instance to create another circumstance where it is employed.

Thank you for your consideration.

HOUSE ELECTIONS
DATE: 1/31/11
ATTACHMENT: 9



**FORD COUNTY CLERK
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620-227-4553
sseibel@fordcounty.net**

January 27, 2011

**House Committee on Elections
Honorable Scott Schwab and Committee Members:**

As Ford County Clerk I would like to testify in support of House Bill 2067 the S.A.F.E. Act.

In Ford County our population continues to grow and become diverse culturally due to the types of employment available here.

We receive voter registrations from Sedgwick County when residents of our county have become citizens and we have had one or two times when we have found that one of these names is already on our registration books.

I know the public is very concerned about non-citizens registering to vote. During the election season I receive many phone calls wondering if we ask registrants for proof of citizenship when they register or when they go to vote.

On Election Day, we have people who offer their ID and are surprised that it is not required to vote. Since the public is already showing ID for various other business transactions in which they are involved, I do not believe that it will be difficult to implement.

I think that due to the ever changing culture in our County and Southwest Kansas, it is time to support legislation that will preserve the integrity of our elections.

Respectfully submitted,

**Sharon Seibel
Ford County Clerk and Election Officer**



Testimony
Of
Richard D. Fry
On The
Secure and Fair Elections Act
HR6027
Before the
House Elections Committee
Scott Schwab, Chairman

“...in close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system....”

Baker – Carter Commission on Federal Election Reform p. 9

The ignorance of one voter in a democracy impairs the security of all.

John F. Kennedy

http://groups.yahoo.com/group/November_Patriots/

“Informed Voters, Informing Voters”

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Executive Summary

Kansas, like most of her sister states, is not free from voter fraud. What the citizens of Kansas have been experiencing, at least over the last two prior administrations of the Secretary of State's Office, has been a willful denial of an obvious problem including corruption and lawlessness in the Kansas electoral system. Not only has this caused a lack of confidence by the citizens in the electoral system, but a distrust of those charged with ensuring the fair, honest and open elections in Kansas.

It is even more distressing that a prominent state agency and agency head, The Department of Revenue and Secretary of Revenue, have been instrumental in facilitating a unique type of voter fraud by providing 70,000 to 100,000+ foreign nationals with Kansas driver's licenses and official state identification cards from 2003 into 2007. Through the use of these official documents some of these foreign nationals have committed voter registration fraud, voter fraud and no doubt some have committed welfare fraud.

It is time for Kansas to come to terms with the present day reality of voter fraud and leave the "honor system" behind. The single most predominate type of voter fraud is voter impersonation including voting by foreign nationals. The single most effective tools to fighting both is to require a photo id to vote and to require voter registrants to prove citizenship when they register to vote.

The Secure and Fair Elections Act, HR6027, offers a straight forward and effective means to resolving these serious problems with the current Kansas electoral system and should be enacted as soon as possible. In addition the Secretary of State should initiate a program of no tolerance for election crimes and vigorously push for the prosecution of these crimes to the fullest extent of the law. The citizens' right to fair and honest elections, the corner stone of our Republic, deserves nothing less.

History of Voter Fraud

Non-citizen, including illegal alien, voting in U.S. elections is not a new phenomenon but it is a growing phenomenon. ¹ Sometimes politicians or political parties directly or indirectly facilitate this practice. ² One expert has concluded, **“Those who ignore the implications of non-citizen registration and voting either are willfully blind to the problem or may actually favor this form of illegal voting”**. ³ The objective facts support this conclusion.

The providing of non-citizens, including illegal aliens, with driver's license has facilitated non-citizens and illegal aliens appearing on voter rolls in greater numbers.⁴ Illegal aliens who want to work in the United States have a significant incentive to obtain a voter registration card.⁵ A 1986 federal statute permits employers to accept a voter registration card to establish an employee's employment eligibility.⁶ This was the initial employment verification system implemented by the federal government i.e., the I-9 system. In some states it is still in use in conjunction with the E-Verify system. The I-9 system has been very ineffective in preventing illegal aliens from securing jobs.

With a voter registration card and a social security card, the employee (illegal alien) can prove work eligibility.⁷ Some have called the issuance of driver's license to illegal aliens a “stealth amnesty”.⁸

¹ Elizabeth Kanas-Gonzalez, Illegal Immigrants Voting in Our Elections, The Hill Chronicles (August 5, 2008) (“It is no secret that illegal immigrants have been voting in this nation for years....”)

² Steve Brown and Chris Coon, Capturing the Illegal Alien Vote, FrontPageMagazine.com (10/07/2003) (California Democratic Party sent thousands of mailers out to immigrants who had citizenship requests before the INS. These non-citizens were informed, in both English and Spanish, that they were registered to vote as a Democrat and given a special identification card to “help...voting go more smoothly....” “...thousands to upwards of 4 million were sent out.”) (D.C. Mayor Anthony Williams indicated his desire to “expanding the [voting] franchise” and noted a new standard for voter eligibility was needed and regardless of what the standard would be “it isn't citizenship”)

³ Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

⁴ Non-Citizen Voting In Federal Elections, Federation for American Immigration Reform (FAIR) , (November 2003) (“With driver's licenses made available by several states to aliens (bout legal and illegal), it seems likely that voter rolls now contain large numbers of non-citizens-enough in close elections to change the outcome if those aliens illegally vote....”)

⁵ Jon Dougherty, New law could give illegals right to vote, Free Republic (September 30, 2003)(Voter registration cards can be used to establish worker eligibility an can help get driver's license)

⁶Id. Non-Citizen Voting In Federal Elections

⁷Id. Non-Citizen Voting In Federal Elections

⁸ Id Capturing the Illegal Alien Vote

Voter Fraud by Foreign Nationals as an Indicator of Voter Fraud in General

In some situations voter fraud by foreign nationals is easier to detect including due to self reporting that would not occur with a citizen. However, voter fraud by foreign nationals can give an indication of the level of, and easy of committing, voter fraud.

A 2008 report estimates that the total number of non-citizens registered to vote in the 2008 election was between 1.2 million and 2.7 million.⁹ It is believed that voting by illegal aliens is likely growing at least at the rate of the illegal alien population in general.¹⁰

In **Arizona**, they have turned away thousands of non-citizens including almost three thousand who attempted to register to vote when they applied for a driver's license.¹¹ Following **Arizona's** passing a proof of citizenship law to get a driver's license it had 2177 non –citizens with a special non-citizen driver's licenses attempt to register to vote and turned away another 30,000 because they could not prove citizenship.¹² More than 38,000 voter registration applications were thrown out as of 2008 since the state passed its requirement for proof of citizenship to register to vote in 2004.¹³

The District Attorney for Maricopa county **Arizona** testified that he indicted 10 persons from a list of potential jurors who were registered to vote but admitted to the court they were not U.S. citizens.¹⁴ All of them had sworn on their voter registration that they were U.S. citizens and four of them had actually voted. He had another 142 case under investigation.¹⁵

A 2008 study by The Center of Immigration Studies indicated that in **California** there are approximately 500,000 – 700,000 non–citizens that were registered to vote from 2000-2007.¹⁶ This is approximately three percent (3%) of the total “voter population” of

⁹David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference, at 8 The Social Contract Press (October 2008)

¹⁰ Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

¹¹ New law could give illegals right to vote,

¹² Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

¹³ Ian Urbina, Voter ID Battle Shifts to proof of Citizenship, www.newyorktimes.com, (05/12/2008)

¹⁴ Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

¹⁵ Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge, (August 4, 2008)

¹⁶ New Study Shows Non-Citizens are Registering to Vote, KCBA Fox 35 (kcba.com) (October 7, 2008)

California.¹⁷ The study found that the “majority” of these illegal registrants were in the Los Angeles County congressional districts.¹⁸

In southern **Florida** they had an alien not only vote but run for the state legislature.¹⁹

Following a 1982 investigation into voter fraud in Chicago, **Illinois**, a prosecutor estimated that 10% of all the votes casted were fraudulent and fraud occurred in all precincts.²⁰ The chief means of voter fraud was voter impersonation.²¹

The grand jury found that aliens were another source of fraudulent votes and noted the aliens participated “...so that they can obtain documents identifying them as U.S. citizens... and used the voters’ cards to obtain a myriad of benefits, from social security to jobs in the Defense Department” and some tried to get a U.S. passports with their voter registration cards.²²

The federal Seventh Circuit Court in the challenge to **Indiana’s** photographic voter identification law noted “the extreme difficulty of apprehending a voter impersonator” unless the impersonator and the real voter arrive at the poll at the same time.²³ This type of voter fraud has been described as “nearly impossible for election officials to detect...” or “...difficult or impossible to detect...” with the resources the election officials typically have for their use.²⁴

One of the voters used by the League of Women Voters to demonstrate the Indiana law kept people from voting was a lady who was turned away because she tried to vote using a Florida driver’s license.²⁵ As it turned out she was registered to vote in another state where she owned a house.

As a **Kansas** poll watcher in the 2008 general election I challenged a person who was using a Missouri’s driver’s license as her identification. The election judge indicated to me that photo identification was simply to prove the prospective voter was who they

¹⁷ Id New Study Shows Non-Citizens are Registering to Vote.

¹⁸ Id New Study Shows Non-Citizens are Registering to Vote.

¹⁹ Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections @3

²⁰ The Cutting Edge, (August 4, 2008)

²¹ Hans A. von Spakovsky, Where There’s Smoke, There’s Fire: 100,000 Stolen Votes in Chicago, The Heritage Foundation (April 16, 2008)

²² Hans A. von Spakovsky, Where There’s Smoke, There’s Fire: 100,000 Stolen Votes in Chicago, The Heritage Foundation (April 16, 2008)

²³ Hans A. von Spakovsky, Where There’s Smoke, There’s Fire: 100,000 Stolen Votes in Chicago, The Heritage Foundation (April 16, 2008)

²⁴ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

²⁵ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, pp.1,7,8, The Heritage Foundation (March 10, 2008)

²⁶ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

said they were and not as proof of residency. The lady was allowed to cast a regular ballot rather than a provisional ballot.

In Bexar County **Texas**, it was discovered that 303 illegal aliens had been able to register to vote and at least 41 had voted in various elections.²⁶ These non-citizens voters were discovered in part when they started showing up for jury duty. The juries were selected from the voter rolls in Bexar County.

In 1984 a voter fraud conspiracy was discovered in Brooklyn, **New York**, which had been going on for 14 years.²⁷ It had affected elections in two Congressional, three New York State Senatorial and four Assembly elections.²⁸ The techniques used were to facilitate voter impersonation.²⁹

One of the procedures that made this fraud easier was the use of mail in ballots which had been used in New York since 1976, prior to the 1993 federal mandated mail in registration of the National Voter Registration Act (NVRA).³⁰ During this period New York had a signature verification law which proved inadequate to detect the fraud. This voter fraud scheme could not have been successful had a voter photo identification law been in place.³¹

Eight of the 19 9-11 terrorists were registered to vote in **Virginia** or Florida.³²

Rafael Resendez-Ramirez, an illegal alien better known as the “Railway Killer” voted in Missouri in the 1988 elections. (He was also a convicted felon)³³

²⁶ Jim Forsyth, Exclusive: Hundreds of Non Citizens Have Registered to Vote in Bexar County, 1200 WOAI News Radio. (May 16, 2007)

²⁷ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

²⁸ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

²⁹ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

³⁰ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

³¹ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

³² Hans A. von Spakovsky, Illegal Immigrants Are Voting in American Elections, The Cutting Edge@3 , (August 4, 2008)

³³ John Gibson, Winning the Bet, Foxnews.com (April12, 2006)

The Honor System

Some experts characterize the system used to prevent non-citizens from voting as an “honor system”.³⁴

In **California** one who signs a registration card without meeting all the requirements can be charged with perjury.³⁵ But as noted by a Monterey County election worker, there is no provision or means for the election officials to verify the statements on a voter registration card.

Illinois has a similar system. The DePage County Clerk acknowledged that they have no choice but to accept the word of the person who is registering as to their citizen status.³⁶ A Cook County election official confirmed that they have choice but to accept a voter registrant’s word they are “legal”.³⁷

A **Maryland** election official noted that they had no way to check if someone “was in the country legally or otherwise.”³⁸

Virginia only requires a statement on the registration form that a person is a citizen.³⁹

Washington election officials note that besides requiring voter registrants to sign a pledge on the voter registration form, there was no way to prevent an illegal alien from registering to vote.⁴⁰

In fact, all the **Kansas** County Election Officers (CEO) I talked to said they had to accept as “true” the assertion on the voter registration form including that the registrant was a U.S. citizen.⁴¹ Several noted that even if they wanted to try to verify that someone was a citizen they did not have the physical means to do so let alone the authority. None of the CEOs were aware of an audit of any type or at any time having been done on the registration forms to verify if they were truthful.

One Officer told me they simply had to rely on the warning about making false statements, which is on the form, to deter a non-citizen from registering. If a third party

³⁴ David Simcox, How Many Non-Citizen Voters? Enough to Make a Difference., at 8 The Social Contract Press (October 2008)

³⁵ Id New Study Shows Non-Citizens are Registering to Vote.

³⁶ Fran Eaton, Can illegal immigrants register to vote? Illinois Review (08/14/2006)
Cal Skinner, Registering Latinos in DuPage County, (08/22/2006)

³⁷ The Question remains: Who verifies who’s qualified to vote? Illinois Review (06/28/2008)

³⁸ Christina Bellatoni, When Illegals Vote , The Washington Times, (10/12/2004)

³⁹ Christina Bellatoni, When Illegals Vote , The Washington Times, (10/12/2004)

⁴⁰ Christina Bellatoni, When Illegals Vote , The Washington Times, (10/12/2004)

⁴¹ R. D. Fry, Discussion with Election Officers / offices in Leavenworth, Wyandotte, Johnson and Salina Counties in Kansas (October 13-14, 2008)

did not tip them off they would not, could not, question the statements on the voter registration form. Another noted to me “we are not investigators, that is not our job...”

Requiring Voters to Use Photo ID is the Best Method to Prevent Impersonation Voter Fraud

Requiring voters to present photographic identification at the polls can prevent voter impersonators, people registering in multiple states and stop non-citizens from voting (if the state does not issue driver’s licenses to non-citizens.)⁴² The 1984 New York grand jury investigating the 14 year voter fraud conspiracy, recommended requiring photographic identification as did the bipartisan Baker – Carter Commission on Federal Election Reform. ⁴³ The basis for the Baker –Carter recommendation was “in close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system....”⁴⁴

Kansas’ Unique Style of Voter Fraud

From mid 2003 through mid 2007 the Kansas Department of Revenue- Division of Motor Vehicles (DOR – DMV) created a “waiver program” by which it would waive the requirement for a driver’s license applicant to provide a social security number if the applicant would provide a written statement (the form was conveniently provided by the DMV) stating they did not have and could not get a social security number. This statement describes a foreign national, as a citizen that does not have a social security number can get one.

Under the Kansas law in effect during the “waiver program” period the DMV was to verify that applicants for driver’s licenses were “legally present” in the United States. However, the DOR-DMV did not verify legal presence for those who applied for driver’s license under the “waiver program”.

In testimony before the Senate Federal and State Affairs Committee on January 24, 2008 the Secretary of Revenue, Joan Wagnon, testified that as of that time there was 50,000 driver’s license in the hand of individuals who could not prove they were legally

⁴² Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

⁴³ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

⁴⁴ Hans A. von Spakovsky, Stolen Identities, Stolen Votes: A Case Study in Voter Impersonation, The Heritage Foundation (March 10, 2008)

present in the country.⁴⁵ Secretary Wagon's plan to deal with the 50,000 license in the hands of foreign national was to let it work itself out through attrition over the next six years i.e., through 2014.

During a subsequent in person meeting with Secretary Wagon, she confirmed what I suspected i.e., official Kansas identification cards were also given out under the "waiver program". Such fact necessarily increases the number of official Kansas identity documents in the hands of foreign nationals.

Subsequent to this meeting I met with then state Senator Huelskamp. Senator Huelskamp indicated his understanding the number of outstanding driver's licenses in the hands of those who could not prove legal presence was 70,000. As such it is reasonable to assume the total of outstanding identity documents in the hands of foreign nationals was 70,000+ to 100,000+.

I learned of these outstanding driver's license in the hands of "illegals" shortly after Secretary Wagon testified before the Senate Federal and State Affairs Committee and began tracking it down to verifying the facts of such. I contact the DMV several times and did verify that in fact the "waiver program" did occur and such data was still on the DMV's data base and those who received driver's licenses under the "waiver program" could be sorted out as their data field for a social security number would either be blank or have a special code.

I contacted the Secretary of State's Office several times and was told that they had heard this "rumor about illegals being issued driver's licenses before" but in fact there was "no such list" of these illegals. (My inquiry was regarding foreign nationals not illegals.)

A written request was sent to the Secretary of State, Ron Thornburg, among others, on October 14, 2008 providing him with details of our findings and requesting him to compare the "waiver program" data against the voter rolls to see if any of the foreign nationals had registered to vote. Secretary Thornburg did not response to this request nor did any of the other elected officials who were copied on the request.

We finally did get an in person meeting with Secretary Thornburgh in mid February 2009 in Leavenworth, Kansas. At this meeting the Secretary agreed to look into the issue. We provided him a detailed description of the data he needed to secure from the DOR-DMV.

Several weeks later I followed up with the Secretary of State's Office (SOS) to learn they had done nothing as the Secretary of Revenue (SOR), Joan Wagon, was refusing to

⁴⁵ Carl Manning, Kan. Law to Affect Driver's licenses, Associated Press (1/25/2008)
Minutes of the Senate Federal and State Affairs Committee for 1/24/2008 (approved 2/14/08)

release the “waiver program” data to them. I then began requesting help from various Senators and Representatives to secure these documents from the DOR-DMV for the SOS.

I was only able to get one freshman Representative to assist me in this effort. Finally after months of delay the SOR did release some data to the SOS. Unfortunately Secretary Wagnon still refused to release documents from the “waiver program” but rather provided data for the period from the time the waiver program ended, June 2007 until the current time (March or April 2009).

According to the SOS the provided documents were from a new program of the DOR to provide driver’s license to foreign national who were in the country legally, most to attend college. I was later told that an audit of the data revealed that about thirty of the individuals may have committed voter registration fraud and “less than ten” may have voted illegally. I was later told that 6 criminal referrals had been made to county attorneys. However the SOS refused to reveal to what counties the referrals were made and how many referrals went to any county.

To this date, to my knowledge, the “waiver program” data of about 100,000 records has never been compared to the voter rolls to see if an individual shows up on both. This would be probable cause to believe any such individual committed multiple state and federal crimes including felonies. Such crimes would include perjury, false declaration of citizenship, voter registration fraud, voter fraud and voting by a noncitizen.

Conclusion

The reality is that voter fraud does occur in Kansas as it does in most if not all of the other states. The other consistent factor Kansas has with most of the other states is that voter fraud is denied by certain factions within the government and certain politically oriented groups.

The reality of the situation is not lost on the majority of the citizens, who as a result, in the words of the Carter Baker Commission, develop a “... low confidence in the system...” as well as a distrust and disrespect for those public officials who attempt to deceive them about the real facts of the problem and those who are charged with securing fair elections but have fallen woefully short of even attempting to restore a level of integrity to the electoral process. The SAFE Act goes a long way toward remedying both the lack of confidence in the process and the disrespect for the public officials who have failed to uphold their oath of office.

For the sake of Liberty,

Richard D. Fry

Other Available Information:

For publications on this same or a related subject please see the following at [www.groups.yahoo.com/group/November Patriots/](http://www.groups.yahoo.com/group/November_Patriots/) :

About the

November Patriots

Who are the November Patriots?

The November Patriots are a grassroots association of nonpartisan citizen voters who believe “we the people” are losing our liberties and our Great Republic to a group of political and commercial interests that put their own interest and desires above those of the American citizen and this Great Republic.

Mission Statement

The November Patriots’ Mission is to promote a more open, representative and responsive political environment in the United States.

Action Statement

The November Patriots will achieve this mission by:

1. Educating the public on the political process at all levels,
2. Motivating the public to take a more active role in the political process,
3. Informing the public of issues and / or governmental actions which may have implications for the open, representative, and responsive nature of the political process in the United States,
4. Monitoring political activities at all levels and intervening in an appropriate manner when necessary.

About the Witness

Mr. Fry has been active in the grass roots liberty movement for about four years and is currently active at the state and national level. He founded the government watch dog and citizen education group the **November Patriots**. In addition to being the **Kansas Volunteer Coordinator for the Tenth Amendment Center**, he serves as the Director of Operations for the **Coalition of Citizens Advocacy Groups** (CCAG), the National Deputy Director of the **FIRE Coalition**, General Counsel for the **Patriot Coalition**, a state advisor to **F.A.I.R.**, and the Assistant State Representative of **Independence Caucus**, among other responsibilities.

He has testified before legislative committees in both Kansas and Missouri including on voter fraud and identification, global identifications systems and the infamous Missouri Information Analysis Center (MICA) a fusion center i.e., a federalized state law enforcement center, and has advocated with legislators at the state and national level.

He practiced law in the area of civil litigation for about 17 years before devoting his full time to advocating for a return to Constitutional governance and citizen advocacy on a pro bono basis.

He received his Juris Doctor in 1988 and his MBA in 1989 from the University of Kansas.