

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon at 3:35 p.m. on February 14, 2000 in Room 521-S of the Capitol.

All members were present except: Joe Shriver (E)

Committee staff present: Dennis Hodgins, Research
Mary Galligan, Research
Theresa Kiernan, Revisor
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Connie Schmidt, Johnson County Election Commissioner
Karen Hartenbower, Lyon County Clerk
Brad Bryant, Secretary of State's Office

Others attending: See attached list.

HB 2328 - Advance voting; transmission of application to county election officer

Chairperson Lisa Benlon opened hearings on **HB 2328**.

Connie Schmidt, Election Commissioner of Johnson County, spoke in support of **HB 2328** which was originally introduced in 1999. She said that the purpose of the bill is to clarify that an application for an advanced mail ballot should be transmitted directly to the County Election Offices. She suggested that a stipulation be inserted in the bill "that no person or group engaged in the distribution of advance voting ballot applications shall cause any such application signed by a voter to be mailed or otherwise delivered to a place other than the County Election Office." She related that during the 1998 election campaign, Johnson County had various political parties, campaign headquarters, and labor organizations mail out large numbers of applications for advance mail ballots. She stated that various offices in Topeka, Salina and Kansas City, KS were on the applications as return addresses and not the County Election Office. Ms. Schmidt recounted that the applications were entered into databases at those various locations, and then the applications were mailed or delivered to the election offices all at once which caused an overload of applications for that day. She said the voters had completed many of the applications seven to ten days prior to their receipt at the election office. She clarified the concern of election officials was the delay in the transmission of the advance mail ballot to the voter and the potential for possible screening or destroying of applications for advance mail ballots. She feels that the proposed **HB 2328** would give additional safeguards to assure the security and timely delivery of the advance mail ballots to the voters. (Attachment 1)

General questions and discussion followed regarding how the advance ballots are mailed out, when the votes are tallied and results announced, delivering applications door to door, and the meaning of the word "directly" as used in Line 19 of the bill. A suggestion was made relating to the use of the word "directly", and that the applications should be transmitted within a certain time frame and delivered to the Election Commissioner's Office.

Ms. Schmidt said that the most important thing was getting the applications back to them as soon as possible, and that they not be transmitted to any other place but the Election Office.

Representative Horst requested that the word "may" in Line 19 be changed to the word "shall" to clarify the handling instructions of the applications. Discussion followed.

Representative Johnston asked if this bill had been tabled last year. The Revisor confirmed that it had been tabled, but nothing was indicated on the bill to signify that it had been tabled.

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Representative Huff made a motion to untable this bill in order to work it in Committee. The motion was seconded by Representative Topliker, and the motion carried.

Karen Hartenbower, Lyon County Clerk, testified in support of **HB 2328**, and stated there had been a lot of confusion for the voters in the 1998 General Election concerning the handling of the requests for advance ballots. She stated that when someone else transmits the applications there is a chance for fraud. She said her desire is that the application get to the Election Office as soon as possible in order for the ballot to reach the voter in a timely manner. She did not have a problem with candidates sending the applications out in mailings. (Attachment 2)

Several Committee members communicated a desire for a “no touch” clause on the applications for ballots, and that they be mailed by the voters in order to alleviate the chance for tampering or fraud. A few members expressed a wish for a time limit be written into the law to require the applications to be delivered to the Election Offices within a 24-hr. time period after the voter completing the application form. These Committee members felt it would be too restrictive to just mail the applications, and this was a good campaign tool plus a service to the potential voters. General discussion continued regarding the confusion between the application for ballots and the actual mail ballot.

Representative Storm made a motion to pass **HB 2328** favorably with one amendment to change the word “may” to “shall” on page 1, line 19. Representative Johnston seconded the motion.

Representative Welshimer offered a substitute motion for a time restriction to be placed on the return of the application for ballots, but after more Committee discussion involving eliminating the word “directly” withdrew her substitute motion. She then made a revised motion to page 1, line 19, stating “The signed application shall be transmitted to the county election officer”. Representative Gilbert seconded the revised motion. Motion carried.

Representative Johnston asked for a clarification to make sure ballot applications could still be faxed, and he was assured he could as long as it met all requirements of the Election Commissioner Office.

Representative Vining made the motion to move this bill out favorably as amended. Representative Jenkins second and the motion carried. Representative Storm was designated to carry the bill to the Floor.

HB 2928 - Elections; election board, members under age 18

Chairperson Benlon opened the hearings on **HB 2928**.

Connie Schmidt, Election Commissioner of Johnson County, testified in support of **HB 2928** which reduces the age requirement for an election judge or clerk “to at least 17 years of age”, and further added the stipulation that only one person under the age of 18 may be appointed to each election board. She related that the election offices become one of the largest employers in their respective counties, and Johnson County alone hires over 1,500 election workers to staff the voting locations throughout the county. The unemployment rate for Johnson County is at the lowest point ever in Johnson County which is 2%, and it is extremely difficult to find election workers for one day across the state not just in Johnson County but state-wide. She felt that by reducing the age requirement to 17 it would permit students to serve as election workers, and provide an opportunity to reach future voters enabling them to learn a valuable lesson in government and in community support. She said that positive feedback from various election offices in other states that have similar programs help students learn the benefit of good information/communication exchanges and the importance of voting. (Attachment 3)

Karen Hartenbower, Lyon County Clerk and Election Official for Lyon County, spoke in favor of **HB 2928** which would allow for hiring 16 or 17 year olds to serve as judges and clerks for elections. She said they have trouble filling the positions in all their precincts due to winter migration of retirees to the south, a lot of older people do not want to drive at night, more and more board workers work out of precinct, and retired people are very active in all types of activities and are not available to work. She related the positives of hiring young workers was that the youth are more comfortable with the vote tabulators/voting machines, many opportunities made available to students, more people involved will produce a better voter turnout, and the youth would buy into the idea of voting once they are a part of the process. She added that this would be good public relations for

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older workers to see youth in a positive light, while giving the election officials a better pool of workers to pull from for assignment to the various precincts. Ms. Hartenbower said that this would be at the Election Official option, and that the students would have an excused absence from school receiving school credit for the day. She also said the students would be chosen by the Election Official and teachers, and that the youth would attend Election Board training. She stated that the students could help the older workers with the lifting and physical needs of running a voting location, plus their hearing capability is much better than seniors. She felt that good students need to be involved in community activities, and this was an excellent way to instill the importance of voting. (Attachment 4)

Brad Bryant, Deputy Assistant Secretary of State on Elections and Legislative Matters, testified in support of **HB 2928**. He stated this bill would allow 16 and 17 year olds to serve as election board workers as long as they met the other qualifications of registered voters. He also said that there would be a limit of one per precinct. He gave three reasons for recommending passage of this legislation which included: helping ease the shortage of good election board workers; it would foster civic education and political participation among young people thus establishing lifelong voting habits; and it could possibly save money in certain counties. Mr. Bryant explained that the law anticipates the board being made of equal parts in regard to party affiliation, and directs the County Party Chairperson to nominate candidates to be submitted on a list of party members for appointment to the precinct boards. He stated that this provision does not apply if the party chairs do not submit names or if the designated persons refuse to serve. He said the Secretary of State's Office recommended the Committee report the bill favorably for passage.
(Attachment 5)

Chairperson Benlon closed the hearings on **HB 2928**.

Representative Powers made the motion to pass HB 2928 out with an amendment to line 24 changing 16 to 17 years of age. Representative Hayzlett seconded the motion.

General discussion was held regarding the difference in students being 16 vs 17 years of age.

Representative Johnston made a substitute motion to pass the bill out of Committee with no amendments and have it placed on the Consent Calendar. Representative Welshimer seconded and the motion carried.

The Chair directed the Committee's attention to HB 2844 for discussion and final action. Representative Storm made the motion to pass this bill out favorably and have placed on Consent Calendar. The motion was seconded by Representative Hayzlett, and the motion carried.

Chairperson Benlon called for discussion and final action on **HB 2854** .

Motion was made by Representative Johnston to approve this bill and have it placed on the Consent Calendar. Representative Vining seconded the motion, and the motion carried.

Chairman Benlon adjourned the meeting at 5:10 p.m. The next meeting of the Governmental Organization and Elections Committee will be Wednesday, February 16, 2000, at 3:30 p.m., Room 521-S.