

MINUTES OF THE SENATE ETHICS AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 9:30 a.m. on February 18, 2009, in Room 446-N of the Capitol.

All members were present except:

Senator Susan Wagle- excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Ken Wilke, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Carolyn Long, Committee Assistant

Conferees appearing before the committee:

Brad Bryant, Deputy Assistant Secretary of State for Elections and Legislative Matters  
David Haley, Kansas Senator  
Michael Byington, Kansas Association for the Blind and Visually Impaired  
Brian Newby, Johnson County Clerk

Others attending:

See attached list.

It was moved by Senator Reitz, approved by Senator Apple that the minutes for February 4, 2009, February 5, 2009, February 11, 2009 and February 13, 2009 be approved. Motion passed.

The Chair opened the hearing on **SB 190 - Elections; include electronic and direct read electronic voting machines in voting machine fraud statute** and **SB 191-- Elections; paper verification for electronic voting machines**. Explanation by staff stated that **SB 190** deals with voting machine fraud and election tampering by inserting in Section “b” wording that would include voting machines and **SB 191** with requiring a verifiable paper trail on direct recording electronic voting machines.

The Chair welcomed Senator David Haley, sponsor of **SB 190**, who referenced his written statement (Attachment 1). Senator Haley feels his bill defines “voting machine” and codifies voting machine fraud.

Brad Bryant, Deputy Assistant Secretary of State for Elections and Legislative Matters, presented written testimony (Attachment 2) stating that the Secretary of State’s office is neutral regarding its passage.

The hearing on **SB 190** was closed and the hearing on **SB 191** was opened with the sponsor, Senator David Haley presenting written testimony (Attachment 3).

Senator Faust-Goudeau, co-sponsor of the bill, concurred with Senator Haley’s comments. As clarification, the screen would indicate voter choices and after affirmation by voter there would be tangible means of how the vote was cast.

Senator Reitz liked the concept of the bill but felt the cost was prohibitive.

The Chair thanked Senator Haley for his presentation to the committee.

Brad Bryant appeared as an opponent to the bill. He provided written testimony (Attachment 4) supporting the Secretary of State’s argument against passage of legislation requiring VVPATs on electronic voting machines.

The Chair acknowledged Michael Byington, Kansas Association for the Blind and Visually Impaired, who presented written testimony in opposition to **SB 191**, (Attachment 5). Mr. Byington told the committee that for the first time ever a visually impaired person has the opportunity to vote with complete privacy and independently, without having to share that information with another. If the paper ballot is what the final vote is dependant upon, the ballot would then need to proceed to an optical character scanning process in order to be accessible to the visually impaired and therefore he opposed this legislation.

## CONTINUATION SHEET

Minutes of the Senate Ethics And Elections Committee at 9:30 a.m. on February 18, 2009, in Room 446-N of the Capitol.

Senator Faust-Goudeau asked that she and the rest of the committee be provided with collaborating information that Mr. Byington referred to in his testimony alleging machine dysfunction.

Brian D. Newby, Election Commissioner for Johnson County, provided written testimony (Attachment 6) in opposition to this legislation. Modification to machines would be approximately \$500/machine. He can see the level of confidence that voters may place in this type of procedure but in his opinion, since this bill includes the phrase “can be used for a recount” it would leave the process up to political opponents, parties or courts to determine.

Written testimony in opposition of **SB 191** was submitted by:

Bruce L. Newby, Election Commissioner, Wyandotte County Election Office (Attachment 7).

Due to time restraints, **SB 267** will be rescheduled at a later date.

The meeting was adjourned at 10:32 a.m. The next meeting is scheduled for February 25, 2009.