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STATE OF KANSAS
Senate Committee on Ethics and Elections

Testimony on Senate Bill No. 333

Deputy Assistant Secretary of State

Ryan Kriegshauser, Office of Legal Counsel and Policy

February 7, 2012

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 333. Senate Bill 333 would amend Kansas statutes relating to petition circulator requirements. As currently written, the statutes state that petition circulators must be "a resident of the state of Kansas" and have the "qualifications of an elector in Kansas." This language prohibits non-residents from circulating petitions within the state of Kansas.

In 2010, the Constitution Party filed suit against the State of Kansas, alleging that the non-resident restriction for petition circulators was unconstitutional. Attorney General Six and Secretary of State Biggs agreed with this assessment, filing a joint memorandum with the Plaintiffs in support of a stipulated order permanently enjoining the enforcement of the non-resident restriction in K.S.A. § 25-302a. This order permanently enjoined the State of Kansas from prohibiting non-residents from circulating petitions within the state based upon their state of residence under that statute. Furthermore, the District Court held that this residency requirement was in violation of the First Amendment of the United States Constitution. Specifically, the District Court cited a 10th Circuit Opinion as the basis for its finding. The case is *Yes on Term Limits, Inc. v. Savage*, 550 F.3d 1023 (10th Cir. 2008). Senate Bill 333 would remove the offending language from the statute.

The Office of the Kansas Attorney General supports this bill. However, they would ask that an amendment be made to retain the requirement that a petition circulator be 18 years of age and that the circulator agree to submit to the jurisdiction of Kansas for the purpose of subpoena enforcement. This amendment is requested to ensure the integrity and reliability of the petition process. Our office supports such an amendment.

I urge the committee to recommend Senate Bill 333 favorably for passage in order that Kansas statutes comply with the First Amendment of the United States Constitution.

Thank you for your consideration.

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STATE OF KANSAS

Summary of Provisional Ballots Cast in Cimarron Special Election January 10, 2012

February 1, 2012

Eighteen provisional ballots were cast in the election:

- 1 name change
- 1 person not registered
- 1 person lacked photo ID
- 15 residency changes

Fourteen of the eighteen provisional ballots were counted.

Four provisional ballots were not counted:

- 1 because photo ID was not shown
- 1 person moved to the city a year before the election and had not re-registered
- 1 person was a township resident who wanted to vote on the issue knowing it would not count
- 1 person was a new registrant who had not registered before the voter registration deadline

Office of the Kansas Secretary of State

**SAFE Act
Education Plan for Nursing Homes and Voters with Disabilities**

January, 2012

Nursing Homes

The office of the Secretary of State plans to disseminate information about voter registration and voting under the SAFE Act to nursing homes, assisted living centers, and long-term care facilities through the use of existing networks. The program will be conducted in late spring and early summer, 2012.

The Kansas Department on Aging has agreed to assist in the design and implementation of the program. Existing networks include the Kansas Adult Care Home Executives, Kansas Health Care Association, and Leading Age Kansas.

Other interested groups may be included as they are identified.

The information will be disseminated through email and newsletters by participating organizations. The information will include:

- basic provisions of the SAFE Act
- options for proof of citizenship when registering to vote
- options for photo ID when voting,
- advance voting options, and
- special provisions for elderly voters and voters with disabilities.

The program may include a direct mailing of informational packets from the Secretary of State's office.

Voters with Disabilities

The Secretary of State has a contract with the Disability Rights Center of Kansas to provide information to voters with disabilities and training to county election officers and poll workers. This program includes information about voting under SAFE Act rules by individuals with disabilities, techniques for serving voters with disabilities, and sensitivity training.

Training of Election Workers

DRC representatives will appear with Secretary of State staff at regional meetings of the Kansas County Clerks and Election Officials Association held in March and April, 2012. Also, DRC will make a presentation at the KCCEOA annual spring conference on May 3:

Materials

DRC will provide:

- a video for county election officers and poll workers
- a handbook for county election officers
- an informational brochure for poll workers

Office of the Kansas Secretary of State

**SAFE Act
Photo ID Options for Nursing Home Residents**

February 7, 2012

The 2011 Kansas SAFE Act requires each voter to provide photographic identification when voting, with certain specific exceptions. Voters who reside in nursing homes, assisted living centers, and long-term care facilities should consider the following options and decide whether any of them applies to their situations.

Permanent Advance Voting

K.S.A. 25-1122(g) allows “any person having a permanent disability or an illness which has been diagnosed as a permanent illness” to apply for permanent advance voting status. All such voters are automatically mailed advance ballots before each election. These voters are exempted from the photographic identification requirement by K.S.A. 25-2908(i)(1).

Expired Photographic ID Documents

Voters age 65 or older may use expired photographic identification documents.
K.S.A. 25-2908(h)(1).

Free ID Card

K.S.A. 8-1324 allows a registered voter who does not possess any of the valid ID documents to obtain a free nondriver’s ID card from the Division of Motor Vehicles.

If the nursing home residents possess photographic identification documents, they have the following voting options:

Advance voting

Advance voting in person
Advance voting by mail
Assisted advance voting
Permanent advance voting

Polling place voting on election day

Regular ballot
Voting with assistance by a poll worker or a person of the voter’s choice
Voting on an ADA-compliant accessible voting machine
Curbside voting