

Senate Committee on Ethics, Elections and Local Government
Testimony provided by Tabitha Lehman, Sedgwick County Election Commissioner
February 6, 2018

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify in opposition to parts of SB 299. I would like to start off saying that I have no issue with changes in legislation requiring our office to abide by county policies, particularly personnel policies. For the protection of our employees, we seek to follow those policies now.

In order to properly explain my position on this proposed legislative change, I believe it is necessary to walk you through the struggles that I have experienced since I became election commissioner in November of 2011.

In 2008, the Sedgwick County Election office had a budget of \$993,826 with 13 full time positions. By 2012 the budget had been reduced by almost \$300,000 for a total of \$696,664 and staffing was reduced to the election commissioner and three support staff. For a reduction of almost 30% budget authority and a reduction of just shy of 70% of full time office staff.

Soon after taking office, it was apparent that we were going to have a special election for the City of Wichita, because of the staffing situation, in February of 2012, I conducted a special election for the largest city in the state of Kansas with myself and one other full time staff member. In 2012, we conducted seven elections, statewide redistricting (redistricting was determined by the courts well past the 11th hour), and implemented the ID portion of the SAFE Act.

Because of the understaffing and starvation budget, we had many issues including incorrect ballots being sent out, and results being reported in the wee hours of the morning the day after the election. There were multiple nights where my Deputy and I were not able to go home. This is not the way anyone should have to work, and it most definitely is not the way elections should be run.

In preparing for the 2014 budget and in an effort to try and be fiscally responsible, I included two additional full time staff members knowing this would likely not be enough but seeking to add a few at a time and see if we could make it with six full time employees. The county manager at the time, included those positions in his recommended budget but recommended that they start mid-year in 2014. I had to convince commissioners that mid-year would be too late for us. Ultimately, we got the positions but only because I used the authority granted me in state law to push back.

In 2014 we conducted five elections. While things were better, we still had significant issues getting our jobs done within statutory deadlines. We had an incredibly large petition delivered to us during the week of the primary election, resulting in temps and seasonal workers processing the petition. That did not go well. During the general election, we did not have an answer as to who was going to be on the ballot until the state Supreme Court gave a ruling the day we were required by state and federal law to be sending ballots to military and overseas voters. Once again, lack of staffing led to issues with those ballots being sent out correctly.

In preparing the 2016 budget, I again, added staff. Only this time I decided to add the amount of staff that I felt we needed to actually do our jobs correctly. I received pushback from county commissioners. This resulted in the Secretary of State sending the state election director and an attorney down to meet with county commissioners. I originally asked for four full time employees. Ultimately, I did compromise, we ended up with three additional full-time staff and two permanent part time positions. While 2016 wasn't perfect, we had very few issues by comparison.

In 2017, we conducted seven elections with five of them being unscheduled and unbudgeted. It is important to note that if we had not been staffed at the levels we were, the April 11th roll out of our new voting equipment would have never been possible.

In 2006 there were 229,743 registered voters in Sedgwick County. The number of polling places was reduced from over 200 to 63. With the smallest polling place serving 306 registered voters, and the largest serving 5,351. In the same year as the polling place changes, new voting equipment was introduced to the voters of Sedgwick County.

At the time of the 2006 polling place reduction, a coalition of voter advocacy groups expressed significant concerns regarding the reductions. Voters experienced significant confusion and long lines.

As a response to those concerns, the Sedgwick County Election Office began sending out an informational advance voting mailer to every active registered voter. The purpose of this mailer was to relieve pressure on polling places on Election Day, and encourage Early in Person and Absentee voting. While voter turnout percentages do not reflect an increase in voter participation with the use of the advance information mailer, early and absentee voting numbers have increased significantly. Effectively creating a relief valve for Election Day polling locations.

This mailer contains information regarding all early voting locations, a pre-filled out advance by mail application, and starting in 2016, information regarding Election Day polling locations. During the design of the mailer, specific detail has been paid to streamline the processing of the applications when they are returned to the election office. The mailer is sent out, beginning to mid-September giving the Election Office weeks to process applications and prepare ballots.

Because of the efficiencies of design and the timing of the mailer being sent, the Sedgwick County Election Office was able to process over 50,000 of these mailers utilizing five temporary employees in 2016. By having voters return the applications so far in advance, the Election Office is able to follow up with voters who failed to fully complete the application, reducing the number of provisional ballots that must be mailed out.

Now, almost ten years later, Sedgwick County now has 60,000 more registered voters than when polling places were reduced and the ballot by mail program was begun and in 2016, had the same number of polling places. In 2016, the number of registered voters assigned to Sedgwick County polling locations ranged from 372 to almost 8,000. We had eleven polling locations that had over 6,000.

The ramifications of having this many registered voters assigned to a single polling place can be serious. If even one thing goes wrong, it can lead to the polling place staff being unable to keep up with the influx of voters and can create long lines that continue throughout the day.

Increasing the number of polling places is a project that has been on the Sedgwick County election office's agenda for several years, the first step in that process was the purchase of the new voting equipment. Increasing the amount of equipment to be in line with the number of current registered voters and allowing us room to grow over the next ten years or so.

Now that we have the first step completed, it is now time to begin phase two, which is to begin adding polling places. In the 2018 budget, \$26,228 was included to open ten additional polling locations. These ten locations will be added in areas where the polling places currently have over 6,000 registered voters assigned to them.

This is only step two in our plan to realign Sedgwick County Polling Places with the number of registered voters. The next steps will be to continue to add polling places in the next couple of years until the largest polling locations are below 5,000 registered voters. Currently, in Sedgwick County we have thirty-two polling places with more than 5,000 registered voters. These are still incredibly large polling locations but are significantly more management than what we currently have.

The decision to make these changes over several years was based off of several factors, spreading the impact on voters out over several elections instead of one. Ability of Election Office staff to manage the changes, room in our current warehouse to create packing supplies for additional polling locations, and last but not least, the desire to be deliberate in our actions to make sure that the decisions made benefit the voters of Sedgwick County and do not create unneeded chaos.

Even with the addition of ten polling locations going into the 2018 election cycle, Sedgwick County relies on 55-60% of voters voting prior to Election Day to manage the crowds and maintain the number of election workers we hire. Adding ten polling locations around the fastest growing population areas of the county will not impact ALL voters and polling locations.

In a five to zero vote, the Sedgwick County Commission Board voted to underfund the postage the Election Office requires for the 2018 election cycle. Specifically targeting the amount needed to send the advance informational mailer, it was even taken a step further when a motion was made from the bench by Commissioner O'Donnell to restrict the County Print Shop from assisting the Election Office in preparing and mailing such mailer without prior permission from the board. That motion passed in a five to zero vote.

While it is unknown how many people vote early in person because of the information provided to them in our mailer, we do know that in the 2016 Presidential election around 50,000 people requested ballots by mail utilizing this mailer. If even a quarter of those individuals show up to vote on Election Day, we will be utterly crippled in the 2018 General Election. This Gubernatorial election is likely to garner more turnout than we have seen in years.

Prior to the County Commission Board making the decision to no longer fund the mailer, I met with each commissioner and expressed my concerns. We do not have the infrastructure in place to handle these voters at polling locations on Election Day.

One comment I heard from commissioners was that they believe that if the County does not send this mailer, the political parties will. Here are my concerns regarding this:

1. Political parties (quite understandably) only encourage voters who they believe are likely to vote for their candidates. Meaning a significant number of voters would not receive the mailer at all.
2. To my knowledge, neither party has the funds for such a mailer.
3. Even if the parties send the fliers and all registered voters receive the flier AND the same number of people apply for a ballot, the flier would be sent closer to the election (more advantageous for campaigns) and would not be designed to stream line process back in our office. When comparing our processes to those of other large counties, we estimate that we would have to hire an additional temporary employees to process the applications. We would have to purchase additional envelope printers to print envelopes in a shorter period of time for, we would need more computer work stations.

Of further concern with this scenario is the fact that the county conducted a space needs analysis of our office and the architect concluded that right now, we need an additional 10,000-15,000 square footage. Meaning, the election office has no room for additional temps, computers, or printers.

4. If, as I suspect, we see a significant reduction in ballot by mail applications and likely early in person voting, our polling places will be over run on Election Day.

I sincerely believe that the actions taken by the Board of County Commissioners will lead to the disenfranchisement of registered Sedgwick County voters who are unable to wait in line to vote on Election Day. It will certainly impact the willingness of poll workers to return and work again.

In January of 2017 under the outgoing administration of former President Obama, Jeh Johnson, Secretary of the Department of Homeland security designated elections as part of the nation's critical infrastructure. That designation was reiterated soon after President Trump took office when then Secretary John Kelly signaled the new administrations intent to maintain that designation.

The job of an election administrator is changing, gone is the time when we simply coordinated large scale events. We now must be IT and security experts.

Because of the nature of the structure of election administration in Kansas, the smaller counties rely on the larger ones for support and guidance.

Even though my job is to administer elections in the second largest jurisdiction in the state, my staff and I provide technical and procedural advice to other counties. This is an integral part of how elections can be successful in Kansas. Reducing our budget would impact our ability to help other counties.

At a time of ever changing pressures and threats to the election eco system, the election commissioners need to be free to do our jobs without the interference of local partisan elected officials who are not election experts.

I firmly believe that had I not had the authority granted to me by KSA 19-3424, I would not have the staff and funding necessary to conduct elections in Sedgwick County.

Thank you for your time and I am happy to answer any questions you may have.

Sincerely,

Tabitha Lehman
Sedgwick County Election Commissioner