

Approved: March 12, 2010
Date

MINUTES OF THE HOUSE ELECTIONS COMMITTEE

The meeting was called to order by Chairman Steve Huebert at 3:30 p.m. on March 8, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Mike Peterson- excused

Committee staff present:

Ken Wilke, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Florence Deeter, Committee Assistant

Conferees appearing before the Committee:

Brad Bryant, Deputy Assistant Secretary of State

Others attending:

See attached list.

Hearing On: SB 426 - Concerning ballots by uniformed and overseas citizens and federal services voters.

Ken Wilke, Office of the Revisor of Statutes, provided an update of **SB 426**, saying that the bill deals with three statutes pertaining to overseas citizens having the ability to vote in their home districts. He said the change in statute K.S.A. 25-1215 allows the voter access to special election ballots; changes in K.S.A. 25-1216 (b) permits the voter to request a ballot by facsimile and electronic methods authorized by the Secretary of State; and K.S.A. 25-1218 give allowance for a blank space on the ballot to permit a "write-in" candidate.

Brad Bryant, Assistant Deputy Secretary of State, spoke in support of **SB 426**, which was proposed by the Secretary of State to comply with federal laws applicable to the voting process for military and overseas citizen desiring to vote (Attachment 1). Mr. Bryant said the intent of the bill is to simplify the process of voting by providing electronic access to full ballots. He reported that often the 45-day time period for ballots to be sent by county election officers is not sufficient for voting and return of ballots by overseas citizens.

Mr. Bryant recommended the committee pass **SB 426** favorably.

Elizabeth Ensley, Shawnee County Commissioner of Elections, submitted written testimony in favor of **SB 426** (Attachment 2).

The meeting was adjourned at 4:00 p.m. The next meeting is scheduled for March 10, 2010.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
House Committee on Elections

Testimony on Senate Bill 426

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

March 8, 2010

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 426. This bill was proposed by the Secretary of State to enhance voting opportunities and to comply with two federal laws governing the voting process for military and overseas voters. There have been amendments to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and Congress passed the Military and Overseas Voter Empowerment (MOVE) Act in 2009.

The major provisions of Senate Bill 426 will allow overseas voter to:

- Vote a full ballot at all elections,
- Apply for, receive and return their ballots by email or other electronic means, and
- Vote a write-in ballot if needed.

More specifically:

Section 1—

This section will allow UOCAVA voters to vote in all elections, including special elections. Currently, K.S.A. 25-1215 limits them to primary and general elections, which leaves out special elections.

Section 2—

a. This section changes the effective period of UOCAVA voters' ballot applications from two federal general elections to one calendar year. Before 2004, Kansas law had a provision similar to the one-year application period proposed in this bill. The Help America Vote Act of 2002 (HAVA) required the period to be changed so that ballot applications would be effective from the date of submission of the application by the voter through the second succeeding federal general election, a period spanning two to four years. The MOVE Act reversed that provision from HAVA, allowing states to revert to their pre-HAVA rules.

b. This section also allows UOCAVA voters the option of applying for, receiving and returning their ballots by email or other electronic means. This is required by the MOVE Act, and it also is very similar to 2009 Senate Bill 268.

We propose this provision not just because it would comply with the new federal law, but because it expands voting opportunities for a group of voters who often are in situations that make it very difficult to vote. Ballots are sent to overseas voters by county election officers beginning 45 days before the election, and Kansas law also allows the process to be completed by fax, but we find that in some cases these conveniences are not enough. Mail does not get delivered timely, and overseas voters often do not have

access to fax machines. We have learned that they are more likely to have access to the Internet than to a fax machine, so email is a better alternative for them.

Section 3—

This section allows UOCAVA voters to vote a full ballot. This provision was proposed by the Secretary of State's office last year in Senate Bill 55.

Since 1976, federal services voters' ballots have excluded two races: (1) local question submitted elections and (2) political party precinct committee positions, which are elected in the August primary each even-numbered year. Before 1976, dating back to 1943, these ballots excluded even more races. The only reason for these exclusions that we know of was that, at the time the law was passed, many overseas voters received little information about local races and thus may have been uninformed about these issues. With recent improvements in the availability of political information, especially through the Internet, we assert that federal services voters are no longer limited by this factor and thus should be allowed to vote on all issues that other voters have on their ballots. Senate Bill 426 therefore would expand voting opportunities and promote fairness and equality.

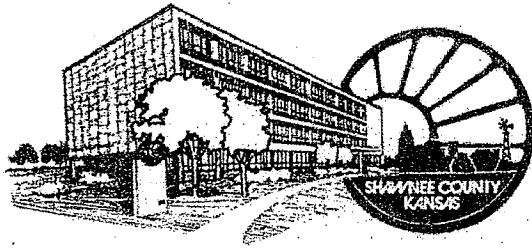
Another benefit of Senate Bill 426 would be to simplify the ballot preparation process for county election officers. They would no longer need to prepare a separate and different ballot for federal services voters. This would allow them to issue the same ballots to federal services voters as are issued to all other voters.

Section 3 also allows overseas voters the option of voting a Federal Write-in Absentee Ballot (FWAB) as provided for in UOCAVA. The FWAB is used when overseas voters have applied for regular ballots but the ballots were lost or not delivered. If there is not enough time to apply for a replacement ballot, voters may obtain a FWAB and write in the names of their preferred candidates for federal offices (President/Vice President, U.S. Senate, U.S. House of Representatives).

We urge the committee to recommend Senate Bill 426 favorably for passage.

For the committee's information, following are the main provisions of the 2009 MOVE Act.

- Begin distributing ballots to overseas voters 45 days before the election (this was already in Kansas law, but now it is in federal law).
- Allow overseas voters to obtain all voting information electronically.
- Collect ballot applications and transmit ballots by email or "other electronic means."
- Provide a method for overseas voters to submit Federal Write-in Absentee Ballots electronically.
- Allow overseas voters to track their ballot (whether it's been sent and received) electronically.
- Provide candidate lists electronically to overseas voters.



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TESTIMONY

TO: House Committee on Elections

FROM: Elizabeth Ensley
Shawnee County Election Commissioner

DATE: March 10, 2010

RE: SB 426 – Federal Service Ballots

Thank you for allowing me to again appear before your committee in favor of expanding voting for our uniformed and overseas civilians. There are not too many times that government can increase a service and improve security while decreasing costs. Yet Senate Bill 426 does just that.

This bill helps to fully enfranchise our many men and women who are fighting for us overseas in the Reserves and National Guard units. It eliminates the expensive and complicated difference between printing a federal service absentee ballot and a regular advance voting ballot, and it ends the practice of automatically mailing ballots to voters who have been transferred.

Like most counties in Kansas, Shawnee County does not have a major military base with many active duty career military personnel. We do however; have many Kansas National Guardsmen and woman and Reservists. **The men and women that serve in these units are Kansas residents who work here and pay their taxes here.** However, the current statutes make these voters choose between having their ballot sent 45 days prior to the election without local questions or precinct committee offices, or having an advance ballot sent through the mail 20 days prior to the election with those races on the ballot. They cannot do both.

Additionally, SB 426 replaces wording that required federal service applications to be kept for two November general elections. This was problematic, since the military is by definition very mobile and usually does not stay in one place. That means a sizable number of ballots were sent with no one to receive them. In November of 2008, ballots were sent to 429 Federal Service voters from Shawnee County of which 303 returned ballots. The difference was mostly due to maintaining old applications. The new wording maintains the application for only one year and will help eliminate this security issue.

Senate Bill 426 also formalizes the use of electronic transmission of ballots. For many federal service voters, e-mail is the only method through which they are able to receive a ballot.

Please vote in favor of SB 426. Thank you for your time and consideration.