

**LEGISLATIVE E-REPORT
LEAGUE OF WOMEN VOTERS OF KANSAS**

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LEAGUE OF WOMEN VOTERS IN KANSAS E-REPORT #9
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***IDENTIFICATION AND CITIZENSHIP REQUIREMENTS FOR VOTER
REGISTRATION AND VOTING - HOUSE BILL 2067***

This House Bill 2067 - written by Secretary of State Kris Kobach - will be heard before the Senate Ethics and Elections committee on Wednesday March 9 (proponents) and Thursday March 10 (opponents). This committee meets at 9:30 a.m. in 159-S in the State Capitol. The League will be testifying on Thursday and any members will be welcome as moral support.

The committee was given an informational hearing on HB 2067 on Thursday March 3. Committee members had many questions and wanted specific data on the extent of voter fraud in Kansas. Indiana has a law mandating photo ID to vote. This law was affirmed by the 7th U.S. Circuit Court of Appeals in January 2007 and the U.S. Supreme Court upheld the ruling on appeal in April 2008. This is the only case on voter photo ID heard before the Supreme Court so far. A request was made to compare HB 2067 to this Indiana law.

A number of bills requiring Kansas' voters to show a photo ID at the polls have been proposed. Four of these bills have been worked significantly by the Kansas Legislature. In 2008, HB 2019 did pass both chambers but was vetoed by the Governor. HB 2067 would require photo identification of all in-person voters at every election and it would require inclusion of the number on or a copy of a specified form of photo ID for all voters submitting advance ballots by mail for every election. This bill would allow for the issuance of a free photo ID card to anyone who qualifies under specified poverty criteria and signs an affidavit. This bill also requires any person registering to vote to submit evidence of U.S. citizenship. This bill grandfathers in all voters who are presently registered so the citizenship requirement applies only to new registrants.

The U.S. Voting Rights Act of 1965 allows all U.S. citizen to vote at any election in the state. No specific requirement exists at the federal level regarding proof of citizenship when registering to vote. Kansas' current law requires individuals applying to register to sign an affidavit swearing they are U.S. citizens. HB 2067 lists a number of documents that are acceptable proof-of-citizenship documents that must be provided in order to register—specifically birth certificates. The House Committee on Elections amended the bill to clarify that a voter who does not provide the appropriate ID may vote a provisional ballot. The penalty for voting without being qualified would increase from a Class A misdemeanor under current law to Severity level 8, nonperson felony. The same penalty increase would apply to voting more than once. HB 2067 was written such that if any provision of this new law were held to be unconstitutional, the remainder of the act would remain valid and in effect.

There were many questions over the fiscal cost of this bill. The Secretary of State would have to re-program the statewide voter registration database, redesign & print new voter registration forms and develop a training program for election workers. For counties, 20 of them would incur the cost to purchase document scanning equipment to use in conjunction with the statewide voter registration database and also train poll workers at an estimated total cost to the counties of \$51,000. It is unclear what the added costs may be to the

Department of Revenue for the issuance of free identification cards? The Department of Health and Environment estimates that HB 2067 would increase its expenditures by \$5,000 in FY 2011 to program the Vital Statistics System. There will be added costs for the Secretary of State as his office will step up enforcement of voter fraud. With an increase in the penalties for voter fraud, will that impact correctional costs to Kansas given that existing prisons are already over capacity?

The Kansas Senate Ethics and Elections committee will have many issues with the proposed changes in HB 2067. The Kansas Senate will want substantial evidence that voter fraud is a serious problem in the state. What will be the true fiscal cost to implement these changes? Where will the resources come from to fund these changes given the fiscal debt that Kansas is already facing? In recent time, the Kansas House has not worked many election bills sent from the Kansas Senate so the Kansas Senate may wait to see what the Kansas House does with the several election bills that have already passed the Kansas Senate this year.

ELECTION THIS AND THAT

Senate Bill 125 changes the filing deadline for national, state, county and township offices from noon on June 10, to noon on June 1. This will aid in the preparing and mailing of federal military and overseas ballots.

Senate Bill 126 limits candidates running for office from appearing in public service announcements or advertisements 60 days before an election

Substitute for Senate Bill 127 would - in the case of school district, city officer, or community college trustee offices - require a primary election only if more than three candidates would be on the ballot. It also would require that the names of the top two vote getters in the primary election be placed onto the ballot for the general election. If the election-at-large method is used, the bill would require a primary election only if the number of candidates is more than three times the number to be elected, and the number on the general election ballot would equal twice the number to be elected

THE BUDGET AND CHILDREN

Just Tuesday (3/8) agreement was made for the school funding to be cut by \$226 per pupil with this money put in special education and pensions. The school districts are definitely going to be hurt by this. Without the money for special ed, the state would have lost federal matching dollars.

Kansas Early Head Start. The House Social Services Budget Committee held hearings this week on the SRS Budget, which includes the Kansas Early Head Start Program (KEHS). In their deliberations, following the Thursday meeting, the Committee accepted a compromise proposal offered by the Kansas Children's Cabinet and the administration. The proposal fully funds KEHS. Additionally, it also collapses several smaller grant funds (e.g. the Early Childhood Block Grant, Smart Start, and the Reading Road Map) to create one large grant fund within the Children's Initiative Fund totaling \$21 million. The Committee requested additional data from SRS regarding effectiveness, participation and current funding levels for KEHS. The Committee **is scheduled to report back to the full Appropriations Committee on Thursday, March 10.**

Kansas Coordinated School Health. The Senate Ways and Means Committee accepted the recommendations of the Kansas Department of Health and Environment Subcommittee today. The recommendations included a partial funding restoration of \$150,000 for Kansas Coordinated School Health (KCSH) which the governor had cut. This program supports efforts to get kids physically active, make better nutritional choices, reduce tobacco usage and work

in general to create healthier students.

BUDGETARY STALEMATE

The budgetary stalemate continues on under the dome in Topeka. The Kansas House and Kansas Senate have been unable to reach an agreement on the Governor's budgetary reductions for this fiscal year that ends June 30. The Kansas House has stated that their proposal - that adopts the Governor's reductions and cuts more - has to be the starting point. The Kansas Senate has declined this approach.

The key debate is over the funding of special education and potential federal sanctions if Kansas does not fully fund 'maintenance of effort'. It is unclear what a failure to pass this budget will do to the 2012 budget. This past week, the Senate offered up a plan that would address the Governor's recommendations and leave the state with an \$83 million ending balance going into the next fiscal year. In addition to cuts, the Senate's proposal fully leverages federal education dollars so that our tax dollars will come back to Kansas schools

The revenue picture continues to be unstable. While the revenues to Kansas were up a bit during January, the revenues were a bit down in February. With a State budget that is so tight and struggling to overcome a \$300 to \$500 million deficit, every dip in revenues puts more pressure to cut programs even further. The scenario to find compromise on the final budget is unclear. Most of the 33 Democrats in the Kansas House will not support a more austere budget than the one proposed by the Governor. There are many conservative House Republicans who want even deeper cuts and they voted to repeal the one-cent sales tax passed last year. Uncertain how the Kansas Senate will vote on a more drastic budget of deeper cuts? It may well take several extra days in May in the veto session to find an acceptable compromise that can garner enough votes to pass.

JUVENILES AND CRIME

Senate Bill 63 adds "or a person whom the offender believes to be a child under 18 years of age," to current statute covering sexual exploitation of a child. The bill does not add a new offense, but clarifies existing penalties.

Senate Bill 74 would broaden the scope of crimes that allow forfeiture of assets to include the crimes of electronic **solicitation and sexual exploitation of a child**.

Senate Bill 23 clarifies that a juvenile has the right to a jury trial in a felony or misdemeanor case, but would have to make the request in writing within 30 days of entering a plea of not guilty.

OTHER

Senate Bill 67 amends current law to **allow gubernatorial inauguration contributions** that are not otherwise obligated for the payment of expenses incurred for the inauguration to be donated to any charitable donation that qualifies as a 501(c)(3) not-for-profit corporation.

Senate Bill 93 deals with **racial profiling**, but changes the name to "racial or other biased policing" and prohibits such actions. Under this bill, city and county governments may set up

Community Advisory Boards to work with local law enforcement agencies.

