

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

Senate Committee on Ethics and Elections Testimony on Senate Bill 388

Brad Bryant, Deputy Assistant Secretary of State

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Madam Chair and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 388. This bill would require the Secretary of State to develop and implement a training program for all persons involved in the administration of elections and for those involved in the administration and enforcement of voter registration. The bill includes a requirement that all trainees take proficiency exams, failure of which would lead to retraining or removal from their positions.

The Secretary of State is neutral on this bill. We support the concept of training individuals involved in the administration of voter registration and elections, and we have programs in place that accomplish that important goal. These programs have existed for many years and have served the state well. During the past twenty years our training programs have successfully prepared election officials and voter registrars for the implementation of many new laws, including significant changes brought about by the National Voter Registration Act of 1993, the adoption of advance voting, and the Help America Vote Act of 2002.

It is a question for the Legislature whether it wants to greatly expand the scope of existing programs and to add a proficiency requirement.

There are components of Senate Bill 388 that are not contained in existing programs, specifically the requirement to administer proficiency evaluations that could result in fewer individuals being willing to serve as poll workers. However, if the Legislature adds to the Secretary of State's duties in this area, we believe it should fund them and consider changing existing duplicative and contradictory laws.

We ask the committee to consider the following points:

1. The Secretary of State's office is already required to provide training to county election officers by K.S.A. 25-124. This law was passed as part of the implementing legislation associated with the Help America Vote Act of 2002.

25-124. Training of county election officers; duties of secretary of state. County election officers, as defined in K.S.A. 25-2504 and amendments thereto, shall receive instruction relating to their duties in conducting official elections, including procedures for complying with federal and state laws and regulations. The form and content of the instruction shall be determined by the secretary of state.

2. For many years, county election officers have been responsible for training their poll workers. See K.S.A. 25-2806:

25-2806. School for election board judges. The county election officer shall provide instruction for election board judges and clerks before each election. The instruction shall relate to all matters which

in the opinion of the county election officer require additional knowledge, explanation to, or training of such judges relating to elections generally, voting machines, ballots or duties in connection with any of the foregoing.

3. County election officers provide instructions to poll workers according to specifications developed by the Secretary of State. See K.S.A. 25-2706(b) and (d).

25-2706. Instructions, books and other materials; printing in foreign languages; responsibilities of county election officers and secretary of state.

(b) The county election officer shall furnish printed instructions to election boards, defining their duties and the law governing elections.

and

(d) The secretary of state shall specify the form and contents of instructions to voters, list of voters' rights and responsibilities and instructions to election boards. Such specifications shall be transmitted to county election officers and may be changed from time to time by the secretary of state.

4. The scope of Senate Bill 388 very broad. We believe it would require training and proficiency testing of the groups listed below. While the Secretary of State currently trains county election officers and provides a framework and curriculum for training poll workers, and we provide training for state-level voter registration agencies, we do not train the remainder of those listed below.

Election Workers

County election officers and their staffs (105 offices)
County commissioners (constituting the county boards of canvassers)
Poll workers (approximately 10,000 statewide)
County attorneys/counselors

Voter Registration Officials

Division of Motor Vehicles and its local offices
Social and Rehabilitation Services and its local offices
Department of Health and Environment—Women, Infants and Children (WIC) Program and its local offices
Medicaid offices in Kansas
First and second class city clerk offices
Deputized voter registration outposts in Kansas
County attorneys and district attorneys

This bill also could include all sheriffs' offices and police departments, who are involved in law enforcement.

5. We have submitted a fiscal note totaling \$490,000 for three years. Much of this expense is due to the expansion of the scope of training programs that Senate Bill 388 would bring about.

We ask the committee to consider these points during its deliberations on Senate Bill 388 and to consider whether the bill is necessary given the training programs already in place.

Thank you for your consideration.