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TO: SENATE ETHICS AND ELECTIONS COMMITTEE RM. 159-S

**Written Testimony of the MainStream Coalition in Opposition to HB 2437**  
March 14, 2012

Thank you for the opportunity to submit written testimony for the Senate Ethics and Elections Committee's hearing on House Bill 2437, relating to voting changes.

Founded in 1993, the MainStream Coalition is a non-partisan organization dedicated to the separation of church and state and to the support of public education and moderate policies in Kansas. As a foundation for these principles, MainStream believes that voter participation and voter education are fundamental to a democratic society. I am submitting these comments on behalf of the members of the MainStream Coalition and the MainStream Education Foundation.

HB 2437 advances the effective date of new proof of citizenship requirements for voter registration and for voting, from January 1, 2013 to June 15, 2012. Corollary bills directly affecting HB 2437 are SB 389 and SB 388, mandating education of voters and election workers, boards of canvassers, county attorneys, etc.

The MainStream Coalition wants to go on record as stating its long-standing opposition to the new voter identification and proof of citizenship requirements already passed in Kansas. Disenfranchising Kansas' voters to curb alleged but non-existent voter impersonation fraud is nothing short of undemocratic and unconstitutional, under the Kansas and US Constitutions. MainStream is confident that, in time, these voter suppression laws will be successfully challenged, at the expense of Kansas' taxpayers and the loss of valuable voting rights.

In the meantime, the Kansas legislature has the opportunity to delay the additional implementation of proof of citizenship requirements for voter registration and for voting. HB 2437 seeks to cut 6 months from the period of time currently allowed for voter education and poll worker education, to prepare Kansans for the new requirements set to go into effect currently in January 2013.

The MainStream Coalition has undertaken efforts to educate voters in Johnson and Wyandotte Counties about the new voting laws. The most recent forum dealing with these new laws had nearly 100 voters in attendance, most of whom were unaware of how the new laws would affect them, their children getting ready to vote for the first

time, their elderly parents in assisted living or nursing homes, their friends and family planning to move to Kansas in the near future, etc. Many did not even know that changes had been made in Kansas' laws regarding voting.

Between now and June 15, 2012 are 93 days. By the time HB 2437 is passed into law, more days will have passed and even fewer days will be available to provide the education mandated by SB 388 and 389. Without the minimal education required by SB 388 and SB 389, Kansas' new voting requirements would, without a doubt, be clearly illegal. The voter education program required by SB 389, must reach "all persons eligible to vote in Kansas no fewer than 60 days prior to the 2012 general election." (November 6, 2012) This means that the voter education program must have been completed successfully no later than September 6, 2012. However, if the proof of citizenship requirements is in place by June 15, 2012, this will impact the August 7, 2012 primary election. Voter education to reach all Kansas voters must also be successfully completed well in advance of the primary election, in order for these new laws not to disenfranchise even more Kansas voters, yet no provision has been made to reach voters with information about new proof of citizenship requirements for this election. Additionally, the projected cost to Kansas taxpayers for this voter education is approximately \$1.5 million, which is grossly inadequate for a suitable voter education program, as experienced in other states with similar laws.\* No doubt Kansas taxpayers will be required to pay much more for voter education efforts than projected, all in times when vital programs are being cut. This money for voter education will have to be spent far earlier than anticipated if HB 2437 becomes law.

Additionally, SB 388 requires training of election workers and that programs to train these workers be in place before August 7, 2012. Additionally, all election workers would need to be tested as to their proficiency before the August 7, 2012, election, and retrained if necessary. The election workers required to demonstrate such proficiency include the poll workers at approximately 10,000 polling places, voter registration workers at all motor vehicle office, SRS offices, Medicaid offices, city clerk offices, KDHE-WIC offices, deputized voter registration outposts, county and district attorney offices (and their staff), county election officers and staff, county commissioners, and county counselors in all 105 counties. It is expected that the costs for these workers participating in these trainings are to be borne by the local governments and state offices for whom those individuals work, and we can conclude that those costs for training well over 20,000 workers would not be insignificant, all at a time when local and state budgets are being cut.

Further, the time needed to properly train and test over 20,000 workers across the state is significant. HB 2437 requires the examination and evaluation of numerous proof of citizenship documents and a consistent handling of responses to all such documents. For over 20,000 individuals to master those requirements and demonstrate proficiency therein, is no small task. It is unrealistic to expect that this will be successfully accomplished in the short time allotted between now and the primary election, if HB 2437 is passed. The net effect will be confusion, voter irritation and anger, voter suppression, and outright disenfranchisement of Kansas' voters. Members of the MainStream Coalition have reported contacting local election offices concerning the new laws and being given conflicting information concerning them. If the election

office workers do not understand the new laws, how can anyone expect voters to understand them.

The MainStream Coalition supports efforts that encourage people to vote and that facilitate voting, to make voting easy, accessible, and clear. We want to ensure that first time voters, the elderly, the poor, those without transportation, those moving to Kansas, and all other eligible Kansas voters are not dissuaded from voting because they do not have "their papers" on them, they cannot afford to get a copy of the required proof of citizenship documents, they do not have the ability or resources or time to search for required documents, or they simply are not aware of the dramatic changes in Kansas voting laws.

There always must be a compelling state interest in enacting new requirements that infringe on the basic rights of Americans. Voting is one of the most basic rights of being an American citizen, and if the compelling state interest is not there, the laws restricting those rights must...and eventually will...be thrown out. In the meantime, it is the responsibility of the Kansas legislature to ensure that, at a minimum, Kansas voters and Kansas election workers know what the new laws require and know how to implement them fairly, consistently and efficiently.

Accomplishing that simply cannot be done between now and June 15, 2012. Please vote against HB 2437.

Thank you for your time in considering the position of the MainStream Coalition on this bill.

Micheline Burger  
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\*Voter id laws cost millions to implement, and taxpayers will foot the bill.

- Minnesota's costs have been estimated at \$84 million to implement Minnesota bill H.F. 210, and \$25 million to implement alternative bill H.F. 89.
- North Carolina's voter id costs have been projected at \$18 to \$25 million over three years.
- On February 8, 2012, the Virginia Gazette reported that the voter id law in that state "may take millions of dollars to implement", and projected the cost between \$7.91 to \$22.59 million.

The expenses for taxpayer id laws include voter education which will be mandatory for any voter id legislation.

- Georgia taxpayers learned this in the 2006 federal court ruling in Common Cause/Ga. V. Billups, 439 F.Supp. 1294 (N.D. Ga. 2006).
- Voter education costs in Missouri were estimated at \$17.4 million in 2010.
- The costs for voter education in Minnesota have been projected at \$19.48 million. A "fiscal note" to the Minnesota legislation stated that the expense for mobile facilities to provide licensing to nursing home residents would alone cost \$1.8 million over four years. The same expense in Missouri was estimated at \$1.78 Million.

Because approximately 10% of the eligible voting population does not have a government issued photo id, states with voter id laws will be required to provide photo ids.

- Over a 3-year period Indiana spent approximately \$10 million for photo ids.
- The cost for the photo id's has been estimated at \$2 million in Missouri,
- \$2.8 million in Wisconsin
- \$3.9 million in Minnesota. Local governmental bodies will also absorb additional costs. Local election commissions will need additional polling place workers to handle for the increased workload. This cost was estimated at \$1.6 million in Minnesota.

If you want more information on the high cost of voter id laws, there are a number of studies available, including *The High Cost of Voter Id Mandates*, published by Minnesota Common Cause and Citizens for Election Integrity Mn., and *The Cost of Voter Id Laws: What the Courts Say*, by the Brennan Center for Justice.