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February 15, 2019

Honorable Kansas State Senator Elaine Bowers  
Chair, Senate Ethics, Elections and Local Government Committee and Distinguished Members of the Committee

Re: Senate Bill 43, relating to voter registration

Chairman Bowers and Distinguished Committee Members,

As Harvey County Clerk and Election Officer, I thank you for your time in allowing me to comment on this bill that affects a number of existing election statutes. I oppose this bill in its current form since I have identified several issues that I feel should be considered.

I personally agree with the intent of the bill to allow voters to register and cast a ballot on the same day, which could attract more prospective voters to participate in the election process. This bill could also allow more of the provisional ballots cast to be counted and included in the final election results. In the 2018 General Election in Harvey County there were 72 of 375 total provisional ballots cast that were not counted due to registration issues, either not registered or registered in another county in Kansas; these were the only ballots that were not counted. All or most of those 72 ballots cast could have been counted and included in the final election results if this bill, with the proposed changes, had been in effect.

I have a few concerns that I would like to address:

1. The proposed changes to KSA 25-2311, striking lines 17-28 on page 1, removes the 21 day registration deadline for registrations received in the county election office, but section (d), beginning on line 11 on page 2, continues the 21 day deadline for registration applications received by other voter registration agencies and the division of motor vehicles.
  - a. I suggest retaining the language to close the registration books during the 20 days preceding each election so that individuals who register prior to the deadline can expect to be included in the pollbook and vote normally unless otherwise required to vote provisionally;
  - b. Retaining the date for closing the registration books allows election officers to certify registration statistics to the Secretary of State as required in section (f), lines 23-28 on page 2, as of that specific date.
2. The changes to KSA 25-2316c on lines 2-10 on page 2, allowing advance in-person voters in the election office to register and vote non-provisional ballots immediately, conflict or are inconsistent with section (c)(1), beginning on line 12 on page 3, which states that voters at satellite advance voting sites and election day polling places shall be allowed to register and vote provisionally.
  - a. There should not be a difference between advance in-person voting in an election office or at a satellite advance voting site. Even in the election office, it would be difficult to enter a registration to verify the eligibility of the voter then immediately issue a non-provisional ballot to each voter. If a voter is issued a non-provisional ballot without verification of eligibility and the voter was later determined to be ineligible it would be impossible to retrieve the voted ballot that should not be counted.
3. There are some other administrative issues that would need to be resolved, so the Secretary of State's Office should be allowed broad authority to adopt rules and regulations regarding these registrations.

I oppose passing SB 43 in its current form and request that my concerns be addressed. The result of this legislation, with the suggested revisions, would be that all non-registered voters would vote provisionally like they currently do, but the majority of these voted ballots would be accepted by the canvassers and counted. I believe that this bill could result in a small increase in voter turnout, but it would definitely result in allowing more of the ballots cast to be counted.

Sincerely,

A handwritten signature in blue ink that reads "Rick Piepho".  
Rick Piepho  
Harvey County Clerk & Election Officer