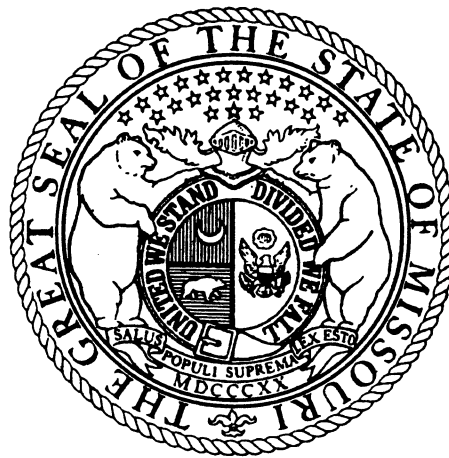


*Report of the
House Interim Committee
on
Election Reform
and
Ballot Access*



December 2001

December 5, 2001

The Honorable Jim Kreider, Speaker
State Capitol Building
Jefferson City, MO 65101

Dear Mr. Speaker:

The Interim Committee on Election Reform and Ballot Access, acting pursuant to your request, has met, taken testimony, deliberated, and concluded its investigation of election procedures and access to the ballot in Missouri. The following members are pleased to submit the attached report:

Rep. Maida Coleman (Vice Chair)
Rep. Linda Bartelsmeyer
Rep. Russ Carnahan
Rep. Ted Farnen
Rep. Meg Harding
Rep. Beth Long
Rep. John Quinn
Rep. Bradley Roark

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Seigfreid", with a long horizontal line extending to the right.

Rep. Jim Seigfreid
Committee Chair

INTRODUCTION

Speaker of the House, Rep. Jim Kreider, appointed the House Interim Committee on Election Reform and Ballot Access in September 2001. The Committee was composed of:

Rep. Jim Seigfreid (Chairman)

Rep. Maida Coleman (Vice Chair)

Rep. Linda Bartelsmeyer

Rep. Russ Carnahan

Rep. Ted Farnen

Rep. Meg Harding

Rep. Beth Long

Rep. John Quinn

Rep. Bradley Roark

The Committee was charged with evaluating balloting and administrative procedures to promote greater fairness, uniformity, and inclusiveness in the democratic process. The Committee was instructed to investigate the technological advances in the election process. The Committee was further charged with examining different voting procedures such as uniform state voting laws, early voting and establishing a standard of definition of an actual vote.

The Committee held public hearings at the following locations:

Jefferson City, MO

St. Louis, MO

Parkville, MO

Springfield, MO

October 15, 2001

October 26, 2001

October 29, 2001

November 5, 2001

In addition to the oral and written testimony presented at the hearings, the Committee observed several demonstrations of electronic voting equipment, a video presentation on instant runoff voting, and some members of the Committee attended an exposition on accessible voting technology.

Finally, the Committee held a “working meeting” in Jefferson City, Missouri on November 16, 2001, at which meeting a majority of the Committee members present agreed that the Recommendations following the Summary of Witness Testimony be included in this Report to the Speaker.

SUMMARY OF WITNESS TESTIMONY

Jefferson City hearing, 10/15/01

Wendy Noren, Boone County Circuit Clerk

Ms. Noren provided the members of the committee with a binder that contained the National Task Force Recommendations for Election Reform. There were four separate reports in the binder: National Association of Counties; CalTech/MIT; The Election Center; and Carter/Ford. In addition, at the front of the binder, Ms. Noren included a 5-page summary of issues of concern, as addressed/highlighted by the four national reports.

Specific issues addressed by Ms. Noren included: changes of address processed by the DOR should be forwarded to the county clerks or should be processed there (at DOR) as voter change of address; postcard registration/application problems need to be addressed; probable federal mandating of “provisional” or “affidavit” balloting; benefits of distributing sample ballots to all voters by mail prior to election day, including providing notice to those voters who do not receive a sample ballot by mail that something is wrong with their registration well before election day; too many polling places remain inaccessible to elderly and disabled voters; reviewing recount/election contest laws to insure they meet the time schedules for presidential elections and to insure uniform application among jurisdictions within the state.

Lauren Palmer, Associated Students of the Univ. of Missouri

Advocates: simplifying the voter registration form to make instructions easier/clearer to understand, including a question allowing first-time voters to vote by absentee ballot; standardized receipt of registration to be sent out to all persons who register to vote at the DMV; only requiring first-time voters to have their absentee ballots notarized; if technology is available, requiring county clerks to accept absentee ballot requests by fax; making it more widely known that state statute prohibits notaries from charging a fee for absentee ballot notarization; split shifts for poll workers; a student exemption from class to work at polls; and a check-off box on voter registration cards for persons to indicate if they are interested in working as a pollworker on election day. Ms. Palmer provided a written copy of her testimony.

Betsy Byers, Secretary of State's Office

Ms. Byers provided the committee with an update on the administrative rules filed relating to Chapter 115, RSMo., including a unique identifier for tracking postcard application forms, uniform standards for determining the intent of the voter, and streamlining testing procedures for tabulating equipment.

Ms. Byers also highlighted proposals for improving the election process, including provisional balloting, increasing pollworkers through youth election participants, possibly requiring photo identification to eliminate fraud, and increased training of pollworkers.

St. Louis hearing, 10/26/01

Richard Illyes, St. Louis County Libertarian Central Committee

Mr. Illyes testified on the advantages and benefits of the “first and second choice voting” method of instant runoff voting, which should apply to every election with more than two candidates, but especially primaries. Mr. Illyes provided the members of the committee with a handout of his testimony, which included proposed language for adding instant runoff voting to the election laws.

John Hickey, Missouri Progressive Vote Coalition

Mr. Hickey testified regarding three points which he wished to emphasize to the committee: (1) Low income and minority citizens in Missouri are less likely to be registered to vote because the system has been designed to exclude these citizens from the process; (2) Voter registration by grassroots groups works as a way to register and mobilize all citizens; and (3) The Legislature should pursue a goal of universal voter registration in Missouri, rather than a goal of reducing access to the ballot; more needs to be done. Mr. Hickey also provided the committee with a handout of his testimony, which included more detailed examples of his three points.

Ruth Kamphoefner

Ms. Kamphoefner testified on the need for more education of the public on voter procedures and rules through mass media other than newspapers, which relatively few people subscribe to anymore.

Chuck Pryor, Secretary of State’s Office

Mr. Pryor testified regarding some key components (from last year) that the Secretary of State would like to see included in a bill for the upcoming legislative session: competitive state grant program; allowing political parties (outside the two major ones) to serve as election judges; protection for employees who wish to serve as election judges/pollworkers; matching grants to increase election judge compensation; requiring state agency-based postcard registration cards to be turned over to the Secretary of State’s office within five days; ability to certify electronic voting equipment systems; ease of casting/counting military ballots (i.e. fax or computer); consistent statewide standards;

requiring local election officials to accept absentee ballot applications by fax (if technically possible); and (limited) subpoena power for the Secretary of State coupled with prosecutorial power for the Attorney General to crack down on voter/election fraud. Mr. Pryor also testified regarding some new provisions that the Secretary of State will emphasize: statewide election judge pool; properly structured provisional balloting; and requiring photo identification.

Parkville hearing, 10/29/01

Ernest Isenberg

Mr. Isenberg advocates mailing sample ballots to all registered households for each election, and providing a special postal rate for such mailings. Mr. Isenberg provided the members of the committee with a handout detailing his testimony.

Phyllis Griggs, Clay Count Election Board

Ms. Griggs testified regarding the strong need for state financial support for smaller and rural counties to buy updated voting equipment, which they do not have the tax base to finance on their own.

Lou Traxel, Greens of Greater Kansas City; Midwest Democracy Center

Mr. Traxel testified on the “ranking” method of instant runoff voting and its benefits, including eliminating the “spoiler candidate” phenomena and reducing the cost and low voter turnout of later, second runoff elections. Mr. Traxel also played a 7-minute videotape on this subject and provided the committee members with a detailed handout of his testimony.

Gayla Vandelight, Secretary of State’s Office

Ms. Vandelight testified regarding the election reforms accomplished by the Secretary of State through administrative rule changes, including adding a unique identifier to postcard registration forms, and uniform state standards for counting ballots. Ms. Vandelight also highlighted some proposed changes the Secretary of State would like to see legislated this year, including: provisional balloting; expanding the election judge pool beyond Republicans and Democrats; cross-jurisdictional election judge pools; stricter voter identification, preferably photo, but otherwise 2 signature IDs; and ability to certify electronic voting equipment systems.

Pat Conway, County Clerk of Buchanan County

Mr. Conway testified on several issues he would like to see addressed in the upcoming session, including: eliminating the requirement that uncontested committee-person races be included on ballots; absentee ballot (application?) delivery; employment protection for election judges; and grant money to address central voter data base problems.

Marie Richey

Ms. Richey testified in favor of the “ranking” method of instant runoff voting, advocated allowing all parties access to/participation in debates; and advocated promoting the use of the word “nonpartisan” rather than “bipartisan”.

Mary Beth Erickson, Platte County Board of Elections

Ms. Erickson testified regarding specific changes that should be made to the election laws, including: allowing public officeholders to serve as election judges (115.085); requiring the list of election challengers/watchers to be submitted to the election authority no later than 5 pm the Wednesday before the election ((115.105, .107); eliminating the June election date (115.123); allowing voters who change their address on election day at the polling site after 6 pm and who cannot make it to the new polling location before 7 pm to vote at the old polling site if the ballot style required at the new polling site is available (115.165); allowing provisional balloting (115.429); eliminating uncontested elections for committee-persons from the ballot (115.613); and amending the statute regarding testing of automatic tabulating equipment to read “No later than five days prior to an election . . .” rather than the current “Within five days prior to an election . . .” (115.233). Ms. Erickson provided a written copy of her testimony.

Jon Krebbs, Clay County Election Board

Mr. Krebbs testified regarding the need to amend section 115.233, which governs the testing of automatic tabulating equipment, to read “Not later than five days prior to an election . . .” rather than the current language “Within five days . . .”. Mr. Krebbs provided a written copy of his testimony.

Springfield hearing, 11/5/01

Chuck Pryor, Secretary of State’s Office

Mr. Pryor testified regarding some key components (from years past) that the Secretary of State would like to see included in a bill for the upcoming legislative session:

competitive state grant program; allowing political parties (outside the two major ones) to serve as election judges; protection for employees who wish to serve as election judges/pollworkers; matching grants to increase election judge compensation; early voting (but only if state pays its proportional cost and only if pre-appropriated); ability to certify electronic voting equipment systems; military absentee ballots (i.e. fax or computer); prohibiting butterfly ballots except in limited situations; requiring local election officials to accept student absentee ballot applications by fax (if technically possible); and (limited) subpoena power for the Secretary of State coupled with prosecutorial power for the Attorney General to crack down on voter/election fraud. Mr. Pryor also testified regarding some new election reform provisions that the Secretary of State will emphasize this year: a statewide election judge pool; properly structured provisional balloting; and requiring photo identification.

Donna McQuay, Mayor of Ozark, MO

Ms. McQuay testified that record-keeping problems in counties need to be addressed; counties need updated equipment, and poll workers need to be better trained. These issues need to be and can be accomplished by more state funds to cities and counties. Ms. McQuay testified that she was not in favor of provisional balloting, which would not be necessary if the previously mentioned issues were properly addressed.

Richard Struckhoff

Mr. Struckhoff testified that he still prefers the punch-card system of voting and that it shouldn't be discarded because it is cheaper and more flexible, and the funds are not there for converting to electronic voting. He also testified that he was not in favor of early voting unless it was only available to persons who had voted in the previous election and who had kept their voter registration up-to-date. Finally, Mr. Struckhoff testified that caregivers (of the elderly or disabled) need to be allowed to vote absentee, and this should be accomplished in the statutes by changing the definition of "ill or absent", not by adding caregivers to the list, otherwise it would entail very expensive reprinting of absentee ballots.

Glenda Mott, Laclede County Clerk; Missouri Clerks' Association

Ms. Mott testified that she was not sure early voting was really effective but that she supported it on a limited basis. She testified that she had concerns with the litigation potential of provisional balloting and that it was a disincentive to updating voter registration. Ms. Mott was in favor of allowing election judges to cross jurisdictional lines.

RECOMMENDATIONS

- 1) Expand the pool of available, qualified election judges. Examples of ways in which this could be accomplished include allowing election judges to serve across jurisdictional boundaries, allowing election judges from outside the Democrat and Republican parties, and removing the prohibition against public office holders serving as election judges in certain circumstances.
- 2) Allow a set number of employees from businesses/employers with 50 or more employees to take time of work without penalty to serve as election judges.
- 3) Require state agencies that collect postcard voter registrations to transfer them to the Secretary of State's office within 5 business days.
- 4) Close certain voter registration records to the public by court order if the voter's safety is at issue.
- 5) Allow caretakers of the disabled and elderly to vote by absentee ballot.
- 6) Provide state grants for election judge compensation, subject to appropriation.
- 7) Provide state grants to upgrade local election equipment, subject to appropriation.
- 8) Authorize the certification of electronic voting equipment.
- 9) Allow international election observers.
- 10) Allow persons in federal service to return absentee ballots by electronic means (i.e. fax or computer).
- 11) Eliminate use of the butterfly ballot unless approved by the Secretary of State.
- 12) Require that voting instructions be clearly posted at all polls, preferably in each voting booth.
- 13) Address the issue of challenged or questionable voters. (One example of this would be the provisional ballot).
- 14) Encourage enforcement of existing election laws. (One possible solution would be to give subpoena powers to the Secretary of State, coupled with prosecutorial powers for the Attorney General).

- 15) Enforce or tighten current voter identification requirements.
- 16) Further examine the possibility of giving local election authorities the option to mail out sample ballots to voters and only print sample ballots one time in newspapers, versus the current requirement of two newspaper printings.
- 17) Assess the number of elections authorized to be held each year.
- 18) Eliminate the requirement that uncontested elections for committee men and women be included on ballots.
- 19) Extend the time period allowed for testing voting equipment.
- 20) Accept absentee ballot application requests by fax, if technology permits.

Another issue discussed, but not agreed to as a recommendation by a majority of the Committee members, was requiring the state to pay the proportional costs of an early voting program.

CONCLUSION

The Committee intends to support legislation to be offered in the upcoming session that incorporates these recommendations.

