

State Records Board Meeting  
Quarter Meeting July 14, 2005

Acting under the provisions of the Kansas Statutes Annotated 45-404 and 75-3504, the State Records Board met on July 14, 2005 in the Executive Conference Room of the Kansas State Historical Society to consider requests for approval of retention and disposition schedules and of additions to or revisions of such schedules for the following agencies:

Kansas Insurance Department  
State Gaming Agency, Racing and Gaming Commission  
Kansas Department of Revenue  
Local Governments, County Election Offices

In attendance were: Theresa Bush, (chair), Kansas State Attorney General's Office, Dr. Patricia Michaelis, State Archivist, Kansas State Historical Society, Duncan Friend, Department of Administration, DISC, Bill Sowers, Kansas State Library, Matt Veatch, Assistant State Archivist, representing Kansas State Historical Society Executive Director Jennie Chinn, Cynthia Laframboise, State Records Manager, Kansas State Historical Society, Justin Dragosani-Brantingham, Government Records Archivist, Kansas State Historical Society, Scott Leonard, Electronic Records Specialist, Kansas State Historical Society, Letha Johnson, Archivist, Kansas State Historical Society, Kirsten Hanna, Administrative Assistant, Kansas State Historical Society.

Dr. Michaelis called the meeting to order at 8:30 a.m. She asked if there were any corrections to minutes from the prior meeting April 14, 2005. Dr. Michaelis asked if there was a motion to approve the minutes. Mr. Veatch moved that the minutes be approved with no changes. Mr. Friend seconded the motion. The minutes were approved with no changes.

Kansas State Insurance Department

Sabrina Wells, Fiscal Officer, for the Insurance Department contacted Cynthia Laframboise with a request on behalf of the legal staff to amend the Workers' Compensation Fund Files to add an additional five years. Ms. Bush joined the meeting assumed her role as chair of the board. Ms. Bush asked for a motion to approve. Dr. Michaelis moved that the schedule be approved. Mr. Veatch seconded the motion. The schedule was approved.

State Gaming Agency - Racing and Gaming Commission

Mr. Leonard had a correction in the spelling of the agency's records officer's name. He said the record series under consideration had been scheduled prior to this recordkeeping plan. With the advent of an agency imaging system these items needed an approved

recordkeeping plan. Ms. Bush asked if there were any questions. Dr. Michaelis asked if the records were all short-term records even if they were maintained electronically. Mr. Leonard said that they were. Mr. Leonard also had a procedural question concerning the lack of a signature by the agency director on the recordkeeping plan and questioned if the schedule could be approved or if the board would have to wait for a signed copy. Dr. Michaelis said that it made sense because if the Records Board made changes, the agency director would have to sign them again. She asked if the head of the agency had seen the schedule. Ms. Laframboise said they had. Ms. Bush asked for a motion to approve the schedule. Mr. Veatch moved to approve the schedule with the signed copy to follow. Mr. Sowers seconded the motion. The schedule was approved.

#### Kansas Department of Revenue

Ms. Bush questioned the use of KSA 45-22I(a)(11)(25) listed in the restrictions field on Series 0083-565, Ex parte Orders - Accident Cases, page 13 and Hearing Order Accident Cases on page 14. She suggested that those restrictions be removed because Orders are never closed. The actions leading up to the Orders could be restricted but the Orders are open. Once they are introduced into an open hearing, they are essentially judge's orders. She also noted that once the records come to the records center the cases should not be pending and would not be active files. Ms. Bush recommended that the restrictions should be removed.

A question arose over the Franchise Tax Records on page 22. Mr. Dragosani Brantingham suggested that the section be tabled until the recordkeeping plan was completed. Mr. Veatch agreed. Dr. Michaelis moved that the schedule be approved as amended, removing the restrictions on 0083-565 on pages 13 and 14 and tabling the Franchise Tax section. Mr. Sowers seconded. The schedule was approved as amended.

#### Local Government - County Election Commissioner

Mr. Dragosani-Brantingham said the new entry resulted from a question from the County Elections officers, Kansas County Clerks, and members of the Kansas County Clerks and Election Officials Association (KCCEOA). They expressed a desire to see the retention schedule shortened. Shawnee County was the only county that chose to retain the records longer. He said the local government representatives asked that voters can register with the Department of Motor Vehicles (DMV), request registration from the Secretary of State office and the card eventually resides at the elections office and by statute those records are retained for five years. Information included in the voter rolls has a permanent retention.

Ms. Bush said the State Records Board can make schedules more restrictive but cannot weaken the statute. She said it was analogous to the federal gun laws. Cities and counties can make it harder to purchase guns but not easier.

Mr. Friend expressed concern in allowing these records to be destroyed and questioned where the original information connected with the other records. He said that he understands the desire to lighten the administrative burden involved but was concerned about accountability - what were the pluses and minuses of not having the original. He was concerned that there would be no proof that a voter signed up to vote, however he recognized that keeping the records costs money, but was hesitant to give the authority to destroy the records without accountability.

Dr. Michaelis said that the Board had not heard about the process of retaining or deleting voter records. Ms. Bush asked how voters get their names removed. Mr. Dragosani-Brantingham said if a voter moves from a county, his name is removed from the list. The cards are taken and placed on the election council list and destroyed after two years. Ms. Bush said if people do not contact the clerk then the clerk might not know. Mr. Dragosani-Brantingham said that if the voter goes anywhere to vote again, his name will have to register in that county. Ms. Bush asked if that clerk would then notify the clerk from the county which the voter moved. Mr. Dragosani-Brantingham said that the Secretary of State office has a master list and can validate voter information. Ms. Laframboise said that those records are not currently in the electronic record keeping plan for that office. The Secretary of State office plans to add these records to their record keeping plan but were not ready at this time to commit to the process.

Mr. Dragosani-Brantingham said that county election commissioners receive records from the DMV and that is reflected by the Election Council records. He stated that he is confident this system works.

Dr. Michaelis added that the Historical Society wanted to retain the cards from Presidential Election years so it could have a sampling for historical purposes, i.e. what people registered to vote for in a Presidential election.

Mr. Dragosani-Brantingham asserted that the records still have a five year retention during which officials can refer back to them and that the board is still requesting to retain the registration notes permanently. Mr. Friend was still concerned that the local election records could be retained as little as two years and the books could be retained as little as five years but conceded that the legislature had spoken in the law. Ms. Bush said that if there were a challenge to the results of an election, officials could go to the registration cards and see where the voter lives, if necessary, to ensure that the voter is qualified. His/her signature would prove that and that registration books are kept permanently for presidential election years.

Mr. Sowers questioned how officials track felony records, if felons are registered to vote. Ms. Bush said officials could check if they needed to do so.

Ms. Bush suggested a correction in the restrictions, possibly restricting information with social security numbers. She said that there are laws being adopted that relate to social security numbers because of identity theft and that social security numbers can be closed.