

CANVASSING KANSAS

An update on election news from Kansas Secretary of State Ron Thornburgh

March 2006

Thornburgh signs four-state agreement

CANVASSING KANSAS

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On December 11, 2005, Kansas Secretary of State Ron Thornburgh signed a cooperative agreement (Memorandum of Understanding) with his counterparts in Iowa, Missouri and Nebraska on the first day of the Midwest Election Officials Conference (MEOC) in Overland Park, Kansas. The other secretaries signing the agreement were Iowa Secretary of State Chet Culver, Missouri Secretary of State Robin Carnahan and Nebraska Secretary of State John Gale. MEOC offered an ideal opportunity for the four Midwest states to initiate discussions.

Part of the impetus for the agreement is HAVA. With all the states developing statewide computerized voter registration systems, discussion has arisen about the possibility of comparing data among states to identify duplicate registrations. It is possible that in some instances double voting could arise, too.

The MEOC discussion grew into an agreement to explore opportunities for interstate cooperation in areas besides cross-checking of voter registration data.

We are already utilizing the agreement. Kansas recently sent a data extract from ELVIS to Iowa for the first test of the cross-checking program.

Other states are pursuing efforts to cross-check as well. Five states in the northwest region of the United States have agreed to engage in data cross-checking. Several in the southeast region are participating in agreements also. The northwest states have written to the federal Election Assistance Commission to establish a program to oversee data cross-checking programs and to possibly fund the effort. Currently, there is no single entity overseeing a nationwide effort.

Three principles highlight the agreement

The Memorandum of Understanding, signed December 11, 2005, contained the following three principles:

- ★ The states agree to form a task force to research a process for the states to improve election administration, including but not limited to:
 - cross-checking voter registration data,
 - cooperative training of election officials,
 - cooperative testing of election systems,
 - cooperative improvements for election security processes, and
 - establishing uniform protocols for international observers.
- ★ Each secretary shall designate staff from the respective offices to carry out the terms of the memorandum, including the election director and the director of computer services. Secretary Thornburgh designated Mike Stewart, chief information officer, and Brad Bryant, elections director, to the task force.
- ★ The task force shall meet and issue progress reports to the secretaries by March 15, 2006.

Wyandotte County CEO retires

Wyandotte County election commissioner Pat Rahija recently announced her retirement effective April 1, 2006. Pat was appointed August 14, 1995, to succeed Elizabeth Malloy, who retired after 16 years as commissioner. Rahija came to the county election office after working for eight years for U.S. Representative Jan Meyers.

In nearly 11 years as election commissioner, Rahija has seen Wyandotte County through two major changes in election administration brought about by sweeping federal laws: the implementation of the National Voter Registration Act of 1993, which took effect beginning in 1995, and the Help America Vote Act of 2002, some of which took effect in 2004, with much more to come in 2006.

Rahija also has been responsible for many other administrative changes. She has updated procedures in the office, modernized voting equipment from lever machines to precinct-based optical scan ballots, and incorporated technology into election administration.

During her tenure, the office has operated in the west annex, separated from the main courthouse located in downtown Kansas City. In a recent decision by the Wyandotte County Unified Government, the election office will be temporarily relocated in late spring 2006 to accommodate the construction of a water park near the Kansas Speedway in western Wyandotte County.

“It has been an honor and a privilege to serve as election commissioner in Wyandotte County,” Rahija said. “I sincerely appreciate the help and support I have received over the past 10 1/2 years from the Secretary of State and his staff, as well as from all of the county election officials. It has been a challenge and sometimes a struggle to implement all of the changes we have seen in the last few years. However, Kansas has good leadership, and the cooperation among all of the county election officials working together as a team made the difference between success and failure. You have been a great ‘team’ to work with, and I will definitely miss your friendship.”

*Please see **Wyandotte county**, page 6*

Shawnee County CEO reappointed

Elizabeth “Libby” Ensley was appointed to a fourth full term as Shawnee County election commissioner by Secretary of State Ron Thornburgh on January 7, 2006. Ensley was first appointed in January, 1992 to fill the unexpired term of her predecessor, Jo Anna Mitchell. Her 14 years as election commissioner makes Ensley the longest-serving of the four incumbent election commissioners.

According to Kansas law, each county in Kansas has a county election officer to conduct official elections. In 101 counties the election officer is the county clerk, who is elected to a four-year term in a countywide election. In the four largest counties—Johnson, Sedgwick, Shawnee and Wyandotte—

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RON THORNBURGH Kansas Secretary of State

Dear Friends:

By now, preparations are underway in county election offices throughout the state to receive new HAVA compliant voting equipment. As this work takes place, it is important not to overlook the most vital component of these efforts - training. Ensuring that all county election officers and poll workers can confidently operate their new machinery is one of my highest priorities.

I am currently working with ES&S, Diebold and VTI, as well as all of you, to create a comprehensive training program that will provide all counties with the skills they need to hold secure, uniform, HAVA compliant elections. This will include events coordinated by this office, as well as individual, vendor specific regional and local training.

On March 29, we will be holding a one-day voting equipment workshop in Junction City, as well as an extended, in-depth HAVA training session at the 2006 KCCEOA Conference in Great Bend on May 2-5. For more information on either of these events, contact a member of my elections staff.

But even with the best trained staff, the elections process won't work unless the voters understand the new technology. With this in mind, I am creating a comprehensive voter outreach package that will be available to you in May. This will include information on taking the machines out into the public, brochures on your specific equipment and general voting practices, and more.

I want you to have every tool available at your disposal to allow you to best educate your public. If there is something specific you would like to see in this package, please do not hesitate to share that with members of my staff. I welcome your input!

So, as we continue our march toward the August 1 primary election, I want to again thank you for your hard work and dedication. Together, we are making Kansas elections one of the most accessible in the nation.

Sincerely,

A handwritten signature in black ink that reads "Ron" in a cursive, slightly stylized font.

RON THORNBURGH
Secretary of State

2006 Legislation

Summary of 2006 proposed elections legislation

The Secretary of State's (SOS) office is pursuing four pieces of legislation in 2006. A fifth bill has been proposed jointly by the SOS and the KCCEOA. The following is a list of that legislation and its status:

Senate Bill 142

This bill is left in conference committee from 2005. It contains three elections bills proposed by the SOS in 2005 and some campaign finance provisions that were taken from various other bills and amended onto it. The conference committee bill is alive and could be brought up and voted on in the House and Senate at any time this session. It would need a vote in each house to pass. It cannot be amended on the floor of either house, but the conference committee could amend it before sending it to the floor.

The main parts of the bill are:

- a. **SB 132**—Update optical scan voting equipment laws
- b. **SB 143**—Update electronic (DRE) voting equipment laws
- c. **SB 142**—Advance voting ballot security
 - ★Voter designates in writing on envelope a person to deliver ballot to CEO
 - ★Only voter may sign ballot application
- d. Campaign finance bill
 - ★Reports required during 11 days preceding elections by electronic means, fax, telegraph or express delivery
 - ★Candidates may sign reports in lieu of treasurer
 - ★Transfer of campaign funds from one level to another (county/state/federal)
 - ★Electronic campaign finance reporting by e-mail or Internet
 - ★Political committees required to make additional filings

Voter Identification Bills (2)

SB 447 would require ID of all voters at all elections. This is similar to a provision in the HAVA bill that passed both houses of the Legislature in 2003 but was vetoed by the governor.

HB 2776—HAVA Voter ID Cleanup

- a. Clarify that if a registrant has been verified through DMV/SSA or has previously submitted valid ID, he/she does not need to provide ID when voting.
- b. Clarify if law that forms of ID must contain the voter's name and either the photo or current residential address.
- c. Clarify ID requirements of by-mail advance voters.

Recall Bill

SB 448—This is a cleanup bill to close some gaps in current law that arose from a recall effort in Mitchell County. It would:

★Clarify 30-day mandamus deadline by requiring the subject of a recall to be notified of the county attorney's approval of the grounds for recall in petition. The subject of the recall has 30 days to file mandamus but no notice is required, so the person doesn't know when to start counting 30 days.

2006 Legislation

★Change “not earlier than” provision in law so it says “within.” The law intended to require mandamus or injunctive actions to be filed in court by either side in a recall to be filed within 30 days of the approval of the petition, but the law was worded to say “not earlier than” instead of “within.”

Satellite Advance Voting Bill

HB 2744 was proposed by the KCCEOA with assistance by the SOS. It would expand satellite advance voting by making it optional for every county. Current law allows only counties with populations greater than 250,000 to conduct satellite advance voting, which limits it to Johnson and Sedgwick counties.

The SOS office sends a legislative update to CEOs occasionally throughout the legislative session to help each CEO keep track of elections/campaign finance/ethics legislation that will affect them if it passes into law. The KCCEOA’s election committee also works to track legislation and report developments to CEOs across the state.

At the spring KCCEOA conference each year, the SOS provides a legislative implementation guide that summarizes the bills that became law and provides some guidance for implementing the new laws.

ELVIS fun facts

In some cases ELVIS does not necessarily equate to fun. At least not every instance every day. However, we are here to tell you that ELVIS can indeed be fun, at least if you are an election administrator! Here are Top Five ELVIS Fun Facts:

- ★ The state can view a listing of every election that is going on at any time throughout the state.
- ★ A county, when adding a new person to the registration rolls, has the ability, in real time, to check if the voter has been convicted of a felony.
- ★ A county, when adding a new person to the registration rolls, has the ability, in real time, to check if the voter is deceased.
- ★ A county, when adding a new person to the registration rolls, has the ability, in real time, to check if there is a duplicate record statewide.
- ★ A state user can look up any registered voter and know instantly the location of the voter’s polling place.

There are many more facts that can be added to this list as everyone gets more experienced using ELVIS.

Shawnee county

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dotte—an election commissioner is appointed by the Secretary of State to a four-year term.

“Elizabeth is incredibly knowledgeable in the election process and is well-respected among members of the community,” Thornburgh said. “During this time, when our election system is undergoing a number of changes brought about by the Help America Vote Act, I have confidence in her ability to administer fair

and accurate elections in Shawnee County.”

After taking the oath, Ensley thanked her staff for their hard work in conducting successful elections over the years and expressed appreciation to Secretary Thornburgh for his continued confidence in her. Ensley briefly highlighted some of the successes the office has achieved, pointing out that there is still much to be done with implementation of the

Help America Vote Act and the completion of other projects already underway. Her final quote was: “One thing I like about this job is that there is always something to keep us busy. Elections are never boring.”

With all that is going on in the election world right now, every county election officer can attest to that.

Missouri lawsuit highlights need for clean voter registration lists

A lawsuit filed against Missouri Secretary of State Robin Carnahan by the U.S. Department of Justice on November 22, 2005, serves as a reminder to election officers about the need to work constantly to keep voter registration lists clean within the rules established by federal and state laws. The U.S. Department of Justice (USDOJ) said the state of Missouri does not maintain voter registration lists properly and has failed to purge ineligible voters from the rolls.

In the lawsuit, USDOJ pointed out that:

- ★ Some counties have more registered voters than voting age population. In Reynolds County, for instance, registrations totaled 150% of the eligible voting age population.
- ★ At least one county election officer has never maintained an inactive list and has never performed a canvass (Missouri law requires officials to canvass voter rolls every two years to identify ineligible voters—deceased voters, felons and mentally incapacitated voters.)
- ★ Some voters have been improperly purged from the lists in some jurisdictions. Instances include cancelling registrations when a regular piece of mail was returned undeliverable.

Secretary of State Carnahan said that many of the problems occurred during the administration of her predecessor, Matt Blunt, now governor of Missouri. Blunt's office says USDOJ raised the issues with Carnahan after she became Secretary of State but Carnahan failed to respond.

In 2002, USDOJ sued the city of St. Louis for not maintaining its voting lists properly. That action was settled, but USDOJ noted in the recent lawsuit that the results of the St. Louis suit "did not lead to compliance by all Missouri election authorities."

USDOJ has enforcement authority for the federal Voting Rights Act, National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

Missouri is similar to Kansas in that maintenance of voter rolls is principally performed by county election officers with oversight by the Secretary of State's office (SOS). As Secretary Carnahan pointed out, the new computerized voter registration systems being implemented in all states pursuant to HAVA will help address the list maintenance issues. However, even with that new tool, called ELVIS in Kansas, constant attention to the rules for purging and list maintenance must be diligently maintained by all election officers. Many of the list maintenance activities still require human intervention—ELVIS notifies users of the need to act, but it does not automatically perform the function for the user. This is a feature intentionally built into the ELVIS system.

Kansas law requires the SOS to conduct an annual check of voter registration records against the U.S. Postal Service's National Change of Address database. The results are sent to the counties, which are required by state law and the federal NVRA to send confirmation notices. Also, since 1997 the SOS has conducted an annual duplicate check, a process that is now automated real-time in ELVIS. Further, ELVIS automatically sends electronic notices of felony convictions and death records for cancellation of voter registration records. If county election officers do not act on the results of these programs, voter rolls become inflated and could become the basis for legal action.

Wyandotte county

From page 2

Upon receiving Rahija's resignation letter, Secretary of State Ron Thornburgh commented, "Commissioner Rahija has been an asset to the Kansas election community for more than 10 years. At a time when our system is undergoing extraordinary

change, her leadership and experience have helped Wyandotte County and Kansas stay at the forefront of America's election reform. She is a great friend and will be missed,"

The new Wyandotte County Commissioner will be appointed by

Secretary Thornburgh.

He appointed a five member search committee to handle the application and interview process. The committee will complete the interview process and make a recommendation of three candidates to the secretary of state.

Changes taking place to Federal Voting Assistance Program

The Federal Voting Assistance Program (FVAP) has unveiled changes to its Web site in preparation for the 2006 election cycle. Most of the changes contain updates in language and changes in deadlines to reflect upcoming elections. However, one significant change revolves around the Federal Post Card Application (FPCA).

The FPCA is the application submitted by Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters to apply for ballots. The FPCA was changed due to requirements in HAVA. These changes were implemented in October of 2005. Some of the major changes include allowing the voter to designate exactly which elections

they wish to receive ballots, and allowing the voter to choose which method to best receive their ballots. If you have older versions of the FPCA in your possession, do not distribute them. Instead, use the October 2005 revised form. This form is available on-line at www.fvap.org/pubs/onlinefpca.pdf.

Fifth MEOC is a success

County and state election officers from Iowa, Missouri, Nebraska and Kansas gathered in Overland Park at the Sheraton Hotel for the fifth Midwest Election Officials Conference from December 11 through 14, 2005. Previous MEOCs were held in 1989, 1991, 1997 and 2001.

For nearly three days, election officials from the four-state area met to exchange ideas, renew acquaintances and discuss timely topics of the day. There were general sessions, breakout sessions, humorous speakers and entertainment events throughout the conference that kept everyone's schedule full.

General session topics included: remarks by Paul DeGregorio, vice chairman (now chairman) of the Election Assistance commission; updates from Hans von Spakovsky of the U.S. Department of Justice and from Leslie Reynolds, executive director of the National Association of Secretaries of State; discussion of designing forms and other materials from a graphic design viewpoint by Marcia Lausen of the School of Art & Design at the University of Illinois; and tips on computer security from Dr. Doug Jacobson of Iowa State University.

Breakout session topics included:

- ★“Management Guidelines for Voting Systems” which was a panel discussion
- ★“How to Engage today's Youth in Elections: Registering, Voting & Working”
- ★“Polling Access and Easy Solutions”
- ★“Vote Centers Help America Vote”
- ★“Prosecution of Voter Fraud Cases”
- ★“The Future of the Election Administration Profession”

There were sessions for election officers to discuss progress, problems and solutions in the new voter registration systems with vendors. Missouri and Iowa have purchased systems from Saber Consulting, and Nebraska and Kansas purchased Election Systems & Software's system.

Monday morning's general session included a presentation by Juli Burney, a humorist with a message. Her speech was entitled “Cast a Vote for Humor: Learning to Use Humor as a Coping Tool for Stress and Change.” Juli appeared at the 2001 MEOC and was invited back by popular demand.

The Tuesday evening banquet featured Mark Mayfield, “The Corporate Comedian.” Mark's speech was entitled “The Trail is the Thing.” Mark had appeared at the 1997 MEOC and was a very popular speaker.

Luncheon speakers on Monday and Tuesday were Dave Helling, political writer for the Kansas City *Star*, and Patrick Hanish from the Organization for Security and Cooperation in Europe. Hanish's speech was entitled “Election Observation at Home and Abroad with the OSCE.”

In all, there were 309 people registered for MEOC, including state office personnel and vendors. Kansans led the way (again) with 95 registrants!

Fourteen vendor exhibits offered glimpses of the latest in voting equipment, software, accessibility products and other services available to election officers.

Voting equipment orders successfully submitted

All Kansas counties successfully submitted orders for voting equipment before the deadline of January 1, 2006. You may be interested to know what other counties across Kansas ordered.

Twenty-one counties ordered voting equipment from Diebold, 77 counties from Election Systems and Software (ES&S) and seven from Voting Technologies International (VTI). Fifty-six counties will use precinct optical scanners, 20 will use central scanners. Twenty-two counties will use Direct Record Electronic (DRE) machines and seven counties will hand-count paper ballots along with their HAVA equipment.

Regarding DRE equipment, fifty six counties will use the ES&S Automark, 21 will use the ES&S iVotronic, 21 counties will use the Diebold TSX and 7 will use VTI voting stations.

As part of the statewide implementation, the Secretary of State's office is working with each vendor to develop and fund training programs. A combination of regional and on-site training programs will allow counties to receive training necessary to properly implement and manage their systems. The regional approach will provide for consistent training for each county using the same vendor.

It will also benefit counties once

training is over. Knowing that other counties are being trained on the same equipment should promote counties ability to work with each other, to trouble shoot issues or just trade questions back and forth. The statewide approach will also help the State to reduce training costs so the HAVA money may be spent on other HAVA requirements.

Our office will keep you posted as we get closer to the delivery of machines and as training plans are finalized. We anticipate equipment delivery by the end of May with a training program following shortly thereafter.

Special statewide voting equipment meeting to be held

On March 29, 2006, County Election Officers, the Secretary of State staff and voting equipment vendors will converge on Junction City for a voting equipment meeting. Registration will begin at 8 a.m. and the meeting will begin promptly at 8:30 a.m. Opening remarks will be made by Rebecca Bossemeyer, Geary County Clerk as well as a Geary County commissioner and the mayor of Junction City. Secretary of State Ron Thornburgh will also be present to offer remarks.

This is a special conference organized jointly by the Secretary of State and the KCCEOA to provide a road map for deployment of the new voting equipment. One of the goals is to increase election officers' confidence and raise the comfort level as we head into the first statewide election with the new HAVA-compliant voting equipment.

Two guest speakers and experts on installing voting systems will be present. Kathy Rogers, director of elections, for the state of Georgia and Connie Schmidt, former Johnson County election commissioner. These two will present best practices, lessons learned and the dos' and don'ts' on successfully implementing new voting systems. Schmidt is now a consultant in the field of elections and works on several research projects sponsored by the Election Assistance Commission.

The focus of March 29 is to provide CEOs with real examples of what works and what doesn't. Discussions and presentations will focus on storage, delivery to and from polling places, setup and breakdown, testing, maintenance and much more.

The afternoon will be organized into breakout sessions by vendors. This will allow counties to meet with their particular vendor and compare notes, ideas and concerns with their vendor and with other counties who have similar systems. Vendors will discuss their plans for equipment delivery, acceptance testing and training and will answer questions and help counties better understand what will be necessary to successfully manage the new voting equipment.