

2012 General Election Wrapup

Presidential elections tend to bring out more of everything—more registration and more votes than in so-called off-year elections, more phone calls, more television and radio commercials, more public scrutiny of the electoral process, more questions from voters and, sometimes, more complaints. They are the high point of every four-year cycle for election officers, and although no turnout record was set in Kansas this year, we did see a new high for total registration and the usual elevation in public interest and voter activity.

The biggest factor affecting administration of elections the past couple of years has been implementation of the SAFE Act. Voters were required to provide photo IDs when voting beginning with elections conducted in 2012. With all the discussion and debate about the merits of the photo ID policy and all the planning for election day, in the end the photo ID requirement did not cause a big stir when viewed from a statewide perspective. There were areas where individuals or groups made their views about photo ID known and where some voters refused to show their IDs, but all in all the vast majority of voters quietly complied with the new requirement, and many expressed their approval of the policy.

Voter education efforts of election officers at both the state and county levels paid off, because voters appeared to be aware of the ID requirement. In the weeks leading up to the election, when the SOS office's toll-free number experiences its heaviest call volume, the vast majority of the calls were not related to photo ID; rather, the calls were generated by voters checking their registration status and the locations of their polling places.

Here are some significant statistics from the 2012 general election:

- **1,771,252** registered voters, a new record
- **1,182,771** total turnout, the 3rd highest in 20 years
- **371,674** advance votes cast, the 2nd highest ever
- **38,865** provisional ballots cast
- **838** provisional ballots cast due to insufficient photo ID

One point of interest going into the election was whether the photo ID requirement would cause a large increase in provisional voting. With only 0.07% of the provisional ballots being caused by insufficient ID, it appears that the ID requirement did not create

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From the desk of the Secretary

The general election of 2012 held last month was the first large-scale implementation of the photographic identification law in Kansas. Thanks to your diligence, the new requirement was successfully administered. There were no reported problems regarding the photo ID requirement. I watched the voting process at several polling places, and multiple voters expressed their support for the law.

Out of 1,182,771 votes cast, only 838 provisional ballots were issued due to lack of sufficient photo ID at the time the vote was cast. That amounts to 0.07 percent of all votes cast, 7/100ths of one percent, or less than one in 1,000 ballots. After 306 of those 838 voters presented photo ID before the county canvass to make their votes count, it dropped to 0.04 percent of all votes cast (532 votes). Your assistance in educating the public yielded significantly improved results as compared with the primary election.

These statistics lend further support to the conclusion that very few Kansans lacked photo ID. From January 1 to September 30, only 120 voters requested a free photo ID from the state, declaring they did not have any of the nine acceptable forms of identification. The official number of registered voters for the general election was 1,771,252 Kansans, an all-time high for the state.

My predicted turnout of 68% was only 1.2 percent off of the actual turnout of 66.8 percent. The actual turnout was virtually the same as the last general election in a presidential year that included no U.S. Senate race – the year 2000. In that year, the turnout was 66.7 percent – virtually the same as the turnout this year.

We are about to enter the second phase of our voter education campaign relating to the SAFE Act. Soon there will be additional educational resources on gotVoterID.com and new statewide advertisements concerning the requirement for Kansans who are registering to vote for the first time to remember to provide proof of United States citizenship beginning January 1, 2013.

I appreciate all of your efforts to publicize the new requirements and to train your staff to administer them. Thank you for all that you have done to secure the integrity of the election process and make implementation of the SAFE Act a success.

A handwritten signature in black ink that reads "Kris W. Kobach". The signature is written in a cursive, flowing style.

Phase 2 of SAFE Act Begins in January

When the Kansas Legislature passed the Secure and Fair Elections Act (SAFE) in 2011, it created a two-step implementation process. Phase 1, the voter photo ID requirement, went into effect January 1, 2012. Phase 2, the proof of citizenship requirement, goes into effect January 1, 2013. With Phase 2, each person registering to vote for the first time in Kansas will be required to provide documentary evidence of U.S. citizenship along with the application for registration.

Persons who are registered to vote in Kansas as of December 31, 2012 are deemed to have submitted satisfactory evidence of citizenship and are not required to provide documentation. If a person is registered to vote and his/her registration is canceled and the person subsequently reapplies for registration, the person's citizenship status must be reassessed. In such cases the person might have to submit a citizenship document or, if the county election office has a document on file from the person's original registration, that document may be used to establish citizenship without the person being required to submit a new one.

The law which spells out this requirement is K.S.A. 25-2309(1), and it contains a list of thirteen acceptable documents that registrants may use to prove their citizenship. Some of the documents are somewhat obscure and unlikely to be encountered by county election officers very often. Examples are: American Indian card with KIC classification, U.S. Department of State report of birth, and consular report of birth abroad. Certain documents are expected to be submitted more frequently: birth certificate, U.S. passport, U.S. naturalization document (or document number), military record showing U.S. birth, and hospital birth records.

Another relevant portion of the law is subsection (m) of K.S.A. 25-2309. This section details a process for a voter registration applicant who lacks the necessary citizenship document to appeal to the state election board, which is authorized to conduct a hearing, assess evidence presented, and grant voter registration status. The state election board is composed of the lieutenant governor,

attorney general and secretary of state. The board has existed in statute for years (see K.S.A. 25-2203) but has rarely met. Until the SAFE Act created this new duty for the board, probably the only evidence most election officials have seen of its existence is two administrative regulations, 6-1-1 and 6-1-2, which specify the apportionment of expenses for special elections among local units of government. That regulation was adopted in 1974.

One administrative regulation was adopted by the secretary of state to implement the citizenship requirement of the SAFE Act. K.A.R. 7-23-14 prescribes the procedure for county election officers to use in assessing documents provided by voter registration applicants as proof of citizenship.

Since implementation of the National Voter Registration Act (the motor-voter law) in the mid-1990s, a significant portion of all registration activity comes through the Kansas Department of Revenue's Division of Motor Vehicles. Nearly all of the registration applications and updates come to the county election office electronically, through the ELVIS voter registration database's Agency Central function. The secretary of state's office has worked with DMV and ES&S, the voter registration system vendor, to prepare for Phase 2 of SAFE. ELVIS is programmed to receive scanned images of citizenship documents when DMV is ready to send them. Phase 2 of SAFE has long been planned to coincide with Phase 2 of DMV's modernization program, which has been in the works for several years and which actually began to be implemented in 2012. The part of Phase 2 of the DMV program that affects citizenship documentation for voter registration has been delayed several times due to software problems and as of this writing is not expected to be fully implemented until late in 2013. In the meantime, DMV and the SOS office are working on an interim process where DMV will provide the SOS and CEOs with a list of driver's license applicants who have submitted acceptable proof of citizenship.

Other NVRA registration agencies besides DMV include the Department of Children and Families

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The Electoral College: How Does It Really Work?

(Note: This article is reprinted from December 2008 with minor updates.)

Everyone probably remembers a little about the presidential Electoral College from their high school government class. But for some, the details fade, and presidential election years always generate questions about the workings of the Electoral College. There is an ongoing debate about whether it should be kept or abolished, some people arguing that the reasons for its inclusion in the U.S. Constitution in the late 1700s are no longer valid. Others argue that it is still needed, partly as a protector of the role of states in the electoral process. That debate cannot be resolved here, but it might be helpful to provide some details of the workings of this little-understood institution from a state's perspective.

The process is overseen by the U.S. National Archives and Records Administration (NARA) in Washington, DC. NARA's web site has perhaps the most complete information for persons wishing to understand the way the Electoral College works. The web site is <http://www.archives.gov/federal-register/electoral-college/>.

Each state is apportioned a number of presidential electors equal to its total representation in the U.S. Congress. Thus, Kansas has six electors (four U.S. Representatives + two U.S. Senators = six electors). Before the election, each political party recognized in the state and each team of independent presidential/vice presidential candidates who successfully petition for ballot access chooses a slate of six electors, whose names and contact information are certified to the secretary of state.

After the election results are certified by the state board of canvassers, the secretary of state sends a certificate of election to each elector representing the party whose candidate won the statewide popular vote. Also included is a notice of the meeting of the presidential electors, which, according to federal and state law, is held on the Monday following the second Wednesday in December following the election. In 2012 that is December 17.

Prior to the meeting of the electors, the secretary of state submits a Certificate of Ascertainment to the U.S. Archives, which shows the names of all the parties' and candidates' electors and the number of popular votes each received. The certificate must bear the state seal and the signatures of the governor and the secretary of state.

At the meeting of the electors in mid-December, each elector is given a Certificate of Vote (ballot) showing all the candidates who appeared on the general election ballot for president and a separate Certificate of Vote showing the names of the candidates for vice president. Electors mark their choices for each office, and the secretary of state and a staff member take the ballots to a separate room for tabulating. The secretary of state announces the number of votes each candidate received, the electors sign certificates, and the certificates are paired with additional Certificates of Ascertainment for submission to the federal government.

It is interesting to note that electors are not bound by law to vote for the candidate who won the popular vote, but they nearly always do. There are isolated cases in American history where so-called "maverick" electors voted for another candidate, but such cases are not common. Another interesting fact of the Electoral College voting procedure in Kansas is that, according to state law, each elector is paid a sum of \$3 for his/her work and reimbursed \$0.15 per mile for travel. The law governing electors' compensation, K.S.A. 25-803, has not been amended since 1923. The actual state rate for mileage reimbursement today is \$0.55 per mile.

After the meeting of the electors, the secretary of state certifies the results of the vote to the president of the U. S. Senate, who is the vice president of the United States, and to the U.S. Archivist. The deadline is December 26, 2012.

On January 6 the electoral votes are counted in a joint session of Congress. The president of the Senate presides. If one pair of candidates for president and vice president receives a majority of the nationwide electoral votes (270), those candidates are deemed to be elected. If there is no majority, the House selects the president and the Senate selects the vice president. The winners are inaugurated at noon on January 20. ■

International Election Observers Visit Kansas

A team of two international election observers made a pre-election visit to Kansas this year. The U.S. Department of State had invited the Office for Democratic Institutions and Human Rights, part of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), to send observers to visit states to learn about the American electoral process and to issue a report of their findings. The State Department worked through the National Association of Secretaries of State (NASS) to make arrangements for the visits in the states. Many NASS members are the chief state election officials in their respective states.

The team members, called long term observers, that visited Kansas were Soren Sonderstrup from Denmark and Aleksandra Tomic from Bosnia. Mr. Sonderstrup and Ms. Tomic first met with Secretary of State Kris Kobach and members of his staff on Monday, October 15, and they departed on October 23 to spend the next week observing in Colorado. Because the team was assigned to cover two states, they were not able to be in Kansas on election day to observe the actual voting process.

OSCE/ODIHR instructed their observers to focus on redistricting, voter rights, registration and voter identification, campaign finance, alternative voting methods, campaigning, and the media. While in the Topeka area, the observers met with a number of groups and organizations that are involved in one way or another in the election process: the four political parties, the Kansas Governmental Ethics Commission, the League of



International election observers Aleksandra Tomic from Bosnia (left) and Soren Sonderstrup from Denmark (right). Photo by Todd Caywood.

Women Voters of Kansas, a Topeka lobbying firm, and the executive directors of the Kansas Native American Affairs Office and the Kansas African American Affairs Commission.

In addition, the observers wished to visit several county election offices. The SOS office provided them with contact information, and they made their own arrangements to visit the offices of their choosing. They visited Wyandotte, Jackson, Sedgwick and Ford counties, and possibly others.

Over the years the SOS office has had a number of opportunities to host international observers, whether election observers, military or general governmental observers. It is always interesting and informative to host these groups, to exhibit the strengths of the American system and to learn how things are done in other parts of the world. ■

Wrapup

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a significant number of additional provisional ballots. Of those 838 provisional voters, only 532 did not provide ID after election day to have their ballots count.

A noticeable outcome of this election was the loss of one of the five recognized political parties. (See page 7.)

The ballot this year contained one constitutional amendment, which dealt with the authority of the Legislature to tax watercraft. The measure passed easily:

- Yes: **551,479 (53.4%)**
- No: **479,792 (46.5%)**.

Several events occur after the election, based on various laws:

- The meeting of the state board of canvassers to certify the results of the election for national and state offices and the constitutional amendment was held on Thursday, November 29. The statutory deadline was December 1 (KSA 25-3206(b)).
- The members-elect of the House and Senate convened for preorganizational meetings on December 3 in their respective chambers at the Capitol. The meetings are held according to law to choose leadership positions - Senate President and Speaker of the House, and Majority and Minority Party Leaders in both houses, as well as other positions such as Assistant Majority and Minority Leaders and Party Whips. According to KSA 46-142, the secretary of state or his designee calls the meeting to order in each house, reads the certified list of members who won election, and appoints a temporary chairman to oversee the election of leadership positions.
- The members of the Presidential Electoral College meet on Monday, December 17 at the Capitol to cast the official votes for president and vice president of the United States. (See page 4.)
- All officials elected in the 2012 election will take their oaths of office on the second Monday in

January following the election. In 2013 the date is January 14. The exception to this rule is county treasurers, whose terms begin the following October. The date set in federal law for the inauguration of the president and vice president is January 20. ■

Time was ticking away

When Andrew Howell stepped into his new role as Shawnee County Election Commissioner, he had 1,200 hours to pull off a miracle.

Appointed by Secretary Kobach on Sept. 18, Howell took the place of long-time commissioner, Libby Ensley. He had big shoes to fill, and not much time to fill them. He was five days from sending out military and overseas ballots, 30 days from beginning advance voting and only 29 days from the voter registration deadline. Yet he took the job, and according to reports from those at the press conference, he did so with a smile on his face.

"I am pleased to have been selected and honored to serve in this position of trust," Howell said in a press release from this office on the day of the announcement.

Fifty days later, after working what probably seemed like a good majority of those 1,200 hours, Howell and his excellent staff pulled it off. They managed to survive a difficult election during a difficult time.

Then again, Kendell Mason, the new clerk in Bourbon County might argue that Howell had it easy in Shawnee County. When she raised her right hand and took her oath on Oct. 18, 2012, advance voters were probably waiting in the hallway. Ballots were out, voting had started and lots of work was left to be done. It was a true case of trial by fire, but it turned out OK.

"I think for my first election, things went pretty well," said Mason. "There weren't any surprises. Our county is fortunate to have some really good poll workers and they did a great job. It made my job much easier."

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Phase 2

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(formerly SRS), Women, Infants and Children (WIC, located in the Department of Health and Environment), Medicaid offices and the League of Kansas Municipalities (for 1st and 2nd class city clerk offices). The SOS office is conducting a series of meetings with these agencies in late fall 2012, to work out procedures for complying with the proof-of-citizenship requirement beginning next year. Phase 2 of SAFE implementation also includes Phase 2 of the media campaign. In January 2013 the media campaign devised by WhitworthBallou under contract with the SOS office will begin and will include radio, television and newspaper advertisements as well as other activities

designed to promote awareness of the new citizenship requirement. In compliance with the law, information also has been posted on the SOS websites **sos.ks.gov** and **gotVoterID.com** throughout the year and includes details about the citizenship requirement.

The SAFE Act represents major changes in election procedures, and thus far the implementation of the provisions related to photo ID has gone better than expected. This is a tribute to the efforts of county election officers and the thousands of poll workers across the state. Although Phase 2 of SAFE affects fewer people because it involves only new registrants, effective planning is still needed to make this phase go as smoothly as the first. ■

Party Loses Official Status in 2012

A significant outcome of the 2012 general election is the loss of a recognized political party. Going into the 2012 election season, Kansas had five officially recognized parties: Democratic, Republican, Libertarian, Reform and Americans Elect. In order to maintain official recognition status, according to K.S.A. 25-302b, a political party must (1) nominate candidates for at least one statewide office in the general election, and (2) at least one of the party's nominees must received at least 1% of the vote.

As a result of the election, the Americans Elect Party will lose its official recognition. The Americans Elect Party, having petitioned for and receiving official recognition in 2011, wrote a letter to Secretary of State Kris Kobach in late summer 2012, notifying him of the party's intent to cease operations and stating that it would not nominate any candidates. Because the party did not nominate candidates for statewide offices, after the state canvass the party was notified that it has lost its recognition status.

When a recognized party loses its status as a party, the secretary of state notifies party officials in a letter and also notifies all county election officers. According to K.S.A. 25-302c, county election officers then must change

the party affiliation status of all the party's members to unaffiliated. At the time of the general election, the Americans Elect Party had 223 members statewide.

The party may petition for recognition again in the future. In order to be recognized and participate in a given election, according to K.S.A. 25-302a they must submit a petition to the secretary of state by June 1 of the election year. Any such petition must contain signatures of registered voters in Kansas equal to 2% of the total votes cast for all candidates for governor at the last general election at which the governor was elected. Based on the 2010 election results, the signature requirement currently is 16,776 valid signatures. When a petition is submitted, the SOS office sends copies of relevant pages to each county election officer where signatures were collected. The CEOs certify to the SOS the number of valid signatures they received and the SOS office determines whether the overall petition is sufficient to grant official status to the party. ■

Time

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With the election over, they both hope that life might slowly return to normal, albeit a new version of normal. For Howell, that means hunting season and time with his wife Stacey and two children, Karina, 8, and Spencer, 4. For Mason, it will mean a few less hours in the office and a few more restoring a three-story brick house with her husband, Steve, and children, Ashton and Alex.

We hope they will also find a few moments amidst the hopefully dwindling chaos to recognize their accomplishment. They walked into two difficult situations in the middle of a difficult election season and with the help of those around them, they walked out successfully. That is something they should be proud of. Something you should all be proud of, whether you had 50 days or 5,000. ■

Beckner Starts Work in SOS Elections Office



New Elections Office member Jameson Beckner. Photo by Todd Caywood.

The secretary of state's Elections Division welcomed a new employee on October 22, 2012. Jameson Beckner started work in the position of Elections

Specialist, which is the front desk with the main phone line into the election office.

Jameson succeeded Amber Baker, who left on October 15 to take a position with a Topeka-based lobbying firm. Amber had worked in elections since December 12, 2010, and previously she had worked for two months as a part-time college student intern in the SOS Administration Division.

Jameson has lived in a number of communities in Kansas, including St. Francis, Garden City, Larned and Winfield. His high school years were spent in Augusta. He obtained an Associate of Arts Degree from Butler Community College in 2006 and a Bachelor of Arts Degree in Government: International Relations in 2009 from Liberty University in Lynchburg, Virginia. He is currently working to complete a Master of Arts Degree in Public Policy from Liberty University. Jameson's hobbies include reading, watching movies, and playing and watching basketball and other sports.

Jameson took over the duties of overseeing lobbyist registrations, the campaign finance reporting system, processing of new laws passed by the Legislature, and publication of the annual Session Laws.

County election officers will soon get to know Jameson as they call and email the SOS office. Welcome aboard, Jameson! ■

SOS Holiday Hours

The secretary of state's office will be closed Monday and Tuesday, **December 24th and 25th, 2012**, for Christmas Eve and Christmas Day, and Tuesday, **January 1, 2013**, for New Year's Day.

In addition, the office will be closed Monday, **January 21st** in observance of Martin Luther King, Jr. Day.

Happy Holidays from the SOS office!