

General Election Turnout Exceeds Prediction

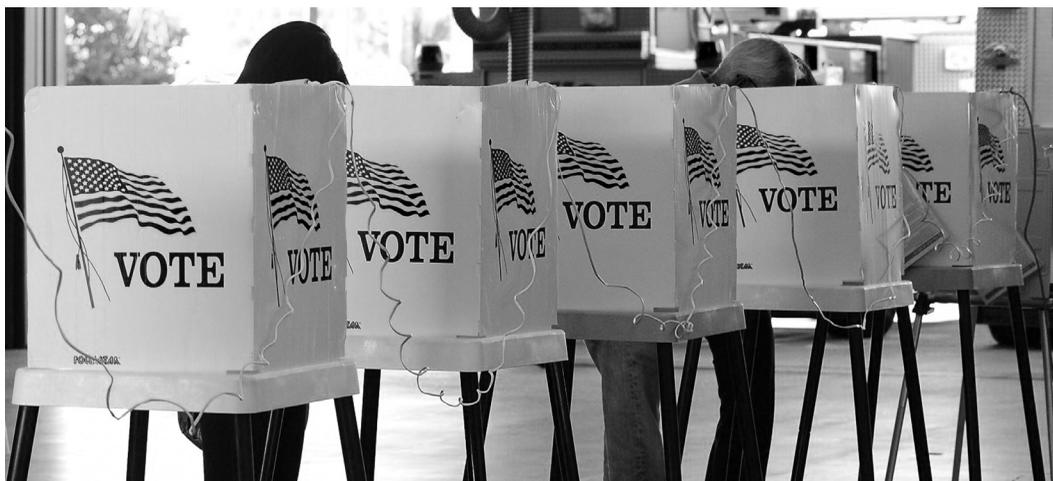
In a pre-election news conference on Thursday, October 30, Secretary of State Kris Kobach predicted that 872,000 voters would go to the polls in the general election. That figure would calculate to a 50% turnout of the state's 1,744,866 registered voters as of the October 14 registration deadline.

As seen in the chart below, a 50% turnout is consistent with recent nonpresidential years' results. According to reports from the county election officers, 887,023 voters turned out, which is 50.8% of all who were eligible to vote in the general election.

Year	# Registered	# Votes	% Turnout
2014	1,744,866	887,023	51%
2012	1,771,252	1,182,771	67%
2010	1,725,012	856,831	50%
2008	1,749,756	1,234,765	71%
2006	1,663,017	864,294	52%
2004	1,694,365	1,213,108	72%
2002	1,615,699	840,243	52%
2000	1,623,623	1,083,264	67%
1998	1,513,685	751,505	50%

IN THIS ISSUE

- 2 FROM THE DESK OF THE SECRETARY
- 3 FEDERAL APPEALS COURT RULES AGAINST KANSAS AND ARIZONA ON CITIZENSHIP
- 4 WOODSON COUNTY CLERK RESIGNS
- MOBILE VOTING APP ENHANCED
- 6 GRAY COUNTY CLERK BONNIE SWARTZ RETIRES
- SHERIDAN COUNTY CLERK PAULA BIELSER RETIRES
- 7 HARVEY COUNTY CLERK JOYCE TRUSKETT RETIRES
- SOS HOLIDAY HOURS
- 8 JOINT ELECTION COMMITTEE CONDUCTS INTERIM STUDY



Nearly 51% of registered voters went to the polls on Election day.
Photo by Frederic J. Brown/Getty

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EDITORS

Brad Bryant
Kay Curtis

LAYOUT AND DESIGN

Todd Caywood

CONTRIBUTORS

Brad Bryant

Suggestions or comments?
Please call (785) 296-4561.

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Kansas Secretary of State
Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564



From the desk of the Secretary

A hearty pat on the back to you all for successfully administering the election last month. I am pleased to announce that the state of Kansas topped its prior records for the number of registered voters who were eligible to vote, as well as the number of voters who cast a ballot in a midterm election. And this despite the nationwide voter turnout rate reaching a 70-year low.

The total number of registered Kansas voters for November's election surpassed prior nonpresidential general election years at 1,744,866. Compare 1,725,012 registered Kansas voters for the midterm election four years ago.

In 2010, before the photographic identification and proof of citizenship requirements were in place, the voter turnout was 50% with 856,831 votes cast. While I had anticipated a 50% voter turnout this year, the electorate exceeded my prediction. The actual voter turnout was 51% with 887,023 ballots cast.

The nationwide voter trend was the lowest midterm election participation rate since 1942, with estimated turnout of 36.4% of eligible voters casting a ballot. Kansas clearly did not follow that trend. Instead, Kansas was one of 14 states that increased turnout from 2010. (Election Administration Reports, Nov. 17, 2014)

These highest ever registration and voting numbers, and substantial increases over 2010, should put to rest any arguments that our election safeguards depress voter turnout.

Your dedication and hard work have made Kansas a true success story. Well done!

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

Federal Appeals Court Rules Against Kansas and Arizona on Citizenship

On November 7, 2014, a panel of judges from the United States Court of Appeals, Tenth Circuit, issued its decision in *Kris W. Kobach, Kansas Secretary of State; and Ken Bennett, Arizona Secretary of State; v. United States Election Assistance Commission*. The decision reversed an earlier U.S. District Court decision that had been issued in favor of Kansas and Arizona. The case was heard by Judges Carlos F. Lucero, Jerome A. Holmes and Gregory A. Phillips.

The suit was filed by the Secretaries of State in Kansas and Arizona on August 21, 2013, seeking to compel the U.S. Election Assistance Commission (EAC) to include on the federal voter registration application form instructions informing voters that they must provide proof of U.S. citizenship along with their applications in order to be registered to vote. On March 19, 2014, the federal court in Wichita had ruled in favor of the plaintiffs and directed the EAC to add the instructions requested by Kansas and Arizona to the federal form. (See *Canvassing Kansas*, March 2014, p. 1) The case was appealed to the Tenth Circuit, which issued a stay of the lower court's decision pending a final decision in the appeal.

Secretary of State Kobach had hoped for a ruling before the November 4 general election to provide clarity to the issue and to simplify administrative procedures, but the decision was issued three days after the election.

Kansas had been requesting changes to the federal form by the EAC since shortly after passage of the Secure and Fair Elections (SAFE) Act in 2011 when the citizenship requirement was enacted. The EAC had consistently refused to add the voter instructions to the federal form, citing the lack of commissioners at the EAC to make policy decisions such as this. There has been no quorum on the four-member commission for several years.

The uncertainty over whether voter registration applicants are required to provide proof of citizenship when they use the federal form has required Kansas county election officers to maintain lists of applicants who use the federal form and fail to provide proof of citizenship and to issue such applicants provisional ballots if they vote. In this year's August primary and November general election, only the votes for federal offices were counted on these provisional ballots. Fortunately, the number of such voters

has been relatively small. In the August 2014 primary, only one such federal-form voter showed up to vote. In the November 2014 general election, only 13 showed up to vote. The secretary of state's office is assessing the Tenth Circuit's decision and is planning an appeal to the U.S. Supreme Court. ■



The 10th Circuit U.S. Court of Appeals is located at the Byron White Courthouse in Denver, CO. Photo by Chris May/Flickr

Woodson County Clerk Resigns

Shelley Stuber, Woodson County Clerk for nineteen years, resigned her position effective July 30, 2014. Her deputy, Denice Julian, was nominated by the party to replace her and Governor Brownback appointed Denice on August 1.

In resigning her position, Shelley said she intended to pursue other career opportunities. She cited the help and support from her fellow county clerks in helping her learn her job when she first became clerk. The network of friends and colleagues around the state was an invaluable resource that she remembered as she left the job nearly twenty years later. She also mentioned that leaving the political scene would be, in some ways, a “breath of fresh air.”

Taking over as clerk four days before the August 5 primary election could have created difficulties in the election process if Denice had not been experienced. She has worked in the county clerk’s office for eleven years - since 2003 - and has been deputy clerk for 6 ½ years. As deputy, she had worked closely with Shelley in conducting elections (as well as other aspects of the clerk’s office) and was familiar with the procedures. That experience is what she says allowed her to run problem-free elections this year.

Still, one of the difficulties she faced was to hire and train two new employees. Her new hires are good, hardworking employees and fast learners, but they did face a fairly steep learning curve. She tells them “You just gotta know how to do it,” and the best way is to work your way through once or twice to gain the experience needed. It’s okay to make mistakes as long as we correct them, learn from them, and keep them from happening again. That’s good advice for all of us.

Denice has received help from some of the other county clerks in her region and around the state as she gets up to speed in her new duties. She is appreciative of the invaluable assistance she has received from them.

Denice has three grown children and five grandchildren. Her family is her main hobby, aside from her work. We want to welcome Denice to her new job and to the Kansas election community. ■

Mobile Voting App Enhanced

The mobile voting app was enhanced in two ways before the November 4 general election by the addition of an Android version and a Spanish version. The initial version of the app for Apple iOS users was launched before the primary election (see *Canvassing Kansas*, September 2014, p. 3). In October the Android and Spanish versions were launched.

Voters may search for “votekansas” on the Apple Store or Google Play sites to download the app. Entering a street address brings up options for finding the offices and candidates to appear on the ballot in upcoming elections, polling locations and maps to polling sites.

The votekansas mobile app was developed in coordination with The Pew Charitable Trusts and Pew’s Voting Information Project. ■



Icon for the VoteKansas iPhone app.
Illustration by Todd Caywood.

General Election

Cont'd

There were 240,442 advance ballots cast, which comprised 27.1% of the total votes cast. See the chart below for a comparison to advance voting in previous years. The advance voting law was in effect for the first time in the 1996 election, when 12.9% of the votes were cast in advance. Before 1996, under the old absentee voting system, approximately 4% of the votes were cast by absentee ballot in the average general election. Under the absentee voting rules a voter had to be sick, disabled or absent from the county on election day in order to apply for an absentee ballot. The advance voting system is a so-called no-excuse absentee system which allows any registered voter to choose to vote in advance. The popularity of advance voting grew quickly during the years after the law was enacted, but in the past few years there appears to have been a leveling out in advance voting.

Year	# Registered	# Advanced Votes	% Advanced
2014	1,744,866	240,442	27.1%
2012	1,771,252	371,674	31.4%
2010	1,725,012	245,089	28.6%
2008	1,749,756	428,772	34.7%
2006	1,663,017	165,313	19.1%
2004	1,694,365	245,827	20.2%
2002	1,615,699	139,055	16.5%
2000	1,623,623	185,399	17.1%
1998	1,513,685	84,160	11.1%

Also evident in the above tables is that fact that voter registration and total votes cast reached all-time highs for nonpresidential election years. Kansas has never had as many as 1,744,866 registered voters for the general election in a gubernatorial year, nor have as many as 887,023 voters turned out.

One of the factors that it was anticipated might drive up turnout and create excitement and, possibly, controversy on and after election day was the closeness of several races. Some of the statewide races, including U.S. Senate, Governor/Lieutenant Governor, and Secretary of State, were perceived as more competitive than they have been in recent years, and pre-election polling also indicated that they were going down to the wire. When the votes were totaled, however, none of these races was closer than a 4% margin.



Governor Sam Brownback was one of the 27.1% of registered voters who voted prior to Election day.
Photo by Orlin Wagner/AP

The expectation of extremely tight races and the possibility of statewide recounts, something that has not happened for many years in Kansas, did not come true.

County canvasses were held on Monday, November 10, and Thursday, November 13, as required by law. The state canvass was held on Wednesday, November 26. The newly elected members of the Kansas House of Representatives convened at 10:00 a.m. on Monday, December 1 in their preorganizational meeting to choose leadership officers. Inauguration day is Monday, January 12, 2015, and both houses of the Legislature convene at 2:00 p.m. that day to begin the 2015 legislative session. ■

Gray County Clerk Bonnie Swartz Retires

Longtime county clerk Bonnie Swartz has decided to retire after a long career in the Gray County courthouse. Bonnie's retirement will be a great loss to the election community and the ranks of the county clerks, although it might not be a big surprise to many because Bonnie had signaled her intention to retire for quite some time.

Bonnie has been county clerk for 26 years and has been in the clerk's office for 34 years. The effective date of her retirement is February 28, 2015, making her one of the longest-serving county clerk currently in office. Before going to work for the county clerk's office, Bonnie was a bookkeeper for an auto parts company.

She says her plans after retirement include golf, fishing and quilting. She also has family to tend to: husband Michael Swartz, three children in Florida, North Carolina and McPherson, Kansas, and four grandchildren.

Although Bonnie's successor in office is not known at this time, she thinks one will be named soon after she officially

submits her letter of resignation because her intention to retire is not a big secret in the community.

Looking back on her career, Bonnie had this to say: "I love this job. You never seem to be doing the same thing every day. You can have your day planned out, but the phone rings or someone comes in the door and you are off in a totally different direction. The best part is working with the public and the worst part is working with the public. I am really going to miss seeing all of the other county clerks at meetings. They are truly a wonderful group of people. Always there when you need help. To be a county clerk, one does not have to know all of the answers, just have a network of resources where you can go to find the answers."

Bonnie has long been one of those resources for other clerks, and she will be missed. We look forward to welcoming a new Gray County Clerk soon. ■

Sheridan County Clerk Paula Bielser Retires

Paula Bielser, Sheridan County Clerk, has submitted her letter of resignation, effective January 9, 2015. Paula has been one of several longstanding clerks in the northwest region of Kansas who have seen many changes in the electoral process through the years.

Paula began her clerk/election career as the deputy clerk in 1986, so she will have nearly 30 years of experience by the time she leaves office. She was elected clerk in 1992, which gave her a chance to see the implementation of some of the big changes in elections in recent history—the NVRA in 1993, HAVA in 2002 and the Kansas SAFE Act in 2011. Before joining the county clerk's office in 1986 she was a savings and loan officer.

Paula has served many years as an EMT in Sheridan County and has dealt with many emergencies at all times of the day and night. After retirement she will continue as an EMT for a period of time until her current two-year certification ends and someone can be found to take over the responsibilities.

The county party selected Heather Bracht to replace Paula as county clerk, and Governor Brownback appointed Heather effective upon Paula's retirement in early January. Heather has eight years of experience working in county government, including two in the county clerk's office. We want to welcome Heather and offer her our assistance as she assumes her duties. ■

Harvey County Clerk Joyce Truskett Retires

Joyce Truskett, Harvey County clerk and election officer, has resigned her position effective December 19, 2014. Joyce has worked at the county since 1994, beginning part time in the county administration office, then adding part time work in the noxious weed department. After three years juggling two part time jobs she moved into a full time position as payroll clerk in the administration office. In 2004 she was elected county clerk.

Joyce had no experience in the clerk's office when she assumed the position in December 2004 upon the death of her predecessor. The steep learning curve produced many ups and downs. She reports that "I have had a love/hate relationship with elections. I love trying to come up with ideas to make the election process more streamlined, and I hate them when everything doesn't go right." This is a sentiment that many can identify with. No election is perfect but we all strive to make them as close to perfect as possible.

Joyce has been married to her husband Vance for 45 years and has two sons. Garrett is in the Air Force in Louisiana and Brian is in the construction business in Wichita. After retirement she plans to sew, especially for her

granddaughters, and travel the country in a motor home. She and her husband also enjoy day trips in their vintage 1965 Impala convertible.

Joyce says being county clerk is not something she ever dreamed she would do, but it has been an amazing experience. She says, "I have been blessed with good staff and most of all with all the amazing clerks we have in this state. I could have never done it without them. I have made lasting friendships I will always cherish. I also want to thank the staff at the Secretary of State's office who always listened to a somewhat hysterical and crazy county clerk who had so much to learn!"

Rick Piepho, who has been deputy county clerk for three years, has been appointed to succeed Joyce. Rick has been very involved in the clerks' association and secretary of state task forces during his tenure, so there will be no major transition process as he takes over.

We want to thank Joyce for her service and wish her well as we welcome Rick as a new county clerk. ■



In observance of the regular calendar of state holidays, the secretary of state's office will be closed on the following dates:

After noon on **Wednesday, December 24** for Christmas Eve
Thursday, December 25 and **Friday, December 26** for Christmas

Thursday, January 1, 2015 for New Years Day

Monday, January 19, 2015 for Martin Luther King Day

Joint Election Committee Conducts Interim Study

A Special Committee on Ethics, Elections and Local Government was appointed earlier this year to conduct hearings on three topics: (1) consolidation of city and county law enforcement agencies, (2) abandoned properties, and (3) consolidation of elections. Topics (1) and (2) were discussed at the committee's first meeting on October 10. Topic (3) was discussed at the subsequent meeting on November 21. The members are:

Chairman: Sen. Mitch Holmes, R-St. John

Vice Chair: Rep. Steve Huebert, R-Valley Center

Senators:

Sen. Oletha Faust-Goudeau, D-Wichita

Sen. Steve Fitzgerald, R-Leavenworth

Sen. Michael O'Donnell, R-Wichita

Representatives:

Rep. John Barker, R-Abilene

Rep. Keith Esau, R-Olathe

Rep. Mike Kiegerl, R-Olathe

Rep. Tom Sawyer, D-Wichita

The agenda for the November 21 meeting was built around the issue of consolidating municipal elections, currently held in the spring of odd-numbered years, with the primary and general elections held in the fall of even-numbered years. This issue first arose in the 2010

legislative session and many related bills have been considered in the intervening years. Some organizations representing local units of government have opposed the bills. The Kansas County Clerks and Election Officials Association has expressed concern over the administrative complexity, particularly ballot production and expense, that would result from such a move.

A fallback position that some interested legislators and organizations have advocated is moving the municipal elections from the spring to the fall of odd-numbered years rather than combining them with the even-numbered years.

Initially the purpose of the bills was to increase voter turnout in municipal elections because the spring elections do not have nearly as high turnout as the fall elections. Early in the discussion, some advocates thought it would also be a cost saving measure by eliminating one set of elections. However, information provided by county election officers has demonstrated that savings would be small, if any, and consolidated elections could possibly be more expensive.

The Special Committee is gathering information to present in the 2015 legislative session when another discussion of the issue is expected to occur. ■