

CANVASSING KANSAS

An update on election news in Kansas.

Thornburgh centers 2000 voter outreach around Honor a Vet program

Secretary of State Ron Thornburgh will use the Honor a Vet With Your Vote program in 2000 as the centerpiece of his voter outreach program.

The program was first implemented in Kansas in 1998, as well as in several other states.

The purpose of the program is to encourage voter turnout by linking the act of voting to the recognition of the sacrifices made by military veterans for the right to vote.

In 1998, the SOS office distributed lapel stickers to

county election officers who then made the stickers available to each voter at the polling place or with their advance ballot.

The voter can write the name

Honor a Vet...



of an honored veteran in a blank line on the sticker and wear the sticker during the voting season in commemoration of the veteran's service to the country.

Many military and veterans organizations supported the program with financial contributions and promotional activities in 1998.

This year, the pre-election promotional campaign will be expanded. Ideas being considered include: meal tray papers at malls across Kansas, a mentoring program for first-time voters and promoting the program at the Secretary of State's booth at the state fair in September.

Contact the Secretary of State's Office for more information.

Legislature proposes two amendments

The Legislature has proposed two constitutional amendments that will be on the statewide ballot in the general election on Nov. 7, 2000.

The first resolution, House Concurrent Resolution 5037 passed in 1999, would amend Article 13, Section 2 of the Kansas Constitution to allow retirement and pension plans authorized in Kansas law (the Kansas Public Employees Retirement System) to be stockholders in banking

institutions.

The second resolution, Senate Concurrent Resolution 1629 passed in 2000, would amend Article 11, Section 1 of the Constitution to permit the Legislature to provide for separate classification and taxation of aircraft and watercraft and to exempt such property from property taxation and impose taxes instead.

Early this fall, the Secretary of

See Amendments, p. 7

CANVASSING KANSAS IN THIS ISSUE

- 2 Voting News
- 3 A Note from the Secretary
- 4 Federal News
- 5 State News
- 6 Clerk News
- 8 Legislation Wrap-Up
- 10 News

Special situations require different ways to vote

Two types of special-situation voting, provisional and former precinct resident voting, occur every election and seem to overlap and even contradict one another. Naturally, this creates confusion among voters and election officials. While both are valid means of casting a ballot and are protected by state law, there are many differences between them.

failed to update the registration records, the voter could go to the voter's new polling place or a central location designated by the county election officer, complete a new voter registration card and vote a provisional ballot. The ballot would then be sealed in an envelope and not counted until the county board of canvassers had determined the ballot was valid.

What is provisional voting?

When a registered voter changes his/her name or address, state law directs the voter to update the registration records with the county election officer's office. If the voter fails to update the records and attempts to vote on election day, statutory procedures allow for the vote to be challenged. A challenge occurs when there is any question about the voter's qualifications to vote: U.S. citizenship, age and residence in the election district or precinct. Implementation of the National Voter Registration Act (NVRA) in 1996 caused the term "challenged ballot" to be phased out and replaced with "provisional ballot."

The NVRA required the state to adopt new laws allowing for fail-safe voting, or what is commonly referred to as provisional voting, because fail-safe voters' ballots are called provisional ballots. If the voter had changed his/her name or address (within the county) but

What is former precinct voting?

Former precinct voting allows a voter who has moved from his/her registered precinct to another Kansas precinct within 30 days before any election and has not reregistered at the new address, to return to the precinct of his/her former residence, complete the appropriate application form and vote a regular ballot. This also applies to absentee, or advance, voting.

Article 5, Section 1 of the Constitution states in part: "A person who is otherwise a qualified elector may vote in the voting area of his or her former residence either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of such voting area during a period prescribed by law next preceding the election at which he or she seeks to vote, if his new residence is in another voting area in the state of Kansas."

K.S.A. 25-3701 sets the "period prescribed by law" as 30 days before the election.

CANVASSING KANSAS

Published by the office of

**SECRETARY OF STATE
RON THORNBURGH**

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

EDITOR
Kirsten Funk

LAYOUT AND DESIGN
Kristi A. Pankratz

COPY EDITORS
Barb Nemec
Nancy Reddy

CONTRIBUTING WRITERS
Brad Bryant
Bryan Caskey

If you have any suggestions or comments about this or future issues, please call (785) 296-1864.

Copyright © 2000
Kansas Secretary of State

This publication may be duplicated for informational purposes only. No written permission is required with the exception of articles or information attributed to a source other than the Office of the Kansas Secretary of State.

What are the differences?

1. A voter seeking to vote under the provisions of former precinct voting may vote only at the precinct of former residence, not at the new precinct or a central location as provided in the provisional voting system.

See Voting, p. 7

RON THORNBURGH

Kansas Secretary of State



December 1999 Secretary of Defense Directive

Dear Friends:

There's good news for the voters of Kansas. We have been spared from a December 1999 Secretary of Defense Directive. An article on page 4 goes into more detail on the directive, but basically it instructs all military commanders and civilian facilities managers to make sure that military facilities are not used for voter registration sites or polling places.

Our office recently found out from Major General Gregory B. Gardner, Adjutant General, that this directive does not apply to Kansas. Most of the Kansas National Guard Armories are governed by the rules and regulations of the Kansas Military Board. According to Gardner, the Secretary of Defense of the United States has no control over the use of state-owned armories.

Therefore, the voters of Kansas will be able to continue to use the building as they have in the past. I sent a letter to Gardner on April 24, asking him not to apply the directive to Kansas because it would be a definitive setback to election administration throughout the state. In response, Gardner wrote that using the armories as voter registration locales and polling places is, "a natural and appropriate use of our armories by the local community that I enthusiastically support."

For more information on this subject or other voting-related material, please contact our Elections Division at (785) 296-4561.

Sincerely,

A handwritten signature in cursive script that reads "Ron Thornburgh".

RON THORNBURGH
Secretary of State

USPS changes use of election logo

The United States Postal Service recently issued new changes on the use of the election logo used by voter registration officials. Three changes are summarized.

The first change allows for the use of a new blue color (PMS 294). Previously, the only colors allowed were black (PMS 485) or red (PMS 485). These colors may still be used in addition to the blue color now authorized.

The second change allows the smallest logo size to be used

on #10 envelopes. Previously, the Postal Service would only allow the smallest logo to be used on post cards. This should help officials who find the medium size logo to large for use on the #10 envelopes.

The third change involves the Postal Service adding a section on conditions of use of the logo. The Postal Service allows a limited license to use the logo under the following conditions: (1) This license is granted only to federal, state and local voter

registration and election officials. (2) Use of the logo must strictly conform to the guidelines set forth by the published guide. (3) The logo must be used only on official election mail, and may not be used on any partisan mailings.

Every county election officer should have received an update on these changes. If you did not receive this update, or need a new copy of the logo guide brochure, contact the Secretary of State's Office at (785) 296-4561.

Polling places discouraged at military facilities

In December 1999, U.S. Secretary of Defense William Cohen instructed all American military commanders and civilian facilities managers to ensure that military facilities are not used for voter registration sites or polling places.

Some commanders have interpreted the prohibition to include National Guard and military reservist facilities, and many election officials have been informed they may not use such facilities beginning with this year's elections, even though many have been polling places for decades. They are scrambling to find suitable, accessible sites to replace them. It is the National Guard sites rather than military bases that are most often used as voting sites.

Officials at the Department of Defense maintain that this is nothing new—similar directives have been issued annually in the past, but for reasons not clearly

understood, many military commanders are paying more attention this year and acting on it.

The Election Center, a Houston-based nationwide organization of state and local election officials, has asked the Department of Defense to

review and rescind the decision. Lists of polling places affected by the decision are being sent to Congress, and the Senate Armed Forces Committee has made inquiries regarding the matter.

There are signs that the Department of Defense may backpedal somewhat from its original position. One Pentagon

lawyer has issued a memorandum stating that the directive does not cover National Guard installations under state control unless the guard units are called to active duty. However, that memorandum has not yet been widely circulated, and it's not currently viewed as official Defense policy.

In Kansas, Secretary of State Ron Thornburgh sent a letter April 24 to Major General Gregory Gardner, Kansas Adjutant General, asking him not to apply the directive to Guard units in Kansas. Thornburgh views the use of the facilities for voting as an example of the type of intergovernmental cooperation that should be encouraged, not prohibited. Extending the prohibition in Kansas would represent not only bad public relations but possibly a crippling blow to election administration in the state.

The directive does not apply to most Kansas armories because they are state owned.

See Defense, p. 10

CANVASSING KANSAS

Natural Law Party fails to receive official party recognition

Secretary of State Ron Thornburgh has determined that a recent petition filed by the Natural Law Party was insufficient to recognize the group as an official party in Kansas.

The national organization, called The Natural Law Party of the U.S.A., submitted its petition on March 31.

The petition contained signatures from four counties: Douglas, Riley, Sedgwick and Shawnee.

Election officers in those counties worked throughout much of the month of April checking signatures against the voter registration records, and the results certified to the

SOS office fell short of the required number of 14,854 valid signatures. The requirement is to gather signatures of currently registered voters in the state equal to 2 percent of the total votes cast for all candidates for the office of governor at the last election.

The petitioners sought official recognition as the Natural Party instead of Natural Law Party because of a state law that limits party names to two words, one of which must be the word party.

Secretary Thornburgh informed party officials of his determination in a letter dated May 9.

Why are Elections on Tuesday?

One of the time-honored traditions in the American electoral system is Tuesday elections. All regular elections at the national and state levels and nearly all at the local level are held on Tuesdays. Also, most special elections are on Tuesdays.

Often, questions arise about the origin of the Tuesday tradition, and it's something many people are not aware of.

The Tuesday tradition is rooted in the agriculture-based American society. In the late 1800s and early 1900s, elections were often scheduled to accommodate the agrarian culture.

See Tuesday, p. 10

Election Day liquor sales not prohibited by state law

One issue that causes questions every election year is whether or not liquor can be sold on election day.

As election officials prepare for the Aug. 1 State Primary and Nov. 7 General Election, they should be aware of the rules.

Since 1994, state law no longer prohibits retail liquor sales on election day. Before 1994, K.S.A. 41-712 stated: "No person shall sell at retail any alcoholic liquor...on the day

of any national, state, county or city election, including primary elections, during the hours the polls are open, within the political area in which such election is being held."

Another statute, K.S.A. 41-2704, applied the same restrictions to retail sale of cereal malt beverages.

The 1994 amendments to these two statutes removed the language prohibiting such sales on election days.

It is important to note, however, that according to the Kansas Division of Alcoholic Beverage Control, cities and counties may still have ordinances prohibiting or limiting sales of alcoholic beverages.

County election officers faced with questions about liquor and beer sales should check with the governing bodies of the local jurisdictions.

Clerk Updates

Around the State

County News

Johnson County

Johnson County is participating in satellite advance voting locations in its 2000 elections thanks to legislation which went into effect July 1, 1999.

This legislation allows county election officers in any county having a population exceeding 250,000, to designate places other than the central county election office as satellite advance voting sites.

A person can vote at any satellite voting location in advance. By voting in person and in advance, it will save time as well as taxpayer money.

Court Division

The Kansas Supreme Court created the 26th Division of the 18th Judicial District on May 2.

The new division was created to handle a dramatic increase in the number of filings in Sedgwick County under the Kansas Code for Care of Children.

The timing of the order allows the election for this judge to be held this year. The filing deadline for this division is the same as the other elected judicial divisions, Monday, June 12, at noon.

• Not seeking reelection

Rita Slattery, Ford County Clerk, has announced that she will not be seeking reelection this year.

Slattery has been county clerk since April 1985 and has worked in the clerk's office since 1968.

In her tenure as county clerk, Slattery said the most significant change she has seen in the last 30 years is the amazing change in technology that has taken place. Upon retirement, Slattery said she only plans to enjoy her free time.

Doris White, Lincoln County Clerk, has announced that she will not be seeking reelection this year.

White has been the Lincoln County Clerk since 1992. Before that, White served as the Lincoln County Treasurer for 12 years.

Upon retirement, White said the thing she will miss most will be the relationships she has developed with other county clerks.

See Clerk Updates, p. 10

Election Board Workers

One popular program that will continue in 2000 is the election board worker recognition program.

Voting would be impossible without the dedicated service of election board workers who give their time and energy to administer the voting process in their precincts. In Kansas, more than 11,000 citizens serve their communities in this way each election. Many work 14-hour days for minimum wage, but often they're there out of a sense of civic duty rather than a desire for pay.

Talk to any county election officer who has worked throughout the election season

to recruit enough election board workers, and they'll tell you how important these volunteers are.

This is what gave rise to the recognition program in 1998.

In the coming months, the SOS office will ask county election officers for names of board workers with 25 or more years of service. Each nominee will be presented with a certificate of appreciation from Secretary Thornburgh and an invitation to attend the meeting of the State Board of Canvassers in late November when the official results of the general election are certified.

Thornburgh challenges election officials at KCCEOA Conference

Secretary of State Ron Thornburgh challenged county clerks and election officials to make Kansas number one in the nation for 18- to 24-year-old voter turnout at the annual spring conference of the Kansas County Clerks and Election Officials Association (KCCEOA).

At the conference, which was held May 3-5 in Wichita, Thornburgh explained how the 18- to 24-year-old age bracket has the lowest turnout percentages. Nationally, the 18- to 24-year-old vote has decreased from a 50 percent turnout in 1972 to 32 percent in 1996. Since these are the leaders of tomorrow, it becomes even more crucial for election officials to develop ways to increase the voting percentages.

Other topics discussed at this conference included geographic information systems, records retention and open records, new legislation, and budgeting and accounting.

Elections Division Deputy Brad Bryant informed

attendees of plans for the upcoming presidential election and this year's voter outreach programs, which include a reprise of 1998's Honor a Vet With Your Vote. He also explained that this year, the Secretary of State planned to continue a program begun in 1998 that recognizes election board workers who have served 25 years or more.

Bryant also highlighted elections-related legislation passed by the 2000 Legislature.

Bryan Caskey, administrative assistant for elections, explained the results of recent research on court

cases dealing with petition signature verification, including specifics on the Natural Party's petition seeking official party recognition.

Caskey also detailed plans for this year's presidential election, including election night tabulation and certification of candidate names to county election officers.

Increased voter turnout among 18- to 24-year-olds is a high priority for Thornburgh and Kansas

Amendments

Continued from page 1

State's Office will send each county election officer copies of the resolutions.

The SOS also will publish the notice of the constitutional amendment elections in each county newspaper for three consecutive weeks before the election.

County election officers are not required to publish notice of the constitutional amendment elections.

Constitutional amendments must be proposed by a 2/3 majority vote in each house of the Legislature and approved by a simple majority of the voters in a statewide election.

Voting

Continued from page 2

2. Ballots cast by former precinct voters are not required to be challenged, or provisional, ballots. The supervising judge or county election officer may choose to put them in provisional envelopes. They may be cast as normal ballots if it is determined that the voter qualifies as a former precinct voter and completes the necessary application.

3. Former precinct voting does not include name changes, whereas provisional voting includes name changes as well as address changes, and can include other challenges to a person's voting qualifications, such as citizenship, possible felony conviction or incompetence.

House Substitute for SB 244—Presidential Preference Primary Bill

This bill cancels the 2000 Kansas presidential preference primary and directs the Secretary of State to refund filing fees received from candidates who had filed before the effective date of the bill, which was Feb. 7, 2000. Funding for the primary was canceled in Senate Bill 39, an appropriations bill.

SB 244 authorizes the Secretary of State to negotiate with other states to involve Kansas in a multi-state primary in future years. If the Secretary of State obtains commitments from at least five other states to hold their primaries or caucuses on a common date with Kansas, the Secretary certifies to the Legislature the date the primaries will be held. If commitments are not obtained from at least five states, the Secretary chooses a date for the Kansas presidential primary on or before the first Tuesday of April and certifies that date to the Legislature.

In either case, the certification to the Legislature must be made before November the year preceding the presidential election.

Note: This bill was effective upon publication in the Kansas Register Feb. 24, 2000.

HB 2328—Advance Voting Ballot Application Bill

This bill requires advance ballot applications to be sent directly to the county election officer within 48 hours of the voters signing them. It is intended to prevent candidates, campaigns, parties and other groups engaged in the distribution of advance ballot applications from having the applications sent to a location other than the election office, delaying receipt of the ballot by the voter.

The legislation contains three provisions intended to accomplish this:

1. Section 1 states that: “The signed application shall be transmitted only to the county election officer,” prohibiting groups from having the

applications sent to another location for processing. To further emphasize the point, Section 2 says “nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office.”

2. Section 2 makes it illegal for anyone to “interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer.”

3. Section 2 also requires prompt delivery of applications to the county election officer by stating that: “Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within 48 hours after such application is signed by the applicant.”

HB 2844—Emergency Ballot Distribution Bill

This bill authorizes the Secretary of State to “designate temporary alternative methods of distributing ballots in cases of war, natural or man-made disasters, equipment failures or other emergency conditions or circumstances which make it impossible for voters in a voting area to obtain ballots as provided by law.” This legislation was proposed as a remedy to emergency circumstances that have occurred in past years.

One example was the 1990 Desert Shield military operation in the Persian Gulf, when military personnel would have been unable to vote if election officials nationwide had not taken extraordinary steps by allowing them to fax their ballots. Another example was the 1998 floods, when large areas of Kansas were under water on election day, voting places were surrounded by water, and voters in many areas were unable to leave home to vote. Emergency efforts were undertaken in cooperation with the National Guard to move polling places, transport ballots and transport voters to backup voting sites.

House Bill 2844 grants emergency authority to the Secretary of State to work with county election

officers to identify areas where emergency measures are warranted on election day and to implement temporary plans to allow people to cast their ballots.

HB 2854—Election Administration Bill

This bill has three provisions:

1. It eliminates the requirement that counties using voting machines provide mechanical models of the machines in each precinct. The models were for voter education, so voters could practice on a model of the voting equipment. The models are expensive and unnecessary. The laws as amended still require that voters receive instruction on voting procedures as needed, but such instruction may be printed materials or instruction by election board workers.

2. It requires advance voting applicants to provide their birth dates on their applications for advance ballots. This is intended to help the county election officer keep track of voters, eliminate duplicates, and ensure that each voter receives one and only one ballot, especially during busy times just before application deadlines.

3. The bill contains a follow-up to 1999 legislation that eliminated requirements in several laws that certain election mailings be sent first class. This year's bill eliminates one more such requirement that was missed last year. This allows election officers to take advantage of the U.S. Postal Service's election logo. Use of the election logo ensures first class handling of election mail, but if certain conditions are met, the election officer may avoid paying first class postal rates. This year's bill affects mailings of notices of disposition to provisional voters who have completed new voter registration applications at the polling place before casting their provisional ballots.

HB 2928—Teenage Election Board Worker Bill

This bill allows the county election officer to appoint one 16- or 17-year-old person to serve as

an election board worker at each precinct. These individuals must meet all other qualifications for voting besides age. The new law is intended to help ease the shortage of election board workers, encourage young people to learn about and participate in the electoral process, and possibly save some salary money if the teenagers receive school credit instead of pay for their service on election boards. Teenage board workers' absence from school should be arranged ahead of time and excused by school administrators, and any program granting classroom credit should be sanctioned by the school.

SB 481—Campaign Finance Report Fees Bill

Campaign finance report fees of candidates for state offices, county offices, first class city offices, the Wichita school district and the Kansas City Board of Public Utilities would increase. The effect would be that all except statewide offices would rise from \$30 to \$35. Some lobbyist and political action committee registration fees also would increase under the bill.

SB 515—Technical Cleanup Bill

This bill has two provisions:

1. It has a Year 2000 cleanup provision that changes 19__ to 20 __ in several places in election laws. One deals with the date on the affidavit signed by challenged voters, and the others deal with applications for presidential ballots by new, former and relocated residents.

2. It deletes the Secretary of State's street address from the law that tells voters whom to contact if they believe someone has interfered with their right to register to vote or to decline to register to vote. This is an NVRA provision that requires the state to have a chief state election officer to handle such complaints. The address of the Secretary of State changed when the office moved out of the Capitol in January 2000, so the reference to the old street address was deleted.

Why do we vote on Tuesdays?

Continued
from p. 5

If elections were scheduled during busy times on the farm, the farm vote would be lost. November was the preferred month because it avoided planting and harvesting seasons.

Tuesday was chosen because it was the first day after the weekend that people could travel to voting sites. The first day of the week, Sunday, was avoided because it was the Christian Sabbath day. The day before and the day after, Saturday and Monday, wouldn't work because rural residents needed a day on either side of the Sabbath day for travel to remote voting locations. Hence, Tuesday was selected and formally adopted into law when President John

Tyler signed legislation in 1845 designating the Tuesday following the first Monday in November as national election day.

Why the Tuesday following the first Monday? Again, the origin lies in the rural society of the time. The first day of each month was set aside for business conducted at the county seat, which was often the central voting place, so it made sense for people to travel to the county seat for business on the first day of the month and stay to vote the second.

With our society less involved in farming, some people have suggested moving elections from November and Tuesday. With

an increasing number of states adopting early voting systems or all-mail voting systems, and with progress being made toward Internet voting, the specific date of the election becomes less important. Still, the actual election day remains Tuesday, the day when voting cuts off.

Some have suggested weekend voting as less of a conflict with work, but others point out that weekend voting would impinge on other social events such as sports and travel away from home.

For now, change from Tuesday and November elections seems unlikely because of the deeply rooted traditions.

Defense

Continued from p. 4

On May 5, Gardner responded in a letter saying that the directive does not apply to most of the Kansas National Guard Armories because they are state property. The use of the armories is decided by the rules and regulations of the Kansas Military Board. Therefore, the Secretary of Defense of the United States has no control over the use of state-owned armories.

For more information on this topic, see Secretary Thornburgh's column on page 3.

Clerk Updates

Continued from p. 6

• Resignations

Three county clerks have resigned to pursue other opportunities.

Diann Hrabe, Graham County Clerk, resigned after 3 1/2 years. Jana Irby was selected as her replacement.

Dan Brunetti, Crawford County Clerk, resigned after 12 years in office. Kevin Anselmi was selected as his replacement.

Shirley Walbridge, Jefferson

County Clerk, resigned after nearly 14 years in office. Linda Buttron was selected as her replacement.

• Marriages

Two clerks were recently married.

Sharon Cahoone, Chase County Clerk, married Jerry Pittman on February 19.

Pat Miller, Logan County Clerk, married Tim Schippers on Valentine's Day. Congratulations!