

# CANVASSING KANSAS

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

## SOS launches online voter registration program

The third and final phase of a program to enhance voter registration in Kansas was launched June 1, 2009 with the implementation of the online voter registration (VR) program. The online VR system allows anyone with a current and valid driver's license to go to a Web site maintained jointly by the Secretary of State's office and the Division of Motor Vehicles and register to vote.

At the site, after the applicant enters his/her name and driver's license number and answers several questions related to voter registration, the program matches information already on file in the driver's license database, including the person's digitized signature, with the voter information and produces an electronic record that is then transmitted to the county election officer via the Agency Central module of the ELVIS statewide voter registration system.

The two other components of the enhanced, electronic voter registration system are electronic motor-voter and online change of address.

The electronic motor-voter system was launched in August 2008. It applies only to transactions conducted at driver's license examination offices, which may be either local offices operated by DMV or county treasurers' offices. This e-motor voter system removes nearly all the paper from the system. Driver's license examiners have been required since 1995 to ask each person applying for or renewing a driver's license if they wish to register to vote. If they say Yes, the examiner provides the voter registration form. Now, with the new system, the form is not a paper form; rather, the information is collected electronically by asking several voting-related questions and merging the information with the data collected for driver's license purposes, including the digitized signature. The electronic records produced are transmitted to county election offices much like the online VR records.

The third piece of the system, online changes of address, grew out of a program initiated by DMV in the mid-1990s when driver's license holders were allowed to go online to change their addresses.

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## Study group completes work

The third and final meeting of the Study Group on the Future of Elections was held Friday, April 17, 2009. Earlier meetings were summarized in an article in this newsletter in March (See Canvassing Kansas, March 2009, page 1).

At the April meeting, study group members participated in a wide-ranging discussion of turnout in Kansas elections, what's good about the current voting system and what might need to be improved, the pros and cons of various voting options and which options have the most merit.

Please see *Study group*, page 5

## CEOs enjoy “Luau on the Prairie”

The annual spring conference of the Kansas County Clerks and Election Officials Association (KCCEOA) was held in Hutchinson May 5-8, 2009, at the Grand Prairie Hotel and Convention Center with a theme of “Luau on the Prairie.” Sessions were held Wednesday and Thursday and ended before noon on Friday.

The SOS office provided training about elections on Thursday, May 7. This was the sixth year this type of training session has been provided since the law was changed in 2004 to say that CEOs are required to receive elections training from the Secretary of State. The 2004 law was passed as part of the state legislation to implement the Help America Vote Act of 2002 (HAVA). Most of the discussion for the first few years was about HAVA issues, so the training naturally was referred to as “HAVA Training.” Also, in the early years the session was a day and a half long. The past couple of years the session has been reduced to one day.

Please see *Luau*, page 8



## SOS will present at Sanborn Institute

The Secretary of State’s office has been invited to make a presentation to the 2009 Sanborn Institute Year 1 class. The first presentation by the SOS office at the Sanborn Institute was in 1993, followed by subsequent presentations in years when Year 1 classes were offered. The most recent classes for Year 1 were in 2001 and 2005. The SOS office also has led discussions at Year 2, Year 3 and Master Academy sessions.

The Sanborn Institute was named after the late Dorothy Sanborn, Seward county clerk in the 1980s and early 1990s, who reportedly first had the idea of a county clerk certification program. The Institute is an important program in that it provides newly elected county clerks with training in the most important duties of their jobs. The Institute is similar to programs in various other states in this respect. The Kansas County Clerks and Election Officials Association developed the program for itself and sponsors its activities, contracting with the Hugo Wall School at Wichita State University for the management of the program.

While the Sanborn Institute covers many topics besides elections, the time spent on the county clerk’s election duties is an important opportunity for the Secretary of State’s office to communicate with county election officers about this significant aspect of their jobs. If the KCCEOA did not sponsor the Sanborn Institute, no other organization at present is able to offer instruction customized for Kansas county clerks.

The Secretary of State’s office will present Thursday, June 11, covering the topics of Kansas election law, current election issues and technology.

## CANVASSING KANSAS

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**RON THORNBURGH**  
Kansas Secretary of State

Dear friends,

Over the last several years, I've had a number of conversations with you regarding how we can continue to change and adapt our elections procedures to be more reflective of new communication tools, without compromising the security necessary to protect the process. A key component of this is undoubtedly the Internet. While I am still not completely comfortable with all of the possibilities the marriage of elections and the World Wide Web has to offer, I believe that there are steps we can take to continue to capitalize upon this important medium.

With that in mind, we've recently launched an online voter registration program, available at both [kssos.org](http://kssos.org) and [voteks.org](http://voteks.org). Here, with a valid Kansas driver's license, citizens will have the ability to both register for the first time and change their registration information – all with the click of a mouse. Gone are the days of waiting for paper forms to arrive at local election offices; registration information can now be transmitted securely and electronically from the Department of Motor Vehicles – in real time.

Online voter registration marks an important change in Kansas election procedures. While we've offered electronic copies of materials on our Web site in the past, they've still often involved printing and mailing through the same cumbersome process. This new Web application will not only speed the process, it will provide another opportunity for our elections community to respond to citizens in multiple mediums, allowing the voter to choose their preferred method.

As we continue to evolve, I am confident that we will find new ways to make our elections process more convenient and citizen-friendly, while not sacrificing the security and uniformity that has long set Kansas elections apart. Along this journey, please feel free to share any questions, comments, or additional ideas with us.

Thank you again for all you have done and please let our office know if there is anything we can do to further assist you.

Sincerely,

A handwritten signature in black ink that reads "Ron".

**RON THORNBURGH**  
Secretary of State

## 2009 Legislature passes two packages of elections bills

This year's legislative session was a fairly active one for the Kansas Legislature. A number of bills dealing with elections were proposed from various sources, including KCCEO and the SOS office. Late in the session, many of the bills still under consideration for this year were rolled into two large packages of bills. The following is a brief summary of the legislation that passed into law.

### House Bill 2158

HB 2158 is a conference committee report containing several bills.

#### 1. Highway Patrol candidates

This law allows members of the Highway Patrol to serve on nonpartisan appointed or elected governing bodies.

#### 2. Sherman County commissioner elections

This law allows the voters of Sherman County to hold an election before December 31, 2010 to decide whether to adopt a policy of electing county commissioners on an at-large basis.

#### 3. Sponsorship of campaign materials

This law requires the "paid for by" attribution to be on all Web sites, Internet communications and e-mails disseminated to 25 or more individuals. This is an expansion of the corrupt political advertising statute.

#### 4. Electronic campaign finance reports

This law requires candidates for offices elected on a statewide basis to file their regular campaign finance reports electronically using the electronic system built by the Secretary of State office pursuant to a law passed in 2007. Previously, the electronic filing of reports was optional. This is a move toward universal use of electronic filing.

#### 5. Statements of Substantial Interests by university employees

Faculty members earning more than \$50,000 per year at universities governed by the Kansas Board of Regents would temporarily be allowed to file disclosure documents with their respective employing agencies rather than filing Statements of Substantial Interests with the Secretary of State's office. These individuals were added to the list of persons required to file SSIs in 2006. The disclosure documents must contain the same information as SSIs and must be open public records. This provision expires on July 1, 2010.

### Senate Bill 80—City Sales of Utilities

This law changes the requirement for voters to approve a city's sale of a utility. If a city plans to sell a utility, it must be approved by the voters. Previously the law required a majority of registered voters in the city to approve the sale. The new law requires only a majority of the voters voting at the election. A majority of all registered voters is nearly impossible to achieve due to the low turnout at most such special elections.

### Constitutional Amendment

SCR 1611—This concurrent resolution creates a statewide election at the November 2, 2010 general election to approve a constitutional amendment guaranteeing the right to own firearms for the defense of self, family, home and state and for other lawful purposes.

Study group member Bob Newsome, a former Riley County commissioner, invited Riley County Clerk Rich Vargo to make a presentation on the benefits of vote by mail. Johnson County Election Commissioner Brian Newby, a study group member, made a presentation on vote centers.

The group did not reach a strong consensus that any one voting option was best for Kansas, and perhaps consensus was not an expectation given the wide variety of perspectives represented by study group members, but many valid viewpoints were offered, and everyone had a chance to advocate for their favorite option or to speak against options they felt had less to offer.

Some general themes gained a lot of support, however. Among them were the following:

- ◆ Turnout could be improved, especially in elections for local offices and local question-submitted elections.
- ◆ Voting needs to be convenient to encourage turnout.
- ◆ Security of the ballot must be ensured.
- ◆ Change is gradually occurring, and election officials need to embrace it and lead it.
- ◆ It is probable that the best system for Kansas is a blend of two or more options.
- ◆ A one-time adoption of an entirely new system might be difficult to bring about, if that is even desirable, so experimentation with various options on a local or less-than-statewide basis might be the best way to see what works best.

This is not an exhaustive list of the ideas presented, but each of these concepts did have some adherents on the study group.

Staff members in the SOS office are drafting a report of the study group's activities. Group members will have an opportunity to comment on the draft, which will be revised and presented to CEOs in early fall, in time for discussion at the KCOA conference in September.

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### Voter registration

from page 1

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they indicated they also wished to change their addresses for voting purposes, the information was transmitted to CEOs by e-mail. With the new system, the electronic change of address records are transmitted via ELVIS Agency Central the same way as online VR and e-motor voter records are transmitted.

The states of Arizona and Washington led the way in implementation of this type of program. Kansas is believed to be the third to implement an online voter registration program.

All three programs are the result of coordinated efforts by the DMV, ES&S and the SOS office. The overall purpose of the program is to realize the following benefits:

- ◆ It is responsive to the growing demand by the public for the ability to conduct their business with the government online.
- ◆ It is easy and convenient for voters to register or change their addresses at their leisure, using a computer instead of going to a registration site during business hours.
- ◆ Instead of handwritten paper forms, the CEO receives data that is always legible.
- ◆ The CEO does not have to spend time and bear the expense of entering the data into the system.
- ◆ The opportunity for data entry errors is eliminated from the CEO's process.
- ◆ It reduces the amount of paper in the system.
- ◆ Since the beginning of motor-voter in the 1990s, CEOs have received change of address forms from voters who thought they were registered to vote but in fact were not. This required the CEO to mail each such person a paper voter registration application form. This problem is greatly reduced or eliminated.

# SOS initiates Design for Democracy project

One of the purposes for which states may use HAVA funds is “improvements in election administration.” This is an undefined category that gives states leeway in determining how the funds may be used for the greatest benefit to the state.

Ballot design was one problem highlighted in the 2000 presidential election that resulted in passage of HAVA. Besides the infamous punch card voting systems that produced the hanging, dimpled and pregnant chads, there were problems with so-called “butterfly ballots,” candidate names misaligned with ovals, and confusing voter instructions. A number of states have undertaken projects to improve the ballot design, and some CEOs in Kansas have begun to redesign their ballots using design recommendations provided by graphic design artists.

The American Institute of Graphic Arts established a group called Design for Democracy to provide expert advice to election officials on the design of their ballots. Their efforts, however, are not limited to ballot design. They also review various forms used in election administration, manuals and handbooks and Web sites.

The Kansas Secretary of State’s office is negotiating a contract with Design for Democracy to secure their consulting services in identifying a graphic design expert to review Kansas election materials. Some remaining HAVA funds have been budgeted for this purpose in calendar year 2009.

Once the contract is in place, discussions will be held with the experts to define the scope of the project—that is, how many materials will be submitted for review and how much work will be done. We will not know until the discussions begin how much design work we can have completed for the amount of money allocated, but we hope a significant number of our ballots and other forms can be included.

We have included on the preliminary list six types of ballots; five envelopes; eleven advance voting forms, voter instructions, candidate petitions and declarations and other forms; polling place posters; and seven brochures. The goal is to complete the project in time for the 2010 elections.

The SOS office opened the discussion of graphic design of election materials with the CEOs at KC-CEOA May 7, 2009, when a presentation was included in the SOS training session. (See article elsewhere in this newsletter.)

## HAVA updates in full swing

### *U* pcoming HAVA Expenditures:

#### 1. HAVA Endowment Program:

Our office sent an e-mail with attachments regarding the HAVA Endowment Program. The information was also posted on SOSIX.

#### Background and Overview:

In 2008, Secretary Thornburgh appointed the Ballot Programming Task Force to research ways to reduce programming (audio) charges counties were being faced with. Based on the results, Secretary Thornburgh offered a list of approved programming software/hardware items to all counties, covering most of the purchase costs.

Upon completion of the programming research, it became apparent there is a high level of county interest for more than just programming items. Therefore, Secretary Thornburgh approved the HAVA Endowment Program, expanding the list of approved items to include more than just programming software/hardware.

*Please see HAVA page 10*

# MEOC scheduled for December 2009

SOS staff members from Iowa, Missouri, Nebraska and Kansas are meeting frequently by phone to work out the many details for the sixth Midwest Election Officials Conference. (See Canvassing Kansas, March 2009, page 2.) CEOs planning to attend may now reserve their rooms at the hotel by calling the hotel directly or the nationwide toll-free reservation number, 913-451-8000 or 1-800-228-9290.

The individual Secretaries of State are encouraging the county election officers in their respective states to attend. Recognizing that budgets are tight at all levels of government, the SOS offices are putting a great deal of effort into holding costs down as much as possible. The hotels are doing their part by offering some incentives.

Although the topics of individual sessions at MEOC are not firm, some possible topics include: uses of HAVA funds, using voter registration to track people in a mobile society, voter outreach, electronic and Internet voting, UOCAVA voters, managing the increasing costs of elections and dealing with ballot initiatives.

A brochure was handed out at the SOS presentation at KCCEOA on May 7 and is reprinted below.



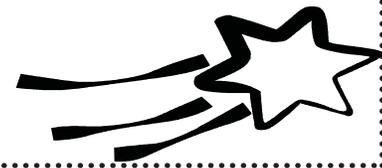
## Register Now for MEOC VI

When: Sunday, December 6, through Wednesday morning, December 9, 2009  
Where: Overland Park Marriott, 10800 Metcalf Ave., Overland Park, KS 66210  
Who: Election officers from Kansas, Iowa, Missouri and Nebraska  
Why: Learn, make and renew contacts and see the latest technology

Consider the amenities:

- ❖ Registration fee only \$100 per person
- ❖ Hotel rooms are \$85/night, up to 4-person occupancy included
- ❖ Free breakfast every day
- ❖ Free lunch Monday and Tuesday
- ❖ Free parking
- ❖ Free high speed Internet in guest rooms
- ❖ Free opening reception with free beer & wine
- ❖ Free transportation to Monday evening entertainment
- ❖ Free shuttle service within 5-mile radius, including shopping areas
- ❖ Free Tuesday evening banquet

Make your hotel reservation today by calling 913-451-8000 or 1-800-228-9290  
(say "Midwest Election Officials Conference" to get the room rate)



This is consistent with the planned approach to the 2004 law. Although much of the discussion at first was about HAVA, it was hoped that as HAVA programs were implemented and the issues were settled, HAVA would become just a normal part of election administration and less time would be spent talking specifically about HAVA issues. There would still be a need for annual training on current issues and updates, but HAVA itself would no longer dominate the talk.

This year the SOS presentation was organized into four workshops:

Workshop 1 General Issues

Workshop 2 Census

Workshop 3 ELVIS

Workshop 4 Ballot Design and Usability

Secretary of State Ron Thornburgh has attended nearly every KCCEOA conference for many years, but he was unable to attend this year due to a prior commitment. Sessions were conducted by Election Director Brad Bryant, Administrative Assistant Bryan Caskey, HAVA Coordinator Craig Bourne, and Legal Counsel Diane Minear.

Workshop 1 on General Issues included discussions of the following topics: the SOS Study Group on the Future of Elections in Kansas, the upcoming 2009 Midwest Election Officials Conference, revisions to the Kansas Election Standards, a review of the 2008 election, HAVA grants/funding/endowment programs, the HAVA federal audit, ELVIS workstation fees, 2009 elections legislation, and a summary of issues encountered by Legal Counsel Diane Minear during her first six months in the SOS office.

Workshop 2 on the Census included a discussion of upcoming activities related to the 2010 federal census, the census adjustment project conducted by the SOS, county and local responsibilities associated with the census, 2012 redistricting, and a presentation by Craig Best from the U.S. Bureau of the Census regional office in Kansas City.

Workshop 3 was focused on ELVIS statewide voter registration database activities. Topics included the upcoming launch of the candidate filing module for electronic reporting of election results, planned enhancements to ELVIS, data cleanup, the electronic motor-voter and online voter registration programs, the interstate crosscheck programs Kansas is involved in, and updates on the public key infrastructure security policies and procedures.

Workshop 4 was devoted entirely to ballot design and usability. Ballot design became an issue in the 2000 presidential election that gave rise to HAVA. Many states and localities have spent considerable time and effort in the ensuing years in improving the design of their ballots to make them clearer and more user friendly. The SOS office invited Dana Chisnell, a San Francisco consultant, to make a presentation to Kansas CEOs on this topic. Ms. Chisnell is a nationally recognized expert on how to make ballots more effective from the voter's (the user's) perspective. After Ms. Chisnell's 90-minute presentation, Shawnee County Election Commissioner Libby Ensley and Douglas County Clerk Jamie Shew conducted a joint session on ballot design. Ensley and Shew have applied principles of ballot design to their counties' ballots using guidelines published by Design for Democracy, an organization formed by the American Institute of Graphic Arts to promote better design of ballots and other election materials. The Secretary of State hosted the lunch on Thursday as part of the training program provided by his office.

The Thursday evening banquet was a Luau on the Prairie, complete with grass skirts, luau tee shirts, a tiki bar, and musical entertainment by the Sisters of Habit from Kingman County. Approximately 175 county election officers and deputies attended the Thursday session, which is an excellent participation rate. The office of the Secretary of State appreciates the invitation of the officers of KCCEOA to attend and discuss the latest issues with this large contingent of Kansas election administrators.

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## A little less conversation, a little more action for ELVIS

During the weekend of May 15, the latest version of ELVIS was installed. This upgrade covers four versions (9.6 - 9.9); installation of the candidate filing module; and changes to Agency Central, PowerScan and VoterView. This upgrade is one of the most significant we have had with ELVIS to date. To coincide with this upgrade, an updated version of the ELVIS Quick Reference Guide was completed. The reference guide and release notes have been posted on SOSIX.

With this release, the first part of the candidate filing module is installed and ready for use. This module will allow the Secretary of State and county election officers to input offices and candidates into ELVIS, upload this information into vote tabulation systems, collect unofficial and official election results from those vote tabulation systems, and send election results back to the Secretary of State's office. This will be done electronically and will not require counties to provide hand-written abstracts of votes cast. This is a significant upgrade to our election procedures. Our office will be conducting a statewide mock election in the summer/fall of 2009 with the assistance of every county. This election will allow counties to become familiar with the new module in advance of the 2010 election cycle. A detailed calendar will be provided in the coming weeks. Until the mock election, we ask that counties use the test environment for work in preparing and testing the candidate filing module.

With the conclusion of the spring elections, we have a window of time before the next regularly scheduled elections. Although there are many duties all of us need to turn our attention to, one thing our offices should do during this time is ELVIS list maintenance. There are four programs each county should complete this year.

The first program counties is to complete the NCOA (National Change of Address) check that was distributed at KCCEOA. Every year the SOS office compares the ELVIS file of active and inactive records with the changes of address that have been filed in the last three years with the U.S. Postal Service. The results of that comparison are then distributed to each county for review and action. The NCOA results must be processed every year.

The second program our office is conducting is the cross state data check. We compared ELVIS data with six other states: Arizona, Arkansas, Colorado, Kentucky, Louisiana and Oklahoma. The purpose of this comparison is to find potential duplicate records that exist in multiple states and cleanse those records. During this comparison it is possible that you will uncover evidence of double voters. If this occurs, please contact our office. The results of this comparison will be sent to counties June 1. We will be doing another one of these checks with the states of Iowa, Minnesota, Missouri, Nebraska and South Dakota in the summer or fall of 2009.

The third program our office is doing is a statewide duplicate check. Each county has the ability to set its own search criteria for duplicate records when entering or transferring voter registration records. To coincide with those checks, our office has run a statewide check of the voter file for potential duplicate records. The results of this duplicate check will be sent to the counties in the summer of 2009.

The fourth program every county should be doing is continuing to process Agency Central records. Agency Central receives records from DMV that are new or transferred voter registration records. Agency Central also receives records from the Department of Corrections that include people who have been convicted of a felony. These records are checked against your voter list for potential matches. These matches must be processed on at least a weekly basis. The Department of Health and Environment sends records to Agency Central of deceased persons. These records are also checked against the voter list for potential matches and should be processed on a weekly basis.

It is important to remain vigilant in keeping your data clean. You should run quality control reports on your data to find data anomalies and mistakes. With the overwhelming amount of registrations received last year, now is the time to review those records and clean up any discrepancies that may have occurred.

**List of Approved Items:**

- ◆ Voting equipment hardware (DREs, scanners, etc.)
  - ◆ All voting equipment software (programming software, ballot on demand)
  - ◆ Audio file hardware/software (microphone, stand, audio software)
  - ◆ Training (programming software)
  - ◆ E-poll books
- (Please see e-mail with attached request forms or visit SOSIX for complete details on all available items.)

**To submit a Request:**

Please submit all requests by fax, e-mail or mail to:

Craig Bourne  
Secretary of State office  
First Floor, Memorial Hall  
120 S.W. 10th Ave.  
Topeka, KS 66612  
craigb@kssos.org  
785-296-0080 (p)  
785-291-3051 (f)

There are two request forms, one for each vendor. Although we have funds available for two state fiscal years (see details below) we will only have one application period. The deadline to submit a request is Friday, June 10, 2009.

**Available Funds:**

We have budgeted \$350,000 (\$100,000 in FY09 and \$250,000 in FY10) for the HAVA endowment program.

Each county will be responsible for a minimum of 5 percent of the cost of each requested item (e.g. if county X requests an item that costs \$100, they will be responsible for a minimum of \$5). This percentage is variable depending on the number of county requests we receive.

Once all requests have been reviewed each county will be contacted and given the chance to make a final decision.

**2. Design for Democracy**

At KCCEOA in May we had two presentations, one from Dana Chisnell and a second from Jamie Shew and Libby Ensley, on ballot design and usability. Our office has funds set aside to review Kansas ballots and other election forms.

**3. ELVIS Training**

We have budgeted for additional ELVIS training, both new user and refresher, and hope to have it scheduled in early 2010. It should be a regional based training similar to that in the past. More details to come later this year.

#### **4. Candidate Filing Module – Required Voting Equipment Software**

To encourage the use of the candidate filing module we will purchase the required GEMS and ERM software later this year for the counties do not have it. This is a part of our state fiscal year 09 budget.

#### ***2010 ELVIS Workstation Fees:***

Secretary Thornburgh approved a \$200 reduction in the cost per workstation, reducing the cost from \$500 to \$300 per workstation in 2010.

At the KCCEOA conference in May we distributed the 2010 ELVIS workstation order form. We also sent an electronic copy via e-mail. If you haven't already done so please complete and submit to the Secretary of State's office by July 31, 2009.

#### ***ELVIS Public Key Infrastructure (PKI):***

Changes coming soon!

There will be some changes and reinforcements in our ELVIS PKI token system. The new system will be in compliance with the federal system and allow a bridge from Kansas to any other federally approved PKI system. As soon as things are finalized we will be sending a packet of information to all county election officials.

A few changes we know will take place include:

- ◆ Trusted Partner Agreement, Subscriber Agreement and the Vetting forms – will have noticeable changes.
- ◆ When submitting a vetting form to add a new individual we will require two forms of identification.  
The name on the vetting form must match two forms of identification.
- ◆ All required forms, mentioned above, will now be kept on file at the Secretary of State's office.
- ◆ Newer version of token software will need to be downloaded as well as new tokens.