

Major elections legislation passes in 2011

The past few years have seen very few elections bills passed by the Kansas Legislature, and none passed in 2010 with the exception of two resolutions creating statewide votes on constitutional amendments. Although such resolutions are not elections bills per se, they do affect election officers.

The year 2011 was quite different. A number of bills proposed by the SOS and the KCCEOA elections committee were passed and signed into law by the Governor this year. The most significant of these is the Secure And Fair Elections (SAFE) Act, which was proposed by Secretary of State Kris W. Kobach soon after taking office in January. The actual bill was House Bill 2067. The SAFE Act was a large part of the discussion when

Sec. Kobach appeared at KCCEOA in early May, and it will continue to be a major discussion topic in the coming months and into the 2012 election season.

The three main pieces of SAFE are as follows: (1) proof of U.S. citizenship when registering to vote for the first time [2013], (2) providing photographic identification each time one votes, and (3) increased security of mailed advance ballots. There are many details within these categories in the bill, which will be studied as election officials become more familiar with the act.

Following is a list of bills passed in 2011, along with brief summaries. For more detail, see the 2011 Elections Legislation Guide to Implementation.

1. House Bill 2067—SAFE Act (See pg. 4)

2. Senate Bill 103—UOCAVA and MOVE Act Compliance

This bill expands voting opportunities for domestic and overseas military voters and overseas civilians who qualify to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Under the bill, UOCAVA voters may:

- Obtain all voting information by email or other electronic means
- Apply for, receive, and return their ballots by email or other electronic means
- Vote a full ballot the same as other voters in their precinct. Previously, UOCAVA ballots did not include local questions submitted or political party precinct committee positions (in the August primary)
- Vote a Federal Write-in Absentee Ballot (FWAB)

The bill changes the effective period of UOCAVA voters' Federal Post Card Applications (FPCAs). Under this bill, a valid FPCA will cause the voter to receive a ballot for all elections in the calendar year in which the FPCA was submitted. Previously, the HAVA law had required ballots to be sent for all elections from the date of the submission of the FPCA through the second succeeding federal general (November) election.

IN THIS ISSUE

- 2 CONSTITUTION PARTY LAWSUIT
- RAWLINS COUNTY CLERK
- 3 SOS UOCAVA VOTING RANKING
- 4 MOVE ACT
- SAFE ACT
- 8 HAVA
- 10 AMERICANS ELECT PETITION
- WAYNE BRISCOE LAWSUIT

Annual elections training at KCCEOA

Secretary of State Kris W. Kobach led his team in conducting the annual day-long training of county election officers at the spring conference of the Kansas County Clerks and Election Officials Association on Thursday, May 5, 2011. This was the first KCCEOA conference for Sec. Kobach, who had taken office less than four months previously.

Cont'd on pg. 7

Cont'd on pg. 6

canvassing Kansas

Published by the Office
of the Secretary of State

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

EDITOR

Justin Runge

LAYOUT AND DESIGN

Justin Runge

CONTRIBUTORS

Brad Bryant

Bryan Caskey

Josh King

Suggestions or comments?
Please call (785) 368-8095.

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 Kansas Secretary of State.

© 2011

Kansas Secretary of State

Constitution Party lawsuit

On April 30, 2010, the Constitution Party, which is not currently a recognized political party in Kansas, filed a lawsuit in federal court against Secretary of State Chris Biggs.

The lawsuit alleged two counts against the state: (1) Kansas should keep a record of the party affiliation of voters even if the political party is not recognized by the state of Kansas; (2) Kansas law prohibiting non residents of the State of Kansas from circulating petitions violated the 1st and 14th amendment rights to free speech, free association, voting rights, and the federal commerce clause. (See *Canvassing Kansas*, September 2010, page 4.)

The SOS office, through the Attorney General, did not agree with Count 1 and disputed

it. In April of this year, the court issued a ruling in our favor on this count only. The State has an interest in avoiding voter confusion and reducing the burden of administrative costs. It had not infringed upon the rights of the Constitution Party.

The SOS agreed with the lawsuit on Count 2 and did not dispute that point. Kansas can no longer require the circulator of a petition be a resident of the state of Kansas. Several courts have struck down laws similar to Kansas law regarding petition circulators. As a result, counties can no longer require petition circulators to be residents of the state of Kansas when reviewing petitions.

If you have any questions on this lawsuit, please contact the SOS office. ■



From the desk of the Secretary

The 2011 legislative session was certainly productive. Thanks to bipartisan support in the legislature, we were able to shepherd more election bills to enactment in one year than in the previous decade.

We have improved absentee ballot procedures for uniformed and overseas citizens, established sensible midterm elections of Senate appointees, adjusted candidate filing deadlines when district boundaries change, and saved money by cancelling the presidential preference primary.

Most importantly, the new Secure and Fair Elections Act safeguards the integrity of Kansas elections at a higher level than any other state.

The SAFE Act Implementation Task Force will work closely with our elections division to implement the law seamlessly throughout the state.

Thanks for all you do.

Lanning assumes role as Rawlins County Clerk

Wayne Lanning was recently appointed Rawlins County Clerk, replacing Krystal Hutfles, who resigned.

Wayne is new to the world of county government. A native of Atwood, Wayne lived in Topeka for a few years before moving to Burke, Virginia, a suburb of Washington, D.C. While there, Wayne worked in the world of

telecommunications for UUNet/WorldCom/MCI/Verizon. (All one company, just many names!)

Many of you will know Wayne's mother, former county clerk Meredith Hrnchir. Wayne has a 15 year old daughter, and in his free time likes to golf and ride motorcycles.

Welcome aboard, Wayne! ■

Kansas ranks 8th in UOCAVA voting

The Secretary of State's office was notified in early May by the Federal Voting Assistance Program that it had achieved a score of 94.5% in the FVAP's State Legislative Initiatives scoring system.

That score ranked Kansas eighth among the states and territories. FVAP issues annual recommendations for legislation that states are encouraged to adopt to improve the voting process for military and overseas civilians eligible to vote under the Uniformed and

Overseas Citizens Absentee Voting Act.

FVAP monitors procedures in the various states and the legislation passed in those state's legislatures and, using a scoring grid, assigns points to each state for the recommendations it has enacted.

The following charts show the legislative initiatives of the FVAP, the total score possible for each, and Kansas' score (the second chart shows the results of several bonus initiatives):

FVAP Legislative Initiative	FVAP Target	Kansas Score
45-day ballot transit time for primary and general elections	30	30
Electronic transmission of election materials	30	30
Expanded use of the Federal Write-In Absentee Ballot (FWAB)	20	15
Late registration procedures for UOCAVA voters returning from deployment	5.5	5.5
Emergency authority of chief state election officer (in Kansas, the SOS) to designate alternative methods for ballot distribution	6	6
Enfranchisement of citizens living overseas who have never lived in the United States	2.5	0
Elimination of notary and witnessing requirements for UOCAVA ballots	6	6
Bonus Initiative		Kansas Score
Participation in 2010 Electronic Voting Support Wizard (EVSZ) program		2
Ballot transit time greater than 45 days		0
Ballot return permitted after election day		0

The first item in the list of bonus initiatives refers to the Electronic Voting Support Wizard program operated by the FVAP in 2010.

This was the program in which Kansas participated where the FVAP matched states' specifications for MOVE compliance with one of a series of approved

vendors for electronic transmission of ballots to UOCAVA voters. Kansas was matched with Scytl, which offered an online ballot marking system.

The high score and ranking Kansas achieved is recognition of the work election officers do to facilitate the process for UOCAVA voters. ■

The Kansas experience under the MOVE Act

Congress passed the Military and Overseas Voter Empowerment (MOVE) Act in 2009, and most parts of it were effective in 2010. The major purpose of the act is to make voting easier for UOCAVA voters through the use of electronic transmission of ballots and other materials. More specifically, the act contains the following requirements:

1. Allow UOCAVA voters to request voter registration applications and absentee ballot applications by mail or electronically. Voters may choose how they want to receive them—by mail or electronically.
2. Begin transmitting UOCAVA ballot no later than 45 days before the election
3. Transmit materials to voter via method preferred by voter
4. States may establish shorter effective periods for Federal Post Card Applications (ballot applications). HAVA had set a period from the date of the FPCA through the second succeeding November election.
5. To the extent practicable, protect the security and integrity of the application request process and protect the privacy of the voter
6. Designate at least one electronic means of communication for providing UOCAVA voters with information. Include the designated means on all information. Also, the state *may* provide the means for CEOs to communicate with voters electronically.
7. Develop procedures for transmitting blank ballots by mail and electronically
8. Ballot tracking—Provide a free access system for UOCAVA voters to determine if their ballots were received
9. Accept the FWAB (Federal Write-in Absentee Ballot)
10. Amend the HAVA state plan to indicate how the state will comply with MOVE (only as a condition for receipt of federal funds)
11. Report on the number of ballots transmitted and received and other data as the Federal Voting Assistance Program (FVAP) determines appropriate
12. The FVAP must implement a system for UOCAVA voters to enter their address and receive a candidate list and print a FWAB with instructions.

Cont'd on pg. 9

Kobach proposes, legislature passes SAFE Act

A major theme of the campaign for Secretary of State in 2010 was securing elections, and immediately upon taking office as the new Secretary of State in January, 2011, Secretary of State Kris W. Kobach proposed and secured passage of legislation to do that.

The bill, House Bill 2067, was dubbed the Secure And Fair Elections (SAFE) Act, and it is a national model for secure elections in the United States. It borrowed provisions from laws in Arizona, Georgia and Indiana, adapted them for Kansas, and added citizenship verification procedures to make Kansas elections the most secure in the country.

The Secure and Fair Elections Act contains three major parts:

- 1. Photo voter ID:** Each voter must show photo identification each election, with certain specific exceptions.
- 2. Citizenship verification:** Each person registering to vote must provide proof of U.S. citizenship. NOTE: This provision goes into effect January 1, 2013.
- 3. Advance ballot security:** This section includes three main provisions: (1) By-mail advance voters must personally sign ballot applications. (2) By-mail advance voters must designate *in writing* other persons to mail or deliver their ballots. (3) Designated ballot delivery persons must sign statements that they (a) did not unduly influence the voter's decisions and (b) will mail or deliver the ballot as directed by the voter.

The work of planning for implementation of the SAFE Act has begun and will continue until the first elections are conducted in 2012 under its provisions. Secretary Kobach intends to work closely with a Task Force of county election officers to advise him on policy decisions, help design forms, draft regulations, and plan for other aspects of implementation.

(Note: most of the provisions are in effect on January 1, 2012, with the exception of the citizenship verification requirement, which is effective January 1, 2013.) →

Implementation of SAFE

County election officers will be in charge of the following general areas:

- Signature verification on advance ballot applications
- Training poll workers
- Processing citizenship documents (2013)
- Dates of county canvass, review of candidate nominations, recount requests, abstract submission

Poll workers will need to be trained on the following:

- Voting procedure
- Signature verification
- Photo verification

Voter registration agencies will need to be trained on their new duties related to the following areas:

- Citizenship documents (2013)
- Transmittal of documents to election offices

Designated county offices have a specific duty:

- Each county commission must designate an office to assist individuals in requesting birth certificates from the Office of Vital Statistics. The SOS will provide a guide for distribution to the designated offices.

Administrative Regulations

A number of regulations will be promulgated pursuant to the SAFE Act:

- Free nondriver's identification card (Department of Revenue)
- Free certified copy of birth certificate (Department of Health and Environment)
- Defining valid forms of identification (SOS)
- Advance ballot application form (SOS)
- Implementation of voter registration provisions (SOS)
- DMV motor-voter and change of address procedure (existing SOS authority)
- Implementing voting procedure and defining valid forms of identification (SOS)

Forms

Many forms will be either created or revised for implementation of the SAFE Act:

- Affidavit of person requesting free nondriver's identification card (KDOR)
- Request for free copy of identification document from agency
- Guide for voter registration drives
- Voter registration application (revise)
- Advance ballot application form (revise)
- Advance ballot return envelope
- Statement of voter designating ballot delivery person in writing
- Statement of designated ballot delivery person
- Request to state election board for assessment of citizenship documentation
- Declaration of religious objection to photographic identification
- Request for free certified copy of birth certificate

Voter Education

The law requires the SOS to conduct a voter education program to inform voters of the new requirements. The program will include the following:

- Radio/TV
- Printed materials
- Web site revision—VoteKS
- Meetings with political parties, stakeholder groups

Computer Programming

We anticipate the following changes to computerized systems to accommodate SAFE:

ELVIS

- Accept imaged citizenship documents
- Designation of voter with religious objection
- Poll worker's initials space on poll book
- Driver's license numbers and citizenship documents must be kept confidential

Division of Motor Vehicles

- Revise questions asked of applicants
- Send citizenship document images to ELVIS
- Ability to verify driver's license numbers
- Online voter registration program changes

KCCEOA

Cont'd.

Since the beginning of his term, Kobach had recognized the importance of the relationship between the SOS office and the CEOs, and had emphasized that the KCCEOA conference is a key opportunity to strengthen that relationship.

The KCCEOA conference was held at the Salina Ramada Conference Center, beginning with registration on Tuesday, May 3, and ending with a mid-morning adjournment on Friday, May 6. The theme of the conference was the Kansas Sesquicentennial.

Attendees heard committee reports, a CEO panel on managing county commission meetings, and a presentation by the Kansas State Historical Society on records retention. Other activities included

a silent auction, awarding of scholarships, skits on important events in Kansas history, and the annual President's Breakfast. The Thursday night banquet featured a dinner theatre production entitled "The Altos."

Secretary of State Kobach hosted an informal reception in the hotel atrium from 7:00 to 10:00 on Wednesday evening. The reception was organized to provide an opportunity for the Secretary to meet CEOs and county employees he had not yet met. Many CEOs and election office employees took time to stop by the reception to meet and greet.

The Thursday presentation by the SOS office was organized into four sessions: Session 1, General Issues; Session 2, UOCAVA and MOVE; Session 3, SAFE Act; Session 4, HAVA and ELVIS.

Secretary Kobach

started the day at 9:00 with opening remarks, describing his initiatives in preventing and identifying election fraud, and explaining the organizational structure of the SOS office under his administration. He brought five new staff members with him when he took office in January.

The Secretary also presented KCCEOA Treasurer Donna Zimmerman (Barton County) with a \$4,900 check for the KCCEOA Scholarship Fund. The money was collected from media outlets—principally the Associated Press—for the election night reporting function performed by CEOs and the SOS in the 2010 elections.

Session 1 also included discussions on the status of elections legislation, 2010 census data, 2012 redistricting, and the state census adjustment

project.

Session 2 included a summary by Election Director Brad Bryant of UOCAVA voting in Kansas, the experience with implementing the 2009 federal MOVE Act, and state legislation proposed in 2011 to comply with MOVE and to facilitate voting by overseas voters.

Session 2 culminated with a presentation by Paddy McGuire, Deputy Director for Election Official Assistance at the Federal Voting Assistance Program. Mr. McGuire outlined the FVAP's recent programs regarding UOCAVA and MOVE, such as the 2010 Electronic Voting Support Wizard, in which Kansas participated, and future plans for an optional grant program for states to acquire funding to support UOCAVA voting.

Session 3 was devoted to the biggest issue of the day, the Secure And Fair Elections (SAFE) Act, proposed by Sec. Kobach and passed by the 2011 Kansas Legislature. Sec. Kobach outlined the major provisions of SAFE, including CEOs' role in implementing it. Other staff members discussed poll workers' roles in SAFE, voter registration agencies' new duties, and plans for voter education programs, new and revised forms, and administrative regulations that



Nearly two hundred county election officers gathered at the Salina Ramada Conference Center for this year's KCCEOA conference. *Photograph by Tom Treacy.*

Cont'd on pg. 10

Elections legislation

Cont'd.

3. Senate Bill 125—Candidate Filing Deadlines

This bill contains the original Senate Bill 125 and the original contents of House Bill 2080.

Senate Bill 125's two main provisions are:

- It moves the candidate filing deadline for all offices elected in even-numbered years from noon on June 10 to noon on June 1. (This was the original Senate Bill 125.) The intent is to allow county election officers more time to prepare UOCAVA ballots to meet the distribution deadline 45 days before the primary election.
 - It moves the candidate filing deadline for extension councils from noon on the Wednesday following the Tuesday five weeks before the April general election to noon on the Tuesday ten weeks preceding the general election.
- Prohibit public officials from appearing in public service announcements or advertisements within 60 days before an election at which their names are on the ballot
 - Delete the requirement that candidates for state offices file campaign finance reports with county election offices in addition to filing with the SOS office
 - Stagger the terms of the Finney County drainage district [originally proposed as House Bill 2314]
 - Several technical fixes to House Bill 2067 and Senate Bill 125 which had been passed previously during this legislative session and signed by the Governor.

4. Senate Substitute for House Bill 2080—

This bill is a conference committee report containing a number of bills proposed from various sources. Note: the original contents of House Bill 2080, changing the filing deadline for extension council candidates, were removed from this bill and passed as part of Senate Bill 125.

- Clarify and remove confusing language from the 2008 law limiting the number of spring election primaries [introduced by KCCEO and SOS as Senate Bill 127]
- Cancel the 2012 Presidential Preference Primary [proposed by the SOS as Senate Bill 128 as an alternative in case the Legislature did not fund the primary]
- Improve the expedited election process for state Senate vacancies [proposed by the SOS as Senate Bill 129 to remedy the situation in 2010 resulting from the September resignation of Sen. Jim Barnett of Emporia]
- Alter candidate filing deadlines in redistricting years to allow time for overseas ballot distribution [proposed by the SOS as Senate Bill 130]
- Adjust a previous amendment to House Bill 2067

that reversed the dates for voter registration deadlines and the onset of advance voting [The amendment moved the voter registration deadline from the 15th day to the 21st day before each election and moved the beginning of advance voting from the 20th day to the 15th day before the election. As a result of House Bill 2080, voter registration deadline will be the 21st day before the election, and the beginning of advance voting remains on the 20th day before the election.]

- Prohibit public officials from appearing in public service announcements or advertisements within 60 days before an election at which their names are on the ballot
- Delete the requirement that candidates for state offices file campaign finance reports with county election offices in addition to filing with the SOS office
- Stagger the terms of the Finney County drainage district [originally proposed as House Bill 2314]
- Several technical fixes to House Bill 2067 and Senate Bill 125 which had been passed previously during this legislative session and signed by the Governor.

The following is a list of election-related bills of interest to CEOs that *did not pass* in 2011.

Constitutional Amendments

No concurrent resolutions passed in 2011 that would create statewide votes on constitutional amendments. All resolutions introduced in 2011 are still eligible for consideration and passage in 2012.

- Senate Bill 17—Increase the campaign contribution limits for candidates for state board of education
- Senate Bill 43 (also House Bill 2309)—Allow candidates to transfer unused campaign finance funds from one candidate account to another
- Senate Bill 102—Raise fees paid to the Governmental Ethics Commission, including candidate campaign finance fees, lobbyist registration fees, political action committee and party committee fees
- Senate Bill 145—Require campaign materials to identify the candidate or other entity sponsoring the advertisement

Cont'd on pg. 9

A little help with HAVA

The rules have changed in the world of inventory management of our HAVA equipment. As with any new process there are some things to clarify. We have heard your questions and would like to take this space to answer a few of the most common. If you don't see your question here, send it to Josh King at josh.king@sos.ks.gov.

Why do I have to do this?

The short answer is that we are federally required to collect this information. With that said, we also think this will benefit us all in a couple of different ways. First, we submit equipment totals as part of our annual reports to the Election Assistance Commission at the end of December.

Second, the EAC Data Survey that we complete every two years has a detailed section on voting equipment. Having an up-to-date inventory for your county will allow us to provide accurate information on both reports without bothering each county each time.

What information do you need from me?

We need to record eleven pieces of information in order to comply with federal inventory requirements. We have translated the federal terminology into Kansas terms and are asking that you provide the following information: County, Model, Serial Number, Vendor, Date Received, Cost, Federal Participation, Storage Location, Use, Condition, and Disposal Information.

What do these things mean?

If you think these column headings are bad, you should try understanding the original column headings. We realize these are a bit obtuse, so we have compiled a bit of an inventory dictionary for the most difficult columns.

Model – The common model number or name for the equipment. The most common options here will be AutoMark, M100, iVotronic, AccuVote TSX, AccuVote OS.

Cost – Actual cost of the equipment. For items purchased through our annual endowment program, this

will be the total cost, not the cost to the county. If you do not know this, we can fill it in for you.

Federal Participation – Perhaps the most confusing column required, this specifies how much of the equipment was paid for with HAVA money. If you don't know this, please provide information on how much county money was paid so that we can calculate the percentage based on our costs.

Disposal Information – For most counties this will be blank. However, if you have donated, sold or swapped equipment with another county, please include those machines in your inventory list and use this column to specify where this equipment went.

How should I submit this information?

The short answer: electronically. You should have received an inventory template in Excel. You don't have to use this template, but something electronic would be preferred, as it facilitates an easy import into our master inventory database.

What equipment do I need to include?

At this point we are focusing on voting machines, electronic poll books, and any scanners or other miscellaneous equipment purchased with HAVA funds. Contact Josh if you have questions on a specific piece of equipment.

Should I include voting machines purchased entirely with county funds?

Yes. The federal participation column will allow us to filter out equipment not purchased with HAVA money when necessary.

What if I don't have all the information?

More than likely you will be fine. Focus on information that we won't be able to populate at the state level, such as the model, serial number, date received, and storage location.

On another topic, the 2011 HAVA Endowment Program is still open until July 1. Take advantage of this opportunity to purchase software and equipment at vastly reduced prices. Contact Josh with any questions. ■

Elections legislation

Cont'd.

- Senate Bill 169—Remove authority for the Secretary of State to appoint election commissioners in counties with populations exceeding 130,000
- Senate Bill 222 (and House Bill 2364)—A voting integrity bill proposed (not by the SOS) as an alternative to House Bill 2067, the SAFE Act
- House Bill 2126—Move the local nonpartisan elections held in the spring of odd-numbered years to coincide with partisan elections held in the fall of even-numbered years
- House Bill 2189—Reduce the number of publications required of various county officers
- House Bill 2308—Require local candidates to file their campaign finance reports with CEOs electronically. Note: “Local candidates” means those defined in the Campaign Finance Act (Article 41 of Chapter 25 of the KSAs) and includes county offices, first class city offices, local school board in districts with more than 35,000 students (Wichita only) and the Kansas City board of public utilities.
- House Bill 2353—Prohibit the carrying of concealed weapons into municipal buildings, including polling places, under certain circumstances ■

MOVE Act

Cont'd.

County election officers should be most concerned with items 1, 2, 3, 5, 7, 8 and 11. Some of the other items are the responsibility of the Secretary of State, as well as the overall structure of the program. The Federal Voting Assistance Program is responsible for #11 and for providing guidance and, in some cases, financial resources to carry out the requirements of MOVE.

In 2010, the first election year under MOVE, the FVAP designed an optional program called the Electronic Voting Support Wizard (EVSZ) and provided resources to states that chose to participate. States wrote specifications for their plans for MOVE compliance and the FVAP matched states with vendors. Kansas was matched with Scytl.

In the end, only one county was able to go live on the Scytl system, and it was deployed late enough in the process that no voters actually used it. This was mainly a result of the short time period allowed by Congress in enacting a law in the fall of 2009 and making it effective less than a year later. For more

details on the 2010 experience, see *Canvassing Kansas*, December 2010, page 3.

The FVAP has announced that it does not plan to replicate the EVSW program in 2012; rather, they plan to offer grant funding to states for general purposes in meeting the requirements of UOCAVA. As of this writing, we are reviewing the details of the program.

At that point, it will be decided whether our state should participate in the optional program. The alternative is to rely on an email-only system for transmitting ballots electronically. If we pursue that option, some enhancements will need to be considered for the current system.

One area where we must improve in 2012 is in meeting the 45-day ballot distribution deadline. For a number of years, Kansas policy was to mail UOCAVA ballots beginning 45 days before each election. That policy was based on the recommendation of the federal government.

However, with passage of MOVE, the 45-day rule is written into federal law. The U.S. Department of Justice has authority to enforce all federal voting laws, and this was an area where we did not achieve full compliance in Kansas

in 2010. Of Kansas' 105 counties, 28 had no Federal Post Card Application ballot requests, so they had no UOCAVA ballots to distribute. But among the remaining counties with at least one FPCA, seven missed the 45-day deadline by two or more days.

Based on a Memorandum of Agreement signed by then-Secretary of State Chris Biggs and the Department of Justice, those seven counties were required to accept the late ballots after election day. The Secretary of State was required under the Memorandum to make a series of reports to Justice to inform them of progress in meeting the requirements.

Election officers should expect at least the same level of scrutiny in 2012, and the Secretary of State will require all CEOs to report their plans for compliance with the 45-day deadline and, after the deadline, whether they met it.

Here are the 2012 UOCAVA ballot distribution deadlines:

- For the August 7 primary election, the deadline is **June 23**.
- For the November 6 general election, the deadline is **September 22**.

We will report further details to CEOs as plans develop. ■

Americans Elect petition

On April 27, 2011, a group called the Americans Elect Party filed a petition with the SOS office attempting to form a new political party in Kansas.

To form a new political party, a group must submit a petition that contains valid signatures of registered voters in Kansas equaling two percent of the votes cast for the office of Governor at the last election.

In this case, that number was 16,776. The group submitted almost 3,200 pages containing nearly 30,000 signatures.

However, a legal review of the petition by the SOS office determined the petition was invalid.

Kansas law requires that a petition must be filed within 180 days of the date of the first signature. If not, the petition is null and void.

The Americans Elect petition contained multiple signatures outside the 180 day time span. As a result, the petition was not sent to the counties for signature review.

CEOs may hear more about this in the future as we get closer to the 2012 elections. ■

Briscoe lawsuit

Last summer, Wayne Briscoe filed a lawsuit in federal court against then-Secretary of State Chris Biggs.

In his lawsuit, Briscoe sought two forms of relief: (1) an order for the Secretary of State to place Briscoe's name on the ballot and (2) an award of \$624,532 for actual and punitive relief.

Earlier, Wayne Briscoe filed a petition for United States House District 3. The Secretary of State declared his petition invalid.

Subsequently, Briscoe filed an objection with the State Objections Board. The State Objections Board unanimously denied his objection.

On September 13, 2010, Briscoe filed a motion to expedite the case, a motion for a preliminary injunction, and a motion of summary judgment. On September 16th, the court denied Briscoe's first two motions.

Ultimately, the court denied Briscoe's lawsuit, stating (1) the issue was moot, as the election was already underway and (2) the Eleventh Amendment to the U.S. Constitution barred Briscoe from seeking damages against the Secretary of State in his official capacity. ■

KCCEOA

Cont'd.

will be forthcoming as a result of SAFE.

Kobach also announced his plan to form a CEO Task Force which will work with his office to plan for implementation of SAFE in 2012. He invited CEOs interested in serving on the Task Force to volunteer.

Session 4 started with a presentation by Josh King, SOS Special Projects Coordinator, outlining current projects associated with HAVA, including the 2011 endowment program, current ELVIS workstation fees, a new ELVIS training program, renewal of contracts for ELVIS and voting equipment, and the recent federal audit of HAVA expenditures.

Assistant Election Director Bryan Caskey covered two main topics: ELVIS and CEO reporting. He reviewed voter registration list maintenance programs, maintaining better records of sources of registrations, and upcoming enhancements to ELVIS. Caskey also discussed the 2010 Election Day Data Survey required by the federal Election Assistance Commission and improving the process for CEO reports to the SOS office.

The Secretary of State's office always appreciates the time allowed by KCCEOA officers to discuss elections issues with CEOs. We commend immediate past president Don Merriman (Saline County) and the other officers for their leadership and work in planning the conference. We also wish the best for the incoming officers, who took office upon being sworn in by Secretary of State Kobach (shown below). ■



Secretary Kobach swore in the following KCCEOA officers (from left to right): President, Janet Rumpel, Sherman County; Vice President, Joanne Long, Bourbon County; Secretary, Donna Zimmerman, Barton County; Treasurer, Sharon Seibel, Ford County. *Photograph by Tom Treacy.*