

CANVASSING KANSAS

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

September 2006

Preparations underway for general election

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One of the best ways we can prepare for the November 7 general election is to assess our experiences in the primary election, keep doing what worked and apply the lessons learned in the areas that didn't work so well.

ELVIS—The SOS office is conducting a series of meetings with ES&S representatives to determine what can be improved for the general election. Improving the occasional slow response time and a smoother roster printing process are two goals. Work is being done to complete the candidate module feature of ELVIS, which would allow data from ELVIS to be exported to voting equipment ballot definition software and tabulated election results to be imported back to the state on election night and after certified abstracts are complete. This will automate the reporting process and greatly reduce the chance of data entry errors.

Voting equipment—Counties whose poll workers experienced difficulties setting up or closing down the voting equipment at their polling places may need to consider improved training procedures. Voting equipment vendors may provide remedial training to add familiarity with the new software that, in many counties, was used for the first time in the primary election.

Overall, in the primary election there were very few if any reports of equipment malfunctions, which is the best news possible. Reports of voter dissatisfaction were uncommon, while positive reports from voters were more numerous.

One area that needs to be addressed by vendors, CEOs and the SOS office is the timely programming of election machines. CEOs must make an effort to provide vendors with their ballot designs by the deadlines set by the vendors, and vendors must be held to the time frames needed by CEOs. CEOs must receive their program cards, audio ballot recordings and any necessary training in time to test, proofread and prepare for advance voting, which begins October 18.

The SOS office may act as a go-between to ensure both CEOs and vendors receive what they need to get their respective phases of the process accomplished.

In some ways the general election may be easier to conduct than the primary. First, the voting rules are simpler. The semi-open Democratic primary coupled with the closed Republican primary provides great opportunities for voter confusion and errors in ballot distribution. These primary voting rules are not in effect in the general election.

Second, we have experience at the state and county level with the ELVIS system operating in a statewide election. Third, county election personnel and poll workers have experience with the new voting equipment.

One area to consider is turnout. The primary produced a disappointing low turnout, and many more voters will be expected to turn out in the general election. We must be prepared for a great many more voters on November 7, which will mean an added test to the procedures that worked in the primary.

IVAS program back for the 2006 election

The Federal Voting Assistance Program (FVAP) has renewed its Integrated Voting Alternative Site (IVAS) program from 2004 with one change. The FVAP is the federal agency in the U.S. Department of Defense charged with overseeing and promoting the voting rights of voters authorized to vote under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). UOCAVA covers military personnel and their dependents, both in the U.S. and abroad, as well as non-military civilians living overseas.

The FVAP has various programs designed to enhance and facilitate voting by UOCAVA voters, often referred to as federal services voters. One program unveiled in 2004 was IVAS, which allows electronic transmission of ballot applications and ballots to federal services voters for whom regular mail delivery is difficult.

Kansas law allows federal services voters to fax their Federal Post Card Applications (FPCAs) to the CEO, receive their ballots by fax, and return them by fax. This is the only class of voters authorized to fax their ballots. State advance voting laws (Article 11 of Chapter 25 of the Kansas Statutes Annotated), which are separate from the federal services laws (Article 12 of Chapter 25 of the Kansas Statutes Annotated), authorize any advance voter to fax the ballot application but not the actual ballot. Although faxing ballots is an aid to many federal services voters, many do not have access to fax machines, especially military personnel deployed in war zones. Many such voters have easier access to computers, e-mail and the Internet than to fax machines.

In the past several years, the Kansas SOS office has coordinated with various CEOs on a case-by-case basis to arrange e-mail FPCAs and ballots for federal services voters who request it. This also is in place for the 2006 elections.

The FVAP has revised the IVAS program this year in one significant way: it has developed a program where a federal services voter may submit their FPCA by e-mail *without a signature* if the voter's qualifications have been reviewed and approved by the FVAP beforehand. This would apply only to voters who have been approved and who are previously registered to vote in the Kansas county where they seek to vote.

With the number of military personnel deployed in various areas of the world and the number of U.S. civilians living abroad, it is important for state and county election officers in Kansas to cooperate with the FVAP to encourage voting by this class of voters whose rights are guaranteed by a special federal law.

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Published by the office of

**Secretary of State
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RON THORNBURGH Kansas Secretary of State

Dear Friends:

First of all, I want to congratulate everyone on a very successful primary election! The hard work and dedication you have put into preparing your county for this first HAVA compliant election has certainly paid off.

In the days and weeks following the primary, I heard from a number of Kansans with disabilities about what an important day August 1, 2006 was for them. For the first time in many of their lives, they were able to cast a private, unassisted ballot. Knowing that they now share the same privacy granted to every other Kansas voter is something with which you should all take great pride.

I also spoke with several citizens who were excited about the changes occurring at their polling places. Many were thrilled to use new voting machines and wanted to express appreciation to the county officials for making the voting process more modern and efficient.

While we share in the successes of this last election, now it is time to look to the future. With the general election only a few months away, it is important that we begin to evaluate the lessons learned during the primary and incorporate them into our general election plan.

No matter how effective and accessible our system may be, it is useless without voters. Given the dismal primary turnout, it is more important than ever to conduct voter outreach efforts in your community in the months leading up to Election Day. In the coming months, the SOS public affairs staff will be sending you brochures, flyers and other promotional materials to distribute to members of your community. In addition, we will begin airing a public service announcement on local television and radio stations in October. We want to make sure we are doing all we can to encourage every Kansas voter to get to the polls.

Most importantly, I encourage everyone to continue to communicate with our office, vendors and other counties as we make our way to November 7, 2006. Communication and cooperation is what sets the Kansas election model apart from the rest of the nation, and it is something that should extend well beyond the 2006 election cycle.

Sincerely,

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

RON THORNBURGH
Secretary of State

Voting machines and turnout make headlines at primary

The August 1 primary election was the second statewide primary to be conducted since the provisions of the Help America Vote Act of 2002 went into effect. Some of the changes brought about by HAVA were implemented in 2004, but two of the most significant were in effect for the first time this year—the ELVIS voter registration system and the fully accessible, ADA-compliant voting equipment (see articles elsewhere in this issue).

This year’s primary also was the second using the voting rules that were in effect in 2004: the Republican Party’s primary was closed, meaning only voters affiliated with the Republican Party could vote, and the Democratic Party’s primary was semi-open, meaning unaffiliated voters could vote in the Democratic primary without affiliating. In both parties’ primaries, unaffiliated voters could affiliate with one or the other party and vote that party’s ballot, which has been the case in Kansas for many years.

Kansas was the only state in the United States conducting its primary on August 1 this year. In most years, Kansas’ primary coincides with the primaries in Missouri, Michigan, Colorado and Connecticut, but this year those four states’ primaries were held August 8. State laws in those states define the dates of their primaries as the Tuesday following the first Monday in August, whereas Kansas law defines the date of its primary as the first Tuesday in August. So in years in which the first Tuesday falls on August 1, the Kansas primary is on its own unique date.

Tennessee had its primary August 3, which is unusual in that it was a Thursday.

One disappointing result of the Kansas primary election was turnout. According to the unofficial election night tallies, only 296,045 voters cast ballots out of a total of 1,645,014 registered voters, which is an 18.0% turnout. In terms of percentages, Gove County led the way with 54.7%, barely edging out Smith County, which had 54.6%. Turnout in previous primaries has been as follows:

2004	488,002 votes out of 1,591,428 registered	30.7%
2002	410,630 votes out of 1,588,859 registered	25.8%
2000	425,568 votes out of 1,557,692 registered	27.3%
1998	439,463 votes out of 1,493,779 registered	29.4%
1996	532,294 votes out of 1,352,393 registered	39.3%
1994	458,336 votes out of 1,273,648 registered	35.9%

The State Board of Canvassers, consisting of the Governor, Attorney General and Secretary of State, met in the Secretary of State’s office on August 30 to review the counties’ abstracts and to certify the results of the primary election for national and state offices. After the canvass, the Secretary of State issued certificates of nomination to the candidates who had been determined winners of their primaries.

After the state canvass there is a seven-day opportunity for objections to be filed challenging the candidacies of certain candidates. The state objections board, consisting of the Lieutenant Governor, Attorney General and Secretary of State, hears any such objections and makes final determinations.

Secretary of State then adds the names of Libertarian and Reform Party candidates, independent candidates and judicial retention candidates and certifies the general election candidate list to each county election officer so the process of ballot preparation may begin for the general election.

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Voting machines

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The following statistics regarding the number of primary election candidates by party and gender are derived from a review of the official candidate list for national and state offices:

Candidate statistics - 2006 Primary

OFFICE	TOTAL CANDIDATES	MEN	WOMEN	DEMOCRATS	REPUBLICANS
US Congress	14	13	1	7	7
Statewide Positions	19	14	5	6	13
Gov.	8	7	1	1	7
Lt. Gov.	8	5	3	1	7
SOS	4	3	1	2	2
AG	2	2	0	1	1
Treas.	2	1	1	1	1
Ins.	3	1	2	1	2
KS House	235	167	68	108	127
St. Board of Ed.	16	11	5	6	10

The following statistics regarding the number of contested primaries and uncontested general election races also are derived from the primary candidate list:

OFFICE	NUMBER OF CONTESTED PRIMARIES	DEMOCRAT CONTESTED PRIMARIES	REPUBLICAN CONTESTED PRIMARIES
US Congress	2 of 8	1 of 4	1 of 4
Statewide Positions	4 of 10	1 of 5	3 of 5
Gov.	1 of 2	0 of 1	1 of 1
Lt. Gov.	1 of 2	0 of 1	1 of 1
SOS	2 of 2	1 of 1	1 of 1
AG	0	0	0
Treas.	0	0	0
Ins.	1 of 2	0 of 1	1 of 1
KS House	29 of 250	8 of 125	21 of 125
St. Board of Ed.	5 of 10	1 of 5	4 of 5

Cross-checking process helps eliminate duplicates

Secretary of State Ron Thornburgh signed a four-state agreement with the Secretaries of State in Iowa, Nebraska and Missouri last December in conjunction with the Midwest Election Officials Conference (see *Canvassing Kansas*, March 2006, page 1). Although the agreement signaled plans to coordinate efforts among the states in several areas, the first project to come from the agreement is interstate data crosschecking.

Now that all states have centralized, computerized voter registration systems pursuant to HAVA, the ability to compare data is enhanced, and state election offices in several regions of the United States are discussing ways to compare data.

If the crosschecking process produces evidence of voters being registered in more than one state, the first intention is to eliminate the duplicates based on which state has the most recent registration. It is possible, though, that if a voter is registered in more than one state and has voting history in both states, the crosschecking will produce evidence of election fraud in the form of double voting.

A pilot program was completed in early 2006 and it produced indications of possible duplicate registrations among the states involved in the four-state agreement. Another check was conducted in late summer, and if the results indicate duplicates, the information will be sent to county election officers with instructions for processing it. The procedure will be very similar to the duplicate search results disseminated early this summer using the ELVIS system, and similar to programs that have been run annually since 1997 in Kansas.

Two other prominent regional efforts at crosschecking are in the Northwest, involving Oregon, Washington and California, and in the Southeast, involving Kentucky, Tennessee and South Carolina.

Other states with borders on the midwest states, including Minnesota, have expressed interest in participating in what is now a four-state agreement, but they have not yet officially joined.

ELVIS passes first statewide election test

The ELVIS voter registration and election management system performed in its first statewide test. It was the system of record for the primary election held August 1, 2006. It took a lot of close monitoring by CEOs, SOS IT staff and ES&S technicians to make sure ELVIS was operating smoothly enough in the weeks leading up to the election so we would have confidence in its ability to perform in its first major test.

Although the August 1 state primary was the first statewide election with all the counties operating simultaneously out of the system, there have been numerous elections held using ELVIS during the past

year. In September 2005, Wyandotte County was the first to conduct an official election using ELVIS. From September 2005 through June 2006, there were 149 local special elections held in the ELVIS system, followed by the August 1 primary. Of those 149 special elections, 73 counties had at least one and 32 none. Butler County led the way with six special elections.

In the period before the primary election, several areas were highlighted for special attention and monitoring to ensure smooth performance on election day. Some periods of slow response time were reported by county and state users, and a number of users were kicked out

of the system at certain times for no apparent reason. There were some days when users had difficulty signing on in the morning. One function that received special attention was poll book (roster) printing. Of all the pre-election activities, this is the one that creates the greatest load for the system, and of course it is a critical part of last-minute preparations for any election.

All the preparation was successful in that there were no serious problems with ELVIS functionality during the time immediately surrounding election day.

Please see *ELVIS passes*, page 7

Canvassing Kansas

Voting equipment installation a success to be celebrated

Among the numerous changes in election administration brought about by the Help America Vote Act of 2002 (HAVA), two of the most significant—ADA-compliant voting equipment and the ELVIS voter registration system—were in effect for the first time in a statewide election this past August 1, 2006. Of these two, the most visible to the voting public was the voting equipment.

A number of steps comprised the process of deploying the equipment in compliance with HAVA: purchase, testing, programming of ballots and tabulation systems, training of county personnel, training of poll workers and voter outreach. That is a lot of steps to manage, and it took lots of coordination between CEOs, vendor representatives and the SOS office. While there was some nervousness during the process, as election day approached there was a noticeably greater comfort level.

All the planning and training has paid off with a successful implementation. Conducting a statewide primary election with the amount of new voting equipment that we had is a major success story. We have received no reports of significant equipment failures or malfunctions, and certainly nothing out of the ordinary for a statewide election. A few counties experienced temporary difficulty in tabulating election results on election night, mostly due to the fact that they were using software that was new to them.

The SOS office intends to get feedback from CEOs and vendors to ascertain what went right and what lessons may be learned from the primary election experience. A few lessons may be applied to preparations for the November 7 general election so that the experience will be even smoother than the primary.

One gratifying result of the primary was the number of voters with disabilities, especially visually impaired voters, who expressed their deep satisfaction at being able to cast an independent, unassisted ballot for the first time in their lives—indeed, this is a first in history. A major requirement of HAVA has been met—every voter can vote a secret ballot, the contents of which are known only to that voter.

ELVIS passes

From page 7

The SOS began a series of weekly meetings with ES&S immediately after the primary election to review the successes and difficulties and to identify the lessons learned so as to improve for the November 7 general election.

Changes led to success

Due to the Help America Vote Act of 2002 (HAVA) the 2006 primary election saw many changes and successes, most noticeably the implementation of the new voting equipment. However, what might be more interesting is the number of changes we saw across the state in county voting systems.

According to the 2004 Kansas Election Standards, before implementation of HAVA there were 20 paper ballot systems, 82 optical scan ballot systems and three electronic systems among Kansas' 105 counties. This year's primary showed changes in all three and none more noticeable than in the electronic systems where we saw an increase from three to 24. Another significant change came in the hand-counted paper ballot system where only 8 counties now use this system, down from 20. The optical scan system saw the smallest change, decreasing slightly from 82 to 73.

Congratulations to all counties that changed to a new system! Your successful implementation is just another reason of why this year's election went so smoothly.

UAT program readies voting equipment for election

The deployment of several thousand pieces of new voting equipment in Kansas in 2006 intensified the importance of the user acceptance testing (UAT) phase of the project. All voting equipment is tested in federally approved labs and certified by the Secretary of State's office before being sold, but once it is purchased it still needs to have UAT performed on it prior to the pre-election public testing phase of deployment.

The nationwide voting equipment deployment caused by HAVA is the single largest such deployment in history. Manufacturers built more equipment in a shorter time span than ever before, working against the immutable deadline of the 2006 federal election. It was reasonable to expect that quality control might suffer in such an environment.

Some states, such as Georgia, have a completely centralized UAT program where voting equipment is delivered to the state before it ever reaches the county. The state, working through a testing lab established at a university, performs UAT on each piece of equipment, and in many counties' cases the state programs ballots on the units for the counties. At the other extreme are states that leave the entire procurement process up to the local unit of government—for instance, county election officers review, select and purchase the equipment and perform all UAT testing and programming themselves. In Kansas, Secretary of State Ron Thornburgh chose a path between the extremes. He provided spending authority for counties to make their own equipment selections, but his office executed the purchases of HAVA-compliant voting equipment and arranged delivery to the counties, where UAT was then performed along with vendor representatives.

Recognizing that county election officers have election expertise, but some may have limited access to the technical knowledge required to fully test voting equipment, Secretary Thornburgh devised a plan to offer third-party technical expertise to counties that requested it. Vendors have technical expertise regarding their own voting equipment, but it is the policy of the Secretary of State that vendors should not be in complete control of delivery and testing of the equipment. The Secretary of State's plan provided third-party technical expertise to participate in the acceptance testing process and provide independent verification and quality assurance.

The Secretary of State acquired third-party assistance from colleges, universities, technical schools and private sources to aid counties in the acceptance testing phase of the voting equipment deployment. Shortly after equipment was delivered to each county, acceptance testing was performed on each unit to determine that all hardware and software had been delivered, all parts were assembled correctly, and the device worked as advertised. This included all HAVA voting equipment, including precinct optical scan units.

The county election officer, a vendor representative and, where requested, state UAT personnel, would meet at a given county on the scheduled date for acceptance testing. Using shipping invoices and acceptance testing checklists provided by the vendor and supplemental information provided by the Secretary of State, the team opened the boxes of equipment, inventoried the contents and performed the acceptance testing procedures, keeping records of inventory discrepancies and manufacturing anomalies. Defects were reported to the vendor, and units were returned as needed for repair or replacement.

County election officers provided the site for the acceptance testing in each county and were present and involved in the procedure as election experts. Some also chose to have county IT personnel present. Vendors supplied schedules, personnel, checklists and sign-off sheets.

The Secretary of State organized the project and coordinated with the various entities involved.

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UAT program

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In all, the UAT procedures performed by the CEOs and vendor representatives were very successful in that there were very few reports of equipment malfunctions. UAT led to some units being returned for repair, and in a number of counties parts were replaced, but for the most part this was accomplished before the election so that the equipment was ready on election day.

There were 79 counties that opted in to the SOS' state UAT program, which ran from May to July 2006. Twenty-three state UAT techs were hired, mostly from Fort Hays State University, Kansas State University, the University of Kansas and several technical schools. Some were private individuals with computer expertise. According to SOS records, 1,069 ES&S iVotronics, 18 supervisor terminals, 338 ES&S AutoMARKs, and 1,625 Model 100 precinct scanners were tested. For Diebold equipment, 112 AccuVote TSX DREs and five AccuVote optical scanners were tested. Among the counties using Voting Technologies International equipment, 130 touch screens were tested. All told, at least 1,872 units were tested with the assistance of state UAT technicians, not to mention hundreds of units tested by counties that did not use the state program.
