

Primary election a success

We are pleased to report that, at least from the state perspective, the primary election held on August 3, 2010 was a relatively quiet and uneventful election. From an election administrator's perspective, quiet and uneventful is better than noisy and exciting.

Careful planning and preparation help things go smoothly; it is when things do not go smoothly that the election process itself makes headlines rather than the candidates. Some county election officers experienced minor difficulties, such as ballot scanner malfunctions and other temporary problems, but these type of issues always occur, and overall the process went well.

The 2010 primary did not have an unusual number of contested primaries from the top of the ballot to the bottom. Possibly the most notable feature of this election was some crowded and hotly contested primaries.

The Republican primary for U.S. Senate between Jerry Moran and Todd Tiaht was a long, expensive and hard-fought race that generated quite a bit of interest among voters. Also, there were five



Nearly one out of every four registered Kansas voters took to the polls on August 3. Photo by Michael Rosenstein.

Democrats vying for the nomination in the U.S. Senate primary.

The U.S. House of Representatives races had six candidates in the Republican primary in the first district, nine in the third district, and five in the fourth district.

In the Kansas House of Representatives, the number of contested primaries was up from 2008. This year, 35 of 250 primaries were contested (one Democratic and one Republican primary in each of 125 districts), whereas in 2008 only 23 were contested.

In the five statewide offices (Governor/Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and Commissioner of Insurance), only five of the ten primaries were contested.

In his pre-primary press conference on Friday, July 30, Secretary of State Chris Biggs predicted 324,000 voters would turn out for the primary, which figured to be 19% of the total of 1,706,798 registered voters.

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CENSUS ADJUSTMENT

SOS again operating State Fair booth

The Secretary of State's office will operate a booth at the Kansas State Fair in Hutchinson from September 10 through 19. This is the 24th consecutive year for the booth, which is located in the Meadowlark Building.

In 1987, its first year, the main purpose of the booth was to promote the

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State Fair *Cont'd*

1988 Kansas State Census. Promotional materials were distributed in an attempt to improve the response of Kansas residents to the census questionnaire that was to be mailed out statewide in January, 1988.

The state census is no longer conducted, but there are frequently other issues to promote.

Each year, the booth is staffed with SOS employees, including many outside the Elections Division, who volunteer to work in the booth and who take the opportunity in their off-duty hours to see the sights and sample the food at the fair.

An invitation is extended each year to CEOs who wish to visit and spend a few hours at the SOS booth. Activities include registering voters, selling Kansas state flags, distributing materials

about various government programs, promoting operations in the SOS office, and conducting an informal opinion poll.

In recent years the opinion poll has been used to showcase electronic voting equipment as well as to promote discussion of current issues at the national and state levels. Saline County Clerk Don Merriman has once again donated two ES&S iVotronic DRE touch screen machines, and The Lockwood Company has again donated the programming.

This year's booth at the fair will also promote observance of the Kansas Sesquicentennial, or the 150th birthday of our state. The year-long sesquicentennial celebration will kick off on Saturday, January 29, 2011. The Kansas Sesquicentennial Advisory Committee has provided refrigerator magnets to be handed out at the booth. The Committee's promotional web site is found at www.ks150.org. ■



From the Desk of the Secretary

Although they may seem routine, our elections represents a sacred trust among citizens and public officials that transcends political party and ideology.

Your unrelenting professionalism, hard work, and non-partisan commitment to the democratic process has earned the public trust.

As the 2010 General Election approaches, I have full confidence that you, your staff, and election volunteers will continue to make Kansans proud.

If there is ever any way my office can be of assistance throughout the process, please don't hesitate to call upon us. Brad, Bryan, myself, and the staff are here to serve.

Thank you so much for everything you do.

Sincerely,

Chris Biggs
Secretary of State

2010 State Fair Opinion Poll Questions

1. What is your opinion of the current condition of the U.S. economy?

- It's improving
- It's about the same as a year ago
- It's getting worse

2. How often do you wear your seat belt?

- All of the time
- Most of the time
- Some of the time
- Never

3. Do you plan to vote in the general election on November 2?

- Yes
- No
- I'm not sure yet

4. What is your favorite food at the State Fair?

- Funnel cakes
- Corn on the cob
- Pronto Pups
- Turkey legs

Preparations for General Election underway

Once the August primary is over, it is time to move into planning for the general election. There is nearly no break between the two; only ninety days separate the two elections, and the deadline to begin mailing overseas ballots comes just 45 days after the primary. The primary did not officially end until the state board of canvassers met on Monday, August 30 to certify the primary election results.

Some of the new developments featured in the 2010 elections got their start in the primary but will expand in the November general election. Among these are the use of electronic poll books, testing of the ELVIS candidate filing module, and mobile polling at nursing homes. Satellite advance voting, though not new in 2010, continues its gradual expansion to more counties.

Twenty-two counties acquired e-poll books through the 2009 HAVA endowment program before the primary. An additional twenty-five counties purchased them in 2010 in preparation for the general election.

Some counties are using e-poll books for satellite advance voting,

hoping to expand their use into election-day polling places in the future.

E-poll books have the potential to simplify the voter check-in process, help voters find the right polling places, reduce the number of provisional ballots, and automate the process of posting voting credit.

The SOS office has been working with ES&S for the past several years to complete one of the few remaining required features of ELVIS—the candidate filing module. This module will allow CEOs to set up their elections in ELVIS and export candidate data into their ballot production software, then export election results back into ELVIS.

In 2009 and 2010, a number of counties have participated in tests of the system. A handful of counties have agreed to test the candidate module in the November general election by attempting a full-circle data import/export as a final test of the module. This test will be done alongside the regular election night reporting and the certification of official county abstracts.

A law passed in 2008 authorizes CEOs to send mobile election boards to nursing homes, long-term care facilities and assisted living centers, beginning in 2010. The SOS office developed a Mobile Polling Guide with assistance

by a CEO task force, and approximately ten counties instituted mobile polling program in the 2010 primary election.

A handful of additional counties have expressed interest in starting mobile polling programs for the general election. We will be interested in hearing about their experiences and their lessons learned as other CEOs consider whether to begin similar programs.

Mobile polling is optional for the CEO and for each facility, but when everyone agrees to it, the program makes voting much easier for a segment of the population that often finds it difficult to get out and vote or merely to figure out how the process works. Further, mobile polling reduces opportunities for

voter intimidation or coercion, which occasionally is reported to occur in nursing homes.

Satellite advance voting has been an option for all counties for several years now, and more counties are adding this option each election year. Eight counties reported that they conducted satellite advance voting in at least one site for the primary this year, and eight more have reported that they intend to do so in the November general election.

Satellite advance voting is an option that allows a county to greatly expand the convenience of advance voting for the public and reduce the number of voters to process on election day. In

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Federal requirements payments

Another allocation of federal money will soon be making its way to Kansas' HAVA spending accounts, thanks to the 2009 and 2010 federal requirements payments from the Election Assistance Commission.

Secretary Biggs and Governor Parkinson are in the process of certifying to the EAC that Kansas is eligible for the federal money distributed under

the Help America Vote Act of 2002. This money will be used to fund future endowment programs and to help Kansas continue to run HAVA-compliant elections.

One stipulation of the federal money is a state match equal to 5 percent of the allotted money. For the 2009 and 2010 payments, the state match will come out of the ELVIS workstation fund, as the Legislature denied the Secretary of State's request for matching funds from the State General Fund. ■

Constitution Party lawsuit continues

One of two issues raised by the Constitution Party in its lawsuit against Secretary of State Chris Biggs has been resolved, and the other is still pending.

As reported earlier (see *Canvassing Kansas*, June 2010, page 7), the Constitution Party of Kansas sued the SOS in April of this year over two issues: (1) as a party lacking official recognition in

Kansas, the party is not listed on voter registration applications and is unable to obtain information from the SOS or CEOs regarding the names of its affiliated voters; (2) the statutory provision requiring petition circulators to be residents of the state of Kansas is unconstitutional.

The Constitution Party successfully petitioned in the late 1990s to obtain official recognition as the Taxpayers Party. In 2000, they requested and were granted a name change to the Constitution Party, but

in 2002, the party failed to nominate candidates and thus lost its official status pursuant to state law.

The Secretary of State is represented by the Kansas Attorney General's office in the lawsuit. Issue #2 was not disputed by the SOS office because recent federal court decisions have ruled that states may not require petition circulators to be residents. People organizing petition drives are thus allowed to hire or otherwise enlist the assistance of out-of-state individuals to come into the

state and circulate their petitions.

The judge in the case signed an order on August 13, 2010, enjoining the SOS from enforcing the state residency requirement. That portion of the law will no longer be enforced. The remaining statutory qualifications of circulators—U.S. citizenship and 18 years of age—are still enforceable.

Issue #1 of the lawsuit is still pending. In its response to the lawsuit, the SOS asked for that point to be dismissed. The court has not yet ruled. ■

SOS to attend KCOA fall conference

The annual fall conference of the Kansas County Officials Association will be held at the Hyatt Regency Hotel in Wichita from September 15 through 17. The officers of the Kansas County Clerks and Election Officials Association have released a conference agenda and have invited the Secretary of State's office to speak from 1:30 to 4:00 on Thursday, September 16.

In an election year, the KCOA conference offers a great opportunity to discuss election-related issues during the pivotal time leading up to the November general election. It is a chance to discuss new laws and

new trends in elections and to look ahead to anticipate factors that could affect the administration of elections. All of these concerns go into the planning process for election officers.

Some of the topics for discussion at KCOA include implementation of the federal MOVE Act, satellite advance voting, mobile polling at nursing homes, HAVA updates, 2010 HAVA endowment program purchases, and electronic poll books.

The SOS office appreciates the opportunity to discuss these issues with conference attendees and encourages all CEOs to attend. ■

For more information on the conference and registration, visit KCOA's website at kscountyofficials.org.

Primaries *Cont'd*

When the votes were counted, however, the voters in Kansas outperformed the prediction when 429,342 voters turned out, which was 25% of those registered. The total number of advance voters was 90,809, which was 21% of the total votes cast. By comparison, in 2008 there were 75,384 (20.3%) advance voters, and in 2006 there were 51,653 (17.3%).

Continuing efforts to computerize the process, the SOS office expanded the electronic reporting feature on Election Night. CEOs still have the reporting options they have had for years—phone, fax, and Internet reporting—but an increasing number are using the Internet.

Along the same lines, this year the SOS office enhanced the online ENT reporting program to allow CEOs to electronically report their official election abstracts after their final county canvasses.

Each CEO still had the option of using the traditional yellow paper abstracts, but approximately three quarters of the counties used the online system.

This system greatly reduced the amount of time and effort spent by SOS staff in interpreting counties' abstracts and entering the data into the system. In turn, this allowed more time to tabulate and proofread final results and to prepare for the state canvass. ■

Official election night results can be found at kssos.org.

Federal MOVE Act Updates

Progress has been made on the plan to comply with the Military and Overseas Voter Empowerment (MOVE) Act, but the work must continue very quickly because the September 18 ballot distribution deadline is coming soon.

Since the last report (see *Canvassing Kansas*, June 2010, page 3), Kansas has been assigned one of the six vendors approved by the Federal Voting Assistance Program.

Our vendor is Scytl (pronounced SIGH-tel), which is an established company with experience providing software systems to accommodate absentee voting by mail.

Scytl has worked with the Overseas Vote Foundation, which is an organization that promotes and facilitates voting by military and overseas citizens, which is exactly the target audience of the MOVE Act.

MOVE requires states and counties to offer voters who qualify under UOCAVA the options of obtaining their ballots by email or other electronic means.

The Scytl program offers an online ballot marking tool, which means the voter's ballot is constructed from files provided by the CEO. The voter clicks his or her choices on the electronic ballot, then prints and mails the ballot

to the CEO.

The SOS office has asked Scytl to provide a means within the system for the voter to return the ballot electronically rather than exiting the system and mailing or emailing the ballot back.

In order for the online ballot marking process to work, the CEO must provide data files from the ballot definition software—ES&S Unity or Premier GEMS—which the Scytl system then uses to construct the correct ballot for the voter, including the rotation of candidates' names.

The SOS office has requested the files from ES&S and Premier in an attempt to determine whether the vendors themselves will be able to provide them or whether the individual CEOs will need to provide the extracts. Another factor is the charging of any potential fees by vendors.

Considering the combination of UOCAVA, MOVE and Kansas state laws, UOCAVA voters may receive and return their ballots by US mail, fax, email, or online electronic means.

In the 2010 general election, many of the ballots will be mailed, faxed, or emailed, but MOVE requires all election officers to provide the email and electronic options if the voters so choose.

If the Scytl online ballot marking system is not ready for distribution of

UOCAVA ballots in September, the fallback will be the emailing of PDF ballots, which many Kansas CEOs experienced in the elections of 2006 and 2008, as well as the recent primary election in 2010.

Here are the UOCAVA voting steps:

1. Registration in the county: This is optional for UOCAVA voters.

2. Submission of FPCA (Federal Post Card Application): This is required of UOCAVA voters but not built into the Scytl system. The SOS office will offer the FPCA on its web site, and CEOs may do this, too. At the time of submission of the FPCA, the voter may choose the

method of ballot delivery.

3. Ballot delivery: The CEO transmits the ballot to the voter by the voter's preferred method—US mail, fax, email, or electronic means.

4. Ballot return: The voter returns the ballot using the voter's preferred method.

5. Ballot processing: The CEO processes the returned ballot along with all others.

6. Ballot tracking: The voter may inquire with the CEO about the status of the ballot—whether it was received, whether it was counted, and if not, why. A more automated

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How to HAVA: Making the endowment program work for you

With orders coming in from more than 60 Kansas counties, the 2010 HAVA Endowment is proving to be one of the most popular yet.

Orders are in the process of being verified and submitted with the goal being to have items arrive before the general election. Please watch for faxes and e-mails from the elections department to verify your orders.

For counties that requested voting booths or voter registration data cleanup tools, these items

are currently working through the state bid process.

Once contracts have been awarded to vendors, counties will have a chance to review and change their orders as needed.

A quick response would be greatly appreciated once information goes out. Again, the goal is to get these orders processed as quickly as possible to allow vendors to get your orders shipped and allow you to finally retire some of your old voting booths. ■

If you have any questions about your 2010 HAVA Endowment order, please e-mail or call Josh at 785-296-0080, or email him at joshk@kssos.org.

Kansas participating in Pew-Google project

The Kansas SOS office is participating in a program initiated in 2008 through a cooperative effort by the Pew Charitable Trusts and Google. Pew is providing research and finances and Google is providing technological expertise in this attempt to improve information available to voters.

Essentially, the team has designed a standard for voter registration data that allows groups easy access

to assist voters. The project is called VIP—Voter Information Project.

States that participated in 2008 provided a data feed—in the case of Kansas, from ELVIS—to the VIP program, which hosts the data. The program allows voters to easily look up polling places and find their county election office contact information.

The team is working on an enhancement this year to provide information about the candidates that will appear on the ballot.

Although much of this information is available on states' and counties'

web sites, such as the ELVIS VoterView function, the advantage of the Pew-Google VIP program is that it is easily found by voters who search using Google.

These voters might not know where to find the SOS office site or the county election office site, and might not even know that those are the offices to search for, but if they use Google to search for polling place or election office information, this site comes up.

In 2009, Pew approached the Kansas SOS office with a proposal to program a permanent

export in the ES&S PowerProfile system (what we call ELVIS in Kansas) to allow other states using ES&S's system to easily participate in VIP.

Pew offered to fund the cost of the enhancement by passing the money through the SOS office—SOS would pay ES&S for the enhancement, Pew would reimburse SOS. We are in the process of finalizing this enhancement to VIP so the other ES&S voter registration states may use it. These other states are Alabama, Arizona, Arkansas, Nebraska, New Mexico and North Dakota. ■

Gen. Election *Cont'd*

the 2008 general election, advance voting as a percentage of the total vote grew from 22% in 2006 to more than 34%, and the two largest counties, Sedgwick and Johnson, had more than half their total votes cast before election day.

These figures are attributable largely to effective satellite advance voting programs as well as other innovative advance voting strategies by the CEOs in those counties.

Many of these new trends in elections are optional, but they have proven to be effective ways to improve service to the voting public and to increase efficiency. ■

Kansas census adjustments lead to redistricting

A project vying for time in the SOS office during this busy election season is the Kansas Census Adjustment. The State Constitution requires the Secretary of State's office to adjust federal census numbers to count college students and military personnel at their permanent residence.

While this project does not directly affect Kansas elections at this point in the process, the data will be used for redistricting purposes in the coming years. And if you happen to call the office and are asked what school you attended in 2010, at least now you'll know why.

The SOS office has worked with 66 colleges in Kansas and four military installations to distribute questionnaires asking students and military personnel to tell us what address they consider to be their permanent residence for representation in the Kansas Senate, House of Representatives and State Board of Education.

We are in the process of compiling the results of those 100,000-plus questionnaires into an adjustment database. When the raw federal census data are received from the U.S. Bureau of the Census in the spring of 2011, the adjustment database will be compared to the federal unadjusted database and a new, adjusted database will be produced.

Some census blocks

will lose population, some will gain, and some will be unaffected by the adjustment. The SOS office is required by law to report the adjusted census figures to the Legislature by July 31, 2011 so preparations can begin for redistricting, which takes place during the 2012 legislative session. ■

MOVE *Cont'd*

tracking system is required by MOVE beginning in 2012, and the Federal Voting Assistance Program is charged with providing the means to accomplish ballot tracking.

The SOS office will provide more information as the process develops. ■