

Primary Election Wrapup

The first statewide election under the new SAFE Act photo ID voting rules occurred on August 7. After more than fifty successful local elections conducted between January 1, 2012 and August, the primary election was the first major statewide test of voting procedures using the new rules. From a statewide perspective, the photo ID requirement was not a disruption to the process and did not cause many problems.

There were places where voters did not have ID with them when they voted, but some were able to submit IDs to the county election officer before the county canvass so their provisional ballots would count. In some counties the photo ID requirement was almost a nonevent, much of which is due to significant voter outreach and education efforts at the state and county levels and effective preparation and training of poll workers.

With more voter registration and more turnout expected in the general election, preparatory efforts need to be stepped up to ensure continued success. Most counties can expect turnout in the general election two or three times as great as the primary.

Turnout in the August 7 primary exceeded the prediction made by the Secretary of State. In a press conference on Thursday, August 2, Secretary of State Kobach predicted 310,000 voters, or 18% of the 1,719,469 registered voters, would vote in the primary. According to post election reports filed by county election officers, turnout was 396,020, or 23%. There were 62,194 advance ballots cast, which is 15.7% of the total votes cast.

There were 7,746 provisional ballots cast statewide. Some were provisional due to voters' lack of photo ID. Approximately 36% of the no-ID provisional voters provided their ID documents to the county election office before the canvass so that their ballots would count.

Here are some unusual circumstances that occurred as a result of the primary voting:

- Reno County conducted a recount of a Democratic primary in House of Representatives District 102. Incumbent Rep. Jan Pauls (D-Hutchinson) led challenger Erich Bishop by 7 votes after the county canvass. Bishop requested a recount, the result of which was to widen Pauls' lead to 8.
- After the county canvass in Ford County, a county commission candidate filed an objection with County Clerk Sharon Seibel. The candidates were separated by two votes, and a malfunction in the electronic poll books resulted in some voters receiving the wrong ballot, and 41 of them were not given the opportunity to vote on the commission race. The county objection board ordered a revote for those 41 voters to be held on September 4.

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From the desk of the Secretary

The primary election last month was the first statewide election in Kansas in which voters were required to prove their identity by showing a photo ID when casting a ballot. I commend you for successfully administering this new provision in the law. We could not have had such a successful implementation of the new procedures without your hard work. I appreciate all of your efforts to publicize the new requirements and train poll workers to administer them.

Despite some predictions to the contrary, having to produce photographic identification neither decreased the number of Kansans voting nor increased the number of provisional ballots cast.

Statewide turnout for the 2012 primary election was 23.2% of registered voters (398,367 out of 1,719,469 registered voters), compared to 22.5% for the 2008 primary election. This turnout level far exceeded our pre-election prediction of 18.5%.

Only 0.10% of voters failed to show photo ID at the time they voted (405 out of 398,367 voters). That's just one-tenth of one percent.

In short, Kansas has made great strides and is now leading the country in securing the integrity of the election process. Thank you for all that you have done to make that possible.

A handwritten signature in black ink that reads "Kris W. Kobach". The signature is written in a cursive, flowing style.

SOS at State Fair

This year marks the twenty-sixth year that the Secretary of State's office has a booth at the Kansas State Fair. The State Fair, located in Hutchinson, begins Friday, September 7 and ends Sunday, September 16. The theme this year is "100 Years of the Kansas State Fair."

The Secretary of State office's booth is in the Meadowlark Building, which is located in the southwest portion of the fairgrounds. The booth operates daily from 9:00 a.m. to 9:00 p.m. with extended hours on weekends.

The booth provides an opportunity to distribute general information about the Secretary of State's office with an emphasis on election-related functions. Booth volunteers offer voter registration, voter lookups, Kansas flag sales, and printed materials. This year the main theme will be educating voters about the photo ID requirement of the SAFE Act.

Also, each year an informal opinion poll offers fairgoers an opportunity to express their opinions and to familiarize themselves with voting machines. Don Merriman, Saline County Clerk, generously loans ES&S iVotronic voting machines for the opinion poll, and The Lockwood Company donates ballot programming services.

County election officers and their staff are invited to volunteer to work at the booth. They may do so by contacting Amber Baker at the Secretary of State office at 785-296-4561 or by email at amber.baker@sos.ks.gov. Volunteer assignments are usually in three to six-hour segments, but we can be flexible.

A few of this year's attractions are: a demolition derby, outlaw truck and tractor pull, daily pig races, a motorcycle rally and parade, nostalgic car show, and concerts by Boston, .38 Special, the Oak Ridge Boys and Billy Currington with Jake Owen.

Here are this year's opinion poll questions:

Question 1

What interstate highway speed limit is most appropriate?

- a. 70 miles per hour or lower
- b. 75 miles per hour (current speed limit)

c. 80 miles per hour or higher

d. There should be no speed limit

Question 2

Where were you born?

- a. Right here in Kansas
- b. A state that borders Kansas (Colorado, Oklahoma, Missouri or Nebraska)
- c. In the United States, but none of the above
- d. Outside the United States

Question 3

Did the recent Colorado theatre shooting impact your opinion on gun control?

- a. Yes, we should tighten gun control laws. More restrictions would make us safer.
- b. Yes, we should loosen gun control laws. Otherwise victims are left defenseless.
- c. No, I still favor more restrictions on gun ownership.
- d. No, I still favor fewer restrictions on gun ownership.

Question 4

Who would you choose as the next President of the United States?

- a. Chuck Baldwin (Reform Party)
- b. Gary Johnson (Libertarian Party)
- c. Barack Obama (Democrat Party)
- d. Mitt Romney (Republican Party)

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Preparing for the General Election

Every election year it seems that there is very little opportunity after the primary to catch one's breath before heading straight into the general election. From a state perspective, the primary is not over until mid-September. The days remaining in August after the primary are spent collecting abstracts from counties and preparing for the state canvass, which occurs at the end of August or the first of September.

After the state canvass there is an opportunity for objections to nominations and candidate withdrawals, which delays the Secretary of State's ability to certify the official candidate list for the general election. As soon as the candidate list is finalized, and often before then, county election officers must prepare for the distribution of ballots to military and overseas voters. The date to begin transmitting those ballots for the 2012 general election is Saturday, September 22. After military and overseas ballots are sent, it is not long until the onset of advance voting, the voter registration deadline, and the general election. The process extends to mid-December with the state canvass in late November and the meeting of the presidential Electoral College on Monday, December 17.

Because 2012 is a presidential election year, election officers may expect large numbers of registrations, large numbers of advance voters, and high percentages of overall turnout. All election-related activities, from registration to voting, are elevated during presidential years. Responding to voters inquiring about their registration status, polling place locations, and advance voting procedures takes extra time in presidential years.

Also, in Kansas this is the first year for the photo ID requirement under the 2011 Secure and Fair Elections (SAFE) Act. So far, in the fifty-plus local elections and the state primary held under the SAFE Act, the photo ID requirement has not caused major difficulties. There are reports that some voters did not bring their IDs to the polls and some that refused to provide their IDs, but in many cases the new requirement was well known to the voters before election day and did not disrupt the process. There will be many more voters in the general election, so election officers must continue to work with the voters and poll workers to ensure that problems are prevented or minimized.

Early in 2011 the Secretary of State's office began to emphasize to county election officers the factors that would make 2012 a big year in Kansas: (1) it is a presidential election year, (2) it is a redistricting year, (3) it is the first year under the SAFE Act, and (4) county clerks are up for re-election. The redistricting process is complete, although it was delayed and ultimately decided by a federal court. One statewide election has been held under the SAFE Act. It is time now to turn attention to the general election. ■

Americans Elect Party Dissolves

The Americans Elect Party, officially recognized in Kansas since July 5, 2011, has dissolved itself and ceased operations in Kansas. In an August 6, 2012 letter to Secretary of State Legal Counsel Ryan Kriegshauser, party officials notified the office that "Americans Elect has terminated or otherwise dissolved its status as a qualified political party in Kansas effective immediately" and "Americans Elect will not have any Presidential or Vice Presidential candidates, or any other candidates, for election in 2012, and thus Americans Elect withdraws its ballot line and is terminating its status as a qualified party in Kansas."

On April 27, 2011, the party's organizers submitted a 3,216 page petition containing 31,744 signatures from 77 counties seeking official recognition as a political party in Kansas. At the time, the required number of signatures was 16,776 (two percent of the total vote for all candidates for Governor at the last general election). On first inspection of the petition, the Secretary of State's office ruled it invalid because it was filed outside the 180-day deadline after the date the first signature was collected. Party officials presented evidence to the Secretary of State indicating that the petition was timely filed and official party recognition status was granted on July 5. Americans Elect thus became the fifth recognized party at the time. (See *Canvassing Kansas*, June 2011, page 10; and September 2011, page 2)

The party never filed names of state party officials or contact information with the Secretary of State. All communications with the office were from attorneys representing the party at the national level. At the time

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of the party's dissolution in August, 2012, there were 23 registered voters in Kansas who were affiliated with the Americans Elect Party.

According to Kansas law, a party loses its official recognition status if it fails to nominate any candidates for statewide office in a general election or if none of its statewide candidates receives at least one percent of the popular vote in the general election. After the 2012 general election, the Secretary of State will take action to cancel the party's status in Kansas. This involves notifying all CEOs of the loss of recognition and ordering them to change the status of all the party's registered affiliates to "unaffiliated." Also, the voter registration application form will be revised to exclude the Americans Elect Party as a choice for party affiliation. ■

State Objections Board Hears Ten Cases

The state objections board, consisting of Lieutenant Governor Jeff Colyer, Attorney General Derek Schmidt, and Secretary of State Kris Kobach, met on call of Secretary Kobach on June 19, 2012 to hear a series of ten objections against candidates who had filed on or shortly before the June 11 candidate filing deadline for the primary election. This was the third meeting in 2012 for the board. Previous meetings were held on April 11 and May 9 to hear objections that had been filed against individual candidacies.

Following is a brief summary of the objections and the decisions rendered by the board. Several of the objections were the result of the federal court's redistricting ruling and the policy of the Secretary of State's office that candidates would be reassigned to their new districts rather than requiring them to come to the SOS office and refile. Other objections were based on residency of candidates and other issues.

1. In re Shanti Gandhi

Wm. Scott Hesse filed an objection against Shanti Gandhi as a candidate for House District 52 on the basis of residency. This objection was a result of the redistricting ruling and the reassignment of the candidate by the Secretary of State.

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State Fair

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Question 5

What is your opinion about Kansas requiring a photo ID when casting a vote?

- a. *I like it. My vote is more secure because no one else can vote in my place.*
- b. *I don't like it. It is inconvenient and/or unnecessary.*
- c. *I have no opinion.*

Question 6

How old should a child be before getting a cell phone?

- a. *Under 10 years of age*
- b. *10 to 13 years of age*
- c. *14 to 17 years of age*
- d. *Whenever they can pay the bill* ■

Wrapup

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- In Shawnee County, poll worker error resulted in several hundred voters in two precincts possibly receiving incorrect ballots which could have affected the outcome of nominations for House District 52 and House District 56, as well as the election of political party precinct committee positions in those precincts. The county board of canvassers, acting on advice of the county counselor, determined that it had the authority under KSA 25-3107(a) to order a revote. That statute says that the board of canvassers must do “what is necessary to obtain an accurate and just canvass of the election,” so the board ordered a limited revote on August 28 for the voters who had signed the poll book on August 7 and who may have received incorrect ballots. The county submitted certified results of the revote and also submitted vote totals from before the revote. The situation was thus left to the state board of canvassers to decide.
- The House District 65 Democratic primary in Geary County resulted in a tie between two candidates after the county canvass. Neither candidate requested a recount, so the abstract certified to the Secretary of State indicated the race was still tied. According to KSA 25-3208, in such cases the state board of canvassers “shall determine by lot which person is nominated.” This is a fairly common occurrence at county canvasses, but it has not happened in a state office for many years. It is not a common practice for the state board of canvassers to break ties during its proceedings, but in this case it was necessary.
- There were a number of recounts for county and local offices scattered around the state, which is not unusual for a statewide election.

It is often said that no election is perfect, and this time around produced its share of isolated problems. All in all, from a statewide perspective the primary election was a success, especially in light of the fact that a major change in procedures was implemented with the new photo ID law. The primary served as a practice run for the general election in November. ■

Voter Education on Voter ID

The first local election in January 2012 launched the Secretary of State’s media campaign to educate voters on the photo identification rules under the SAFE Act. It has continued throughout the year and will culminate with a big push just before the November general election. The plan, developed under a state contract with WhitworthBallou, includes radio, newspaper, broadcast television and cable TV advertisements.

Paid advertisements beginning three weeks before the general election will be seen on television, heard on radio, and read in virtually every newspaper across the state. WhitworthBallou has negotiated agreements with media outlets for the ads to be run as free matching weight at least an equal number of times as the paid ads run. On top of that, nearly every media outlet has agreed to run the “got photo ID?” ads as free public service announcements as their schedules and space allow.

A dedicated website was created at www.gotVoterID.com, and networks of community organizations have committed to spreading the word. There they can easily access a special page containing a toolbox of printable posters, cards and flyers that they can customize with their own contact information. Users may view the television ad and web flash ad, listen to the radio ad, as well as download and post any or all of them on their own websites. The SAFE Act website is easily accessed directly, or from the agency’s home page www.sos.ks.gov where the “got photo ID?” flash ad continually runs.

Secretary of State Kris Kobach and members of his staff conducted a series of eleven public meetings across the state to educate voters on election law changes and to field questions from the public and local media. These were held on five dates beginning in southeast Kansas on May 24 and ending in northeast Kansas on June 14. County election officers have been very active in developing and implementing their own local voter education programs as well. (See *Canvassing Kansas*, March 2012, page 7 and June 2012, page 8).

In mid-December, look for more advertisements and educational resources as we gear up the proof of citizenship phase of the voter education campaign. The proof of citizenship requirement for Kansans registering to vote for the first time does not become effective until January 1, 2013. ■

Objections Board

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The objections board denied the objection. Gandhi remained a candidate.

2. In re Lawrence J. Reichert

Travis Couture-Lovelady filed an objection against Lawrence J. Reichert as a candidate for House District 110 on the basis of residency. This objection arose from the Secretary of State's reassignment of Reichert to his new district and Reichert's attempt to withdraw after the deadline.

The objections board sustained the objection. Reichert was removed from the candidate list.

3. In re Larry Joe Lambert

Lambert objected to the Secretary of State's rejection of his attempt to withdraw his candidacy. The Secretary had ruled Lambert's withdrawal was late, having been received June 12, after the deadline at noon on June 11.

The objections board sustained the objection. Due to a misunderstanding, Lambert had postmarked his withdrawal letter on the deadline. Lambert was removed from the candidate list.

4. In re Larry Meeker

Larry Meeker objected to the Secretary of State's decision that he is not a candidate for House District 17. The Secretary of State's office maintained it had never received Meeker's filing, which Meeker claimed he had sent by courier the morning of the filing deadline.

The objections board denied the objection. Meeker was not added to the candidate list. (Meeker subsequently successfully filed an independent candidate petition for the same office.)

5. In re David Chase

David Chase objected to the Secretary of State's finding that his candidacy as a Libertarian Party candidate for the office of Mitchell County Commissioner, District 2, was invalid. Chase had filed in the county clerk's office instead of being certified to the Secretary of State by the state party.

The objections board sustained the objection. Chase was added to the candidate list in the general election.

6. In re S. Mike Kiegerl

Arlen Siegfried objected to the candidacy of S. Mike Kiegerl in House District 121 on the basis of residency. Kiegerl had been reassigned to a new district as a result of the federal court's redistricting order and had publicly announced his intention to withdraw.

The objection board sustained the objection. Kiegerl was removed from the candidate list.

7. In re Jan Pauls

Thomas Witt objected to Pauls' candidacy in House District 102 on the basis of residency. Pauls had been assigned to a new district as a result of redistricting but had moved to a new residence in her old district, which was a former church she owned.

The objections board denied the objection. Pauls remained a candidate.

8. In re Aimee Rosenow

John Alcala objected to the Secretary of State's reassignment of Rosenow to House District 57. This case was the result of redistricting.

The objections board denied the objection. Rosenow remained a candidate.

9. In re Nunemaker

Terry Nunemaker objected to the Secretary of State's determination that he would remain a candidate for House District 80. Nunemaker filed a withdrawal letter with the Secretary of State in the evening of June 14, which was after the deadline at noon on June 11.

The objections board denied the objection. Nunemaker remained a candidate.

10. In re Grimmatt

Michael C. Grimmatt objected to the Secretary of State's determination that his filing as a candidate for District Magistrate Judge in Greenwood County was invalid. Grimmatt had filed to have his filing papers attested by an election officer.

The objections board sustained the objection. Grimmatt was added to the candidate list. ■

Personnel Change at SOS Election Office

A familiar voice to county election officers is no longer with the Elections Division at the Secretary of State's office.

Lauren Knoth, a Washburn University student, had been employed as a

part-time college student since May 3, 2010. Lauren resigned her position effective July 18, 2012 to move to Pennsylvania to enter graduate school at Penn State University. Lauren will be pursuing a doctorate in criminology.

Lauren spent much of the past two years communicating with CEOs by telephone and email, collecting reports, sending out information, and in general keeping our office running smoothly. She gained a lot of expertise working with the results of the interstate voter registration data crosscheck program and coordinating the state- and county-level exchange of data between Kansas and the other states.

Lauren will be missed at the SOS office. She is a very bright and capable person with very strong organizational skills who grew to be a very important part of the office.

Lauren has been replaced by Daniel Lyon, a Washburn University sophomore who grew up in Fort Scott, Bourbon County, Kansas. Daniel began his job in the Elections Division on July 16, 2012. Daniel is an acquaintance of Lauren's and former debate team colleague at Washburn. Daniel has settled into his new duties very quickly and is taking over much of the daily communication with county election offices. If you have not yet had a telephone or email conversation with Daniel, it's only a matter of time! ■



New Elections Office member Daniel Lyon.
Photo by Todd Caywood.

Elizabeth "Libby" Ensley Deiter Resigns

Longtime Shawnee County Election Commissioner Elizabeth "Libby" Ensley Deiter resigned her position effective September 15, 2012, to accept the Governor's appointment as District Magistrate Judge in the 22nd Judicial District, Position 3. Ensley Deiter will succeed her husband, Judge Steven P. Deiter, who resigned. The 22nd Judicial District comprises Brown, Doniphan, Marshall and Nemaha counties, and Position 3 is in Nemaha County.

Ensley Deiter was first appointed election commissioner by Secretary of State Bill Graves on January 13, 1992, replacing Jo Anna Mitchell, who retired. Ensley Deiter was subsequently reappointed in 1994, 1998, 2002, 2006 and 2010, the last four appointments being made by Secretary of State Ron Thornburgh.

Longtime Shawnee County election office employee Cindy Collins had left on August 17 to take a job with the City of Topeka, leaving an additional position to fill.

Secretary of State Kris W. Kobach will make an appointment to fill Ensley Deiter's position. The current term expires on January 6, 2014.

Speaking of her retirement from the election position, Ensley Deiter said, "I will truly miss all of the wonderful county clerks and election commissioners that I have known over the last twenty years. It has been an honor to serve with all of you. I have learned so much from you. I am convinced that local government is what makes this country great. We perform the work that touches the daily lives of our citizens, and if they do not like our decisions, they are standing on the other side of our desks the next day. That is what a working democracy is all about. I am proud to say that I was a county official. Your service is needed. Keep up the good work." ■