

# CANVASSING KANSAS

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

December 2006

## More vote than expected

### CANVASSING KANSAS

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Voter turnout exceeded the projected outcome during the November 7 general election. At a news conference on the Friday before the election, Secretary of State Ron Thornburgh predicted 814,000 Kansans would vote, which would have been approximately 49 percent of registered voters. However, unofficial results from election night indicated that 860,378 voters or 51.7 percent turnout.

“Voters in Kansas proved our turnout prediction was too low,” Thornburgh said. “This is one time I don’t mind being wrong.”

Turnout for the August 1 primary election was a disappointing 18 percent, and many areas of the state had few contested races and no special questions on the ballot to generate voters’ interest.

However, late in the general election campaign season, the state Attorney General’s race and the 2<sup>nd</sup> District U.S. House of Representatives race appeared closer than expected, so those races may have contributed to higher turnout in some areas of the state.

As discussed in the September 2006 issue of this newsletter, a lot of attention was focused on the new voting equipment this year. The new ADA-compliant voting machines as well as upgrades in other voting equipment were the most visible effects of the Help America Vote Act.

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## Spring elections are just around the corner

Although many people consider an election to be one-day event, election officers know the process takes much longer than a day to carry out. Barring extended recounts or contests in court, county election officers can conclude their general elections by mid-November. For the Secretary of State, the election is not over until early December, after the meeting of the state Board of Canvassers and issuance of certificates of election to national and state officers-elect.

Once the election is concluded, it is time to look forward to the following spring’s primary and general elections for city officers and members of local school boards of education.

The following are the key dates for the spring elections:

- **Tuesday, January 23 at noon**                      **Candidate filing deadline**
- **Tuesday, February 27**                              **Primary election (if necessary)**
- **Tuesday, April 3**                                      **General election**

Advance voting for the primary election will begin Wednesday, February 7, and advance voting for the general election will begin Wednesday, March 14.

Because city/school elections are nonpartisan, some of the rules governing candidate filings and ballot preparation are different than in partisan elections conducted in even-numbered years. Also, it is common for

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## **SOS office closed for holidays**

The Secretary of State's office will observe the state holidays for Christmas and New Year's Day. The office will be closed Monday, December 25, 2006 and Monday, January 1, 2007.

Also, the SOS office will be closed Monday, January 15, 2007, in observance of Martin Luther King Jr. Day.

# **Happy holidays!**

## **Ensley appointed to IACREOT post**

**S**hawnee County Election Commissioner Elizabeth (Libby) Ensley was recently appointed Director of the Elections Division for the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT). IACREOT is a professional association of government officials with participation by a number of Kansas county election officials.

Each division of IACREOT—clerks, recorders, election officials and treasurers—has a director-at-large. The director of the election officials division recently retired and Libby was appointed to take her place. The directorship makes her a voting member of the IACREOT Board of Directors and the Executive Board. Her duties will include preparing programs and gathering speakers for the summer conference. Also, on December 7, 2006, she will testify before the U.S. Election Assistance Commission at a hearing in Washington, D.C. This hearing will be held to assess the nation's experience during the 2006 elections and determine what the EAC did well and what needs to be improved. Libby will serve a two-year term.

In recent years, Libby has served IACREOT as Co-Chair of the Election Committee, Chair of the Chancellor's Certification Program Subcommittee and Education Chair.

**Congratulations on your appointment,  
Libby!!!**

**It's good to know Kansas has a voice in this  
important organization.**

# **CANVASSING KANSAS**

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## RON THORNBURGH Kansas Secretary of State

Dear Friends:

Four years ago, while serving as the president of the National Association of Secretaries of State, I lobbied Congress to change federal election laws to create a more uniform and secure process. Last month, I saw that work fulfilled at the polling places across our state and the nation.

I want to congratulate all of you on the success of the 2006 election cycle. The dedication you have shown throughout this process ensured that our system not only met the requirements of the Help America Vote Act, but set the national standard. When critics voiced concern that the new equipment would fail, you stayed the course and, in the end, proved that their fears were misguided.

In less than a month, the Kansas Legislature will go back into session. We are once again preparing an aggressive agenda that we believe will make our elections system more secure and accessible.

Voter identification is an important step towards greater election security. During my time in office, I have continually urged the legislature and the governor to pass a law that would require a voter to present identification in order to receive a ballot. If I am asked for identification to rent a Disney movie for my children, why should the standard be different for one of our most important civic responsibilities? This is critical to protecting the integrity of our election process and I will continue to work until such a measure is passed.

Last year we also proposed providing every county in the state the ability to conduct satellite voting. Unfortunately, the governor chose to veto the bill containing this important and necessary language. As we have seen from the recent election, this method of in-person advance voting is gaining in popularity, in large part because of the accessibility and convenience it offers. As the needs of our voters change, it is important that we do everything we can to adapt the voting process to meet these needs, without compromising the integrity of our system. Satellite voting would be an important step in that direction, and I will once again be asking the legislature to consider the matter during the 2007 session.

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

Sincerely,

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

RON THORNBURGH  
Secretary of State

# JOHNSON COUNTY AWARDED FOR INNOVATION

Johnson County Election Commissioner Brian Newby received the Election Center's 2006 Best Professional Practices trophy at the national conference of the Election Center held in Chicago last August. Newby had submitted an entry in the Election Center's best practices program for the county's voter notification system called Mobile Election Notification, which includes podcasting and textcasting via the county's Web site.

The system is used to reach voters, election workers, media and potential voters through their electronic handheld devices.

Podcasting is a means of providing downloadable recorded messages people can listen to on their Apple iPod MP3 players. Interested persons may subscribe to

the pod casts directly on the county's Web site or by using Apple's iTunes software by going to [www.jocoelection.org](http://www.jocoelection.org) and clicking Voter Notification System. The podcasting portion of the program generated more than 9,000 Web site hits during its first three months of existence, having been initiated in March 2006.

Text casting involves sending text messages to individuals' e-mail inboxes or directly to their cell phones.

The Mobile Election Notification program is designed to reach voters and others through the electronic media they use in their everyday lives in addition to the traditional means of radio, television and printed materials. It is especially beneficial in reaching the under-30 age group and has the added advantage of encour-

aging people to use the election office's Web site where they may find other helpful information.

At a ceremony in Johnson County on August 24, Newby said, "It's quite an honor. It's an award that's kind of an Oscar in the election industry."

The Election Center's Best Elections Practice trophy is a 20-pound silver bowl called the Nambe Bowl. One of its first public uses was at Brian Newby's swearing-in ceremony in early September 2006, when the trophy was used to serve Hot Tamales (reportedly a favorite of Newby's) at the reception.

Johnson County's Web-based efforts were profiled in an article in USA Today on October 26, 2006 titled, "Elections Pushed, Pressed, Pulled into 21<sup>st</sup> Century."

## **Congratulations, Brian and the Johnson County election office!**

### **Spring elections**

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questions of incompatibility and conflicts of interest to arise when office-holders elected in partisan elections decide to become candidates for city and school offices.

To determine questions of incompatibility or conflicts of interest, one must consider the facts of the specific case at hand. In some cases there are laws prohibiting persons from holding certain offices in conjunction with others; for example, KSA 25-204 prohibits county commissioners from holding "any state, county, township or city office." In the absence of a specific law, there are dozens of the Attorney General's opinions from the past 30 years that have held certain offices to be incompatible, or in some cases, have held them to be compatible.

Another point to keep in mind about city elections is that the statutory rules for the schedule and conduct of the elections often do not apply. Laws calling for two-year terms are not in effect in many cities due to the cities' home rule powers. Most cities have exercised home rule and chartered out of the laws governing their elections, so most city officers have four-year staggered terms. Some cities even have elections annually. All first-class cities have chartered out of the laws governing their elections, and most of the first-class city laws have been repealed.

Besides the timing and frequency of the elections, city ordinances may set the qualifications for holding city offices. Residency of candidates is a common issue that may be affected by ordinances in individual cities.

It is important to be familiar with the ordinances in effect in each of the cities to know when each position is up for election, and effective communication between city clerks and county election officers is imperative.

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## More vote

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With hundreds of millions of dollars' worth of new voting equipment deployed nationwide, there was an expectation among some, particularly the national news media, that the electoral system was headed for failure. Election day experiences indicated otherwise. Nationally, systems operated much the way they were intended, and there were no widespread equipment failures or instances where results were delayed.

In Kansas, the experience in the primary election was generally positive. County election officers were able to build on that initial success and make improvements for the general election, proving the new

system works and the county and precinct election workers were able to learn the new systems and operate them to the benefit of the voters.

The ELVIS voter registration system operated nearly flawlessly before and during the general election. The system was very closely monitored by SOS and ES&S staff during the heavy usage periods of data entry at the close of registration and during the printing of poll books. Some lessons learned from the primary election were applied, and the system performed well with only isolated instances of difficulties signing on or with slow response times.

Overall, the 2006 general

election in Kansas was a normal election. There were the usual reports of temporary difficulties in opening polling places and balky ballot scanners, but nothing out of the ordinary from a statewide perspective.

Several recounts were conducted in a number of local races, most commonly county commissioner races. At the state level, four House of Representatives races were recounted: District 16 in Johnson County, District 72 in Harvey County, District 112 in Barton and District 114 that covers Edwards, Pawnee, Pratt, Reno and Stafford counties.

## Trends push toward electronic systems

**W**ith the implementation of the Help America Vote Act (HAVA) we have seen many changes in the voting systems used across our nation. According to a study by Election Data Services, since the turbulent election of 2000 and the resulting enactment of HAVA, over 63 percent of registered voters are using new voting systems. In addition, we have seen an increase in the number of jurisdictions using DREs and optical scanning devices, and with HAVA requiring at least one accessible voting system per polling place we've seen a decrease in the number of jurisdictions that use hand-counted paper ballots. For a closer look, here are a few of the numbers from the study:

- From November 2000 to November 2006, the number of counties nationwide using optical scan equipment increased from 1,275 to 1,752.
- The number of counties using electronic equipment (DRE) nationwide increased from 320 to 1,142.
- Counties nationwide using hand-counted paper ballots declined from 365 in 2000 to only 57 in 2006.
- Kansas currently operates with 74 optical scan systems, 24 electronic (DRE) systems and 7 paper ballot systems (total 105).

Many of these equipment changes have created some administrative difficulties across our nation for state and local election officials; however, in Kansas the 2006 elections went smoothly with no significant increase in equipment problems from previous years. We believe that it was very important to allow our local election officers an opportunity to communicate some of their equipment issues resulting from election day with both the state and its vendors. Through our discussions following the primary election at KCOA, and our series of conference calls after the general election, we believe we can continue to resolve and prevent future problems. For those who participated, thank you for your input. You are one of the reasons Kansas has and will continue to run successful elections!

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# 2010 Census:

## Program will begin in January 2007

**THE CENSUS IS COMING! THE CENSUS IS COMING! THE CENSUS IS COMING!** So began the message at a recent meeting our office attended concerning upcoming plans for the 2010 Census. Although conventional wisdom would say it is too early to begin preparations for the next census, crucial census programs are set to begin in the coming months. The first and most important program to begin is the Local Update of Census Address (LUCA) program.

LUCA program is a voluntary decennial census geographic partnership program that will allow the U.S. Census Bureau to develop its Master Address File for the 2010 Census. Tribal, state and local gov-

ernments can contribute to a complete enumeration of their community by reviewing and commenting on the list of housing units and group quarters addresses that the Census Bureau will use to deliver questionnaires within their community.

The LUCA program is scheduled to kick off in late January 2007 when announcement letters will be mailed to the highest elected officials of all local governments. The Census Bureau will sponsor a series of LUCA informational presentations throughout the state in the spring. Local governments will receive the formal invitation and signup forms in July and will be invited to attend technical training sessions in late summer. Program participants will have at least 120 days to conduct their re-

view with all materials returned to the Census Bureau by April 2008. The Census Bureau will process the returned materials and field verify 100 percent of the submissions in spring 2009. Feedback will be provided to the participants by October 2009.

Our office strongly encourages every county to participate in this voluntary program. Kansas is one of a handful of states that could lose a Congressional seat as a result of the next census. That loss could result in the potential loss of hundreds of millions of dollars in federal government aid. In the 2000 census, states that had a high percentage of local government participation in LUCA maintained or increased their expected number of congressional seats.