

CANVASSING KANSAS

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

Record numbers set in general election

Throughout the past year, people across the nation had been saying this would be a big election, mostly driven by the presidential race. Interest is always higher in presidential years than in other years, but the level of interest in this year's presidential election was unprecedented—partly because the office was an open seat (due to term limits) and partly because of polarizing issues at the national level.

For election officials, high interest means high levels of voter registration and turnout, and in Kansas, records were set in both of these areas, not to mention a record number of advance votes cast.

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High volume of phone calls part of hectic season

If the number of phone calls you get is any measure of how busy you are, this past election season was everything it was predicted to be. Across the nation, all signs pointed to an extremely busy and hectic election season. Interest in the election process, and specifically the presidential election, was at an unprecedented level. Voter registration and turnout figures set records, and voters who had never voted or who had not voted for many years were suddenly enthusiastic and committed to voting in this election.

State and county election offices can expect an increase in phone calls and other contacts from the voting public given such a set of circumstances. Reports received by the SOS office from CEOs indicate that this was indeed the case.

As for the SOS office, a quick check of the monthly phone bill for our toll-free voter hotline (1-800-262-VOTE) shows the record-setting public interest in the election translated into a record-setting number of phone calls. Between October 1 and October 31, 2008, the five-member staff (plus one part-time student) of the SOS Elections Division took

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E-Campaign finance passes second test

The electronic campaign finance system implemented this year by the Secretary of State's office has now been used for two major filing periods. The first reports made using the system were on July 28 before the August 5 primary election, and the second were on October 27 before the November 4 general election.

A law passed by the Kansas Legislature in 2007 required the Secretary of State to build a system where state-office candidates, political action committees (PACs) and political party committees could opt to file their required

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THANKS

And best wishes!

As another election season has passed, our office would like to extend best wishes to all the county election officers who are leaving. These election officers have experienced changes that have been unprecedented in the impact it has had on the daily operations of each of their offices. Not only in elections, but across the wide range of duties each of their offices handles on a daily basis. These election officers have experienced first hand changes brought about by the federal government (NVRA, HAVA) state government (some of these were supposed to be helpful) and natural disasters.

Your experience and guidance will be missed. However, your experience will be invaluable as election board judges on election day! We wish you well as you enjoy your future endeavors and don't forget to come back and see us!

Chautauqua – Lori Martin
Cherokee – Sandy Soper
Clay – Mary Brown
Decatur – Marilyn Horn
Dickinson – Sandra Emig Burris
Ford – Vicki Wells
Greeley – Linda Firner
Kiowa – Evelyn Grimm
Leavenworth – Linda Scheer
Lyon – Karen Hartenbower
Miami – Kathy Peckman
Nemaha – Leann Jones
Stanton – Sharon Dimitt



SOS office closed for holidays

The Secretary of State's office will be closed for the traditional holidays this season on **Thursday, December 25 for Christmas Day and Thursday, January 1 for New Year's Day.**

In addition, Governor Sebelius has declared **Friday, December 26 a state holiday.** The SOS office will be open Christmas Eve and New Year's Eve.

Martin Luther King Day is a federal and state holiday too, so the office will be closed **Monday, January 19, 2009.**

CANVASSING KANSAS

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RON THORNBURGH
Kansas Secretary of State

Dear friends,

1.23 million. That's how many Kansans went to the polls last month to cast their ballots in the 2008 general election. Almost without fail, their experience was a pleasant and speedy one. Despite the widespread media fears that polling places across the country would be overwhelmed by the turnout, you showed the nation that Kansas election officers are prepared, innovative, and responsive to the needs of our citizens.

Advance voting, which has typically accounted for less than 20% of statewide turnout, far exceeded the previous record, with more than 428,000 votes cast in advance of Election Day. Making up nearly 35% of the total turnout, voters have proven that they are interested in moving beyond the traditional day, and into an election cycle that better reflects their busy lifestyle. I want to thank you all for the effort you put into ensuring that the citizens of your county were able to take advantage of this opportunity.

More than the turnout, I was impressed by how smoothly the day went for everyone. While we always see a few hiccups on Election Day, November 4, 2008 will be remembered as a one of the most calm general elections in my time as Secretary of State. The fact that this occurred during a historic presidential election with record turnout makes your accomplishment even sweeter. For that, I also want to thank you.

As we move forward, I am hopeful that we will take the lessons we've learned about administration and apply them to future elections. Over the next several cycles, we have the chance to truly make the process representative of the people we serve – whether this means more advance voting, adjusting locations to accommodate where people go; rather than where they live, or something completely different, we must not let a successful election move us into complacency. We must always look for ways to make it better.

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

Record numbers

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Here is a table of the three record-setting numbers:

Voter Registration	Voter Turnout	Voter Turnout %	Advance Voter Turnout	Advance % Turnout
1,749,756	1,234,765	70.5	428,772	34.7

The turnout figure of 1,234,765 was a record for number of ballots cast, but not a record in terms of percentage of registered voters. The percentage record was in 1992 when 85 percent of registered voters voted, but that was before the National Voter Registration Act of 1993 added thousands of new registrants to the rolls. The previous record number of votes cast was in 2004, when 1,213,108 persons voted.

This year was by far the highest number of total advance ballots cast and the highest percentage. The previous high number of advance ballots was in 2004 when 245,827 ballots were cast in advance, which was 20.2 percent of the votes cast.

In the two largest counties, Johnson and Sedgwick, for the first time there were more advance votes cast than votes on election day. This also may have occurred in other counties, but as of this writing the reports are incomplete.

The State Board of Canvassers, consisting of the Governor, Attorney General and Secretary of State, met in the SOS office on November 26 to certify the election results for national and state offices. The statutory deadline for the state canvass following a general election is December 1. Due to scheduling conflicts, the Governor and Attorney General were unable to attend, so the Governor was represented by Sally Howard, General Counsel, and the Attorney General was represented by Mary Feighny, an Assistant Attorney General. After the canvassers concluded their business, the Secretary of State mailed certificates of election to the winners of national and state offices. Certificates of election are also mailed to the Secretary of the U.S. Senate and the Chief Clerk of the U.S. House of Representatives to officially notify the federal government of the winners of the U.S. Senate race and the four U.S. Representative races.

The final stage of the election is to prepare for the meeting of the presidential electors, which occurs according to federal law in mid-December (see article elsewhere in this issue).

There were three recounts of state offices conducted after the county canvasses:

- a. Kansas Senate District 22 (Riley and Geary counties)

Incumbent Sen. Roger Reitz (R) defeated challenger Rusty Wilson (D).

- b. Kansas House District 96 (Sedgwick County)

Challenger Phil Hermanson (R) defeated incumbent Terry McLachlan (D).

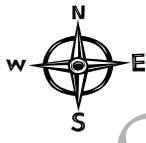
- c. District Court Judge, Judicial District 18, Division 25 (Sedgwick County)

Incumbent Warren Wilbert (R) defeated challenger Karen Langston (D).

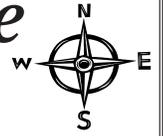
None of the recounts changed the outcome of the races, although a few votes changed because hand recounts were requested in each case.

Kansas law allows a losing candidate to file an election contest in district court within five days after certificates of election are issued subsequent to the state canvass. As of this writing there had been no contests filed.

Considering all the factors leading up to the 2008 general election and dire predictions of extreme difficulties by some organizations at the national level, the election was a successful one. Effective planning at the county and state levels ensured that the system was able to withstand the strains put on it and to process an unprecedented number of voters without major difficulties. Although there were minor delays and rough spots here and there, that is normal for elections and they did not create serious difficulties or cast doubt on the integrity of the electoral process. This is a testament to the hard work and preparation of election officials in Kansas and across the nation.



Navigating the Electoral College



Everyone probably remembers a little about the presidential Electoral College from their high school government class. But for some, the details fade, and presidential election years always generate questions about the workings of the Electoral College. There is an ongoing debate about whether it should be kept or abolished. Some people argue the reasons for its inclusion in the U.S. Constitution in the late 1700s are no longer valid. Others say that it is still needed, partly as a protector for the role of the states in the electoral process. That debate cannot be resolved here, but it might be helpful to provide some details of the workings of this little-understood institution from a state's perspective.

The process is overseen by the U.S. National Archives and Records Administration (NARA) in Washington, D.C. NARA's Web site has perhaps the most complete information for persons wishing to understand the way the College works. Their Web site is <http://www.archives.gov/federal-register/electoral-college/index.html>.

Each state is apportioned a number of presidential electors equal to its total representation in the U.S. Congress. Thus, Kansas has six electors (four U.S. Representatives and two U.S. Senators equaling six Electors). Before the election, each political party recognized in the state and each pair of independent presidential/vice presidential candidates who successfully petition for ballot access chooses a slate of six electors, whose names and contact information are certified to the Secretary of State.

After the election results are certified by the State Board of Canvassers, the Secretary of State sends a certificate of election to each elector representing the party whose candidate won the statewide popular vote. Also included is a notice of the meeting of the presidential electors, which, according to federal and state law, is held on the Monday following the second Wednesday in December following the election. In 2008, that is December 15.

Prior to the meeting of the electors, the Secretary of State submits a Certificate of Ascertainment to the U.S. Archives, which shows the names of all the parties' and candidates' electors and the number of popular votes each received. The certificate must bear the state seal and the signatures of the Governor and the Secretary of State.

At the meeting of the electors in mid-December, each elector is given a Certificate of Vote (ballot) showing all the candidates who appeared on the general election ballot for president and a separate Certificate of Vote showing the names of the candidates for vice president. Electors mark their choices for each office, and the Secretary of State and a staff member take the ballots to a separate room for tabulating. The Secretary of State announces the number of votes each candidate received, the electors sign certificates, and the certificates are paired with additional Certificates of Ascertainment for submission to the federal government.

It is interesting to note that electors are not bound by law to vote for the candidate who won the popular vote, but they nearly always do. There are isolated cases in American history where so-called "maverick" electors voted for another candidate, but such cases are not common. Another interesting fact of the Electoral College voting procedure in Kansas is that, according to state law, each candidate is paid a sum of \$3 for their work and reimbursed \$0.15 per mile for their travel. The law governing electors' compensation, K.S.A. 25-803, has not been amended since 1923. The actual state rate for mileage reimbursement today is \$0.58 per mile.

After the meeting of the electors, the Secretary of State certifies the results of the vote to the President of the U.S. Senate, who is the Vice President of the United States, and to the U.S. Archivist. The deadline is December 24.

On January 6, the electoral votes are counted in a joint session of Congress. The President of the Senate presides. If one pair of candidates for president and vice president receives a majority of the nationwide electoral votes (270), those candidates are deemed to be elected. If there is no majority, the House selects the President and the Senate selects the Vice President.

The winners are inaugurated at noon January 20.

Number of calls

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5,103 calls on the toll-free line. The busiest day of the month was October 20, the voter registration deadline, when 744 calls were fielded.

These figures do not include calls coming into the regular office phone numbers or calls transferred from the SOS's Customer Service Center in the Business Services Division, where most calls from the public originate. Also, the figures do not include calls received outside the month of October.

Part of the increase is due to the fact that the toll-free phone number was published in more places than before. For many years, it has been printed on the official Kansas voter registration application form, but this year it was more prominent on publications, the SOS Web site and voter outreach materials.

It all goes to show that if you hook up a toll-free number, people will dial it. Another thing that became clear this year is that some people assume toll-free numbers are staffed 24 hours a day. During the busy pre-election season, as long as SOS Elections personnel were willing to sit at their desks, the phones would ring. Each morning there would be voice mail messages to return incoming phone calls.

It can safely be assumed there would have been even more phone calls without the additional services provided on Web sites. The SOS Web site, and especially the voteks.org page, provided assistance to many voters through the VoterView feature, allowing voters to find out for themselves if they were registered, where their polling places were and the status of their advance ballot applications. Also, a number of counties uploaded sample ballots to the site, which provided an additional service to voters. Without these online services, the volume of phone calls would undoubtedly have been even greater.

The experience in the SOS office was by no means unique—most county election offices probably encountered similar increases in their calls. We should all be proud of the service we provided to the voting public during this busy season, and we should all enjoy a break as we move on to other things after the election.

E-Campaign

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reports electronically. The other filing methods authorized by law are mail, express delivery, hand delivery and fax.

Another new law requires certain reports to be filed during the “blackout” period before each election. This is the period between the filing of regular reports eight days before the election and election day. Under the new law, if contributions are received cumulatively totaling \$300 or more, a last-minute report must be filed within 24 hours to disclose those contributions. The new reporting system allows these reports to be filed electronically, but many still come by fax. The last-minute reporting requirement also required additional office hours in the Secretary of State's office. The office was kept open for a period of two to four hours on the Saturday and Sunday before the primary and general elections to receive the reports if hand-delivered.

Thus far, the electronic reporting only applies to state parties, PACs and candidates for state offices. The Secretary of State hopes to make it available to counties in the future, if it would benefit them.

One feature that is still to be added to the system is a flexible sorting and search capability. This would allow a person viewing the electronic data to sort it any way he/she chooses and to search by contributor or recipient. For example, a person could search for John Doe or the name of a PAC and find out all the candidates who received contributions from that person or PAC and the total amount of money contributed to the electoral system from that source.

The 2007 law does not require anyone to file electronically; it is optional. So far the majority of reports are still filed on paper, but the proportion of electronic filers is expected to rise, and it is possible that in the future, the legislature will consider legislation to make electronic filing mandatory.

Nearly 200 campaign finance reports were filed electronically, including the reports due by the July 28 and the October 27 filing deadlines. This includes both finance reports and affidavits of exemption for those not required to file reports because their expenditures are under \$500. This means that a majority of reports - nearly 1,400 - were filed on paper, but the number of electronic filings is encouraging for a new system that is entirely optional for the filer.

Electronic reports are immediately posted to the SOS Web site and paper reports are scanned and the images are posted on the Web site for public viewing.

E-motor voter program launched

The electronic motor-voter program is one of two significant electronic programs initiated in 2008. E-motor voter is the result of a cooperative effort between the Secretary of State and the Kansas Department of Revenue's Division of Motor Vehicles with assistance from Election Systems & Software, the SOS's vendor for the statewide voter registration system. The purpose of the electronic system is to conduct all transactions required by the National Voter Registration Act of 1993—the so-called motor-voter law—electronically instead of on paper. Since 1995 when motor-voter was implemented, all driver's license offices and county treasurer offices have been required to offer voter registration opportunities with each application for or renewal of a driver's license or each change of address transaction.

With the new system, if a person applying for or renewing a driver's license wishes to register to vote, the driver's license examiner asks several questions needed for voter registration (party affiliation, phone number, previous address, citizenship and age) and merges that data with data collected for driver's license purposes, along with the digitized signature, and sends the electronic record to the SOS office.

The records are received into the ELVIS voter registration database and electronically transmitted to the appropriate counties via the Agency Central function of ELVIS. Each record must be processed by a county election office employee.

The program was launched August 25, 2008, and between that date and the October 20 voter registration deadline before the general election approximately 25,000 voter registration records were transmitted.

It is not unusual for a new computer program to encounter problems in the early stages of its implementation. This occurred with the e-motor voter program in the days leading up to the November 4 general election when CEOs and the SOS began receiving complaints from voters who thought they had registered to vote during a driver's license transaction using the new e-motor voter system and when they checked to verify their registration status they were not on the county's voter registration list. Despite the thousands of registrations that had been successfully transmitted, there were some that apparently were not. The SOS worked out a solution with the Division of Motor Vehicles to obtain a list of all driver's license transactions conducted by DMV from August 25 through October 20. This information was supplied to CEOs so they could verify whether a person had indeed attempted to register to vote as claimed. When these voters voted provisional ballots, the CEO was able to determine the date and location of the transaction when they attempted to register to vote. Recognizing that under Kansas law it is the board of county canvassers that decides whether provisional ballots count or not, the Secretary of State made a recommendation that these provisional ballots should count if the voter registration/driver's license transaction was verified by the CEO.

The SOS and DMV are planning some improvements to the system to minimize or eliminate such complaints in the future. These include: (1) messages and prompts on driver's license examiners' computer screens to improve the accuracy of their data entry, (2) providing a paper receipt to each voter registration applicant, (3) more information available to the SOS on its e-motor voter administrative screens to monitor activity, and (4) SOS participation in training programs for examiners.

Another improvement in the works is to expand the e-motor voter program into an online voter registration system. Modeled on existing programs in Arizona and Washington state, this would allow any person with a valid driver's license to register to vote online without going through the driver's license application/renewal process.

The e-motor voter and online voter registration programs are important enhancements to the Kansas electoral process that are consistent with the public's demand for increased ability to conduct government transactions using the Internet and with Secretary of State Ron Thornburgh's longstanding emphasis on computerization of cumbersome paper-based processes.

Observers visit Kansas on election day

A handful of Kansas counties were hosts for visitors around the time of the general election. Two federal agencies were deployed to observe specific aspects of the electoral process, while two foreign international observers visited Kansas and Oklahoma to gain general knowledge about American elections and to take it back home to their respective governments.

Government Accountability Office (GAO)

GAO was charged by Congress with the task of producing a report on access to voting by disabled voters, voting in long-term care facilities, and voting by older persons. The GAO had conducted a similar nationwide study in 2000 focusing on polling place accessibility. This year they randomly selected 100 counties from 40 states, and McPherson and Russell counties in Kansas were among those selected. GAO's plan was to visit three to eight randomly selected polling places in each county and observe parking areas, routes to voting areas and voting methods. Also, GAO interviewed CEOs and supervising judges, but not voters. Sometime after the election GAO will publish a report summarizing its nationwide observations. The report will not single out specific localities or offer criticisms or suggestions regarding any county's procedures.

The GAO also has informed the SOS that it will send a survey to each state election office in December asking state-level questions about the laws, regulations and procedures governing accessibility and voting in care facilities.

Russell County Clerk Mary Nuss reported that the GAO inspection team visited seven of her 13 polling places, measuring the facilities and interviewing poll workers. The poll workers may have been a little nervous, but Mary's presence helped calm their nerves. Overall, the visit was not very eventful and seemed to have gone pretty well. Mary said if she can get a copy of the GAO's report, she might get some ideas for making further improvements to her polling places.

McPherson County Clerk Susan Meng says that although she did have contact with the GAO team before their visit, she did not meet them before they visited her polling places. The team visited six polling places, and generally the visits appeared to go well. The poll workers reported that they were courteous and no problems resulted from the GAO's attendance at the polling places.

Department of Justice (DOJ)

DOJ has enforcement authority for the four major federal laws governing voting in America: the Voting Rights Act, the National Voter Registration Act of 1993, the Uniformed and Overseas Citizens Absentee Voting Act, and the Help America Vote Act of 2002. In the past several elections one of DOJ's focuses that has affected some Kansas counties is the enforcement of Section 203 of the Voting Rights Act, which covers language accessibility.

Based on 2000 U.S. Census data, in 2002 six counties in southwest Kansas were informed that they met the requirements to provide Spanish ballots, translators and voting materials: Finney, Ford, Grant, Haskell, Kearny and Seward. At various times DOJ has sent representatives to Kansas to discuss their expectations.

In 2006 and again in 2008, DOJ sent attorneys and bilingual interpreters to Ford County polling places to observe the voting procedure. They interviewed county clerk Vicki Wells, election board workers and voters, making notes of the responses they received. Their practice is to follow up with a telephone call after the election to report their observations to the county clerk.

Vicki reported that this year the two-member team arrived at the polling place at 6:30 a.m., introduced themselves to the board workers and sat down to observe. During slow periods they would interview board workers or voters, especially voters who appeared to need language assistance. Some questions they asked were about the training of board workers and the assistance provided to voters. They also inspected signs, posters and the overall setup of the polling place—machines, booths, paths of travel, and the interaction between board workers and voters. They also showed interest in provisional voting procedures.

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Observers

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Secretary of State Ron Thornburgh conducted conference calls with the six county clerks in the Spanish-ballot counties before the election to discuss their plans for compliance with the requirements of Section 203. He also facilitated discussions between DOJ representatives and the CEOs to clarify DOJ's interpretations of the requirements and their intentions for their impending visit to Ford County.

Providing bilingual language services is a project in itself for the CEOs in these six counties every election. It requires the commitment of considerable time, effort and financial resources to comply with the statutory requirements and the expectations of DOJ. The Secretary of State recognizes and appreciates these efforts.

International Observers

The Organization for Security and Cooperation in Europe (OSCE) sent international observers to 40 states before and during the November 4 election. A two-person team was assigned to visit Kansas and Oklahoma - Aida Balganova, a woman from Kazakhstan, and Mats Lagerstam, a man from Finland.

The team arrived in Topeka October 20 to visit with Secretary of State Ron Thornburgh and to plan their visit in Kansas. Secretary Thornburgh and members of his staff answered general questions about Kansas and American election procedures, then gave them the names of CEOs in nearby counties with whom they could continue their discussions and arrange visits to get a feel for election administration from the county perspective. The counties were Douglas, Jefferson, Johnson, Lyon and Shawnee.

UPDATE: HAVA

❑ Earlier this year Secretary Thornburgh allocated funds for voting equipment programming software and hardware (audio ballot programming). Interested counties submitted order forms to the SOS office and chose to receive their software/hardware in either 2008 or 2009. All 2008 orders have been delivered and training completed.

For those counties who chose 2009, we will soon place orders and work with the vendors to schedule training. Our office and/or your vendor will be contacting you in the coming weeks with more details.

❑ If you haven't already done so, please complete and return this year's combined Post Election Report and Election Assistance Commission's Election Day Data Survey to Craig Bourne at craigb@kssos.org. The report/survey was included in 2008 Election Mailing #16 e-mailed to you November 19.

❑ In early January, we will be mailing 2009 ELVIS workstation invoices. The cost per workstation is \$500. Payment will be due February 20.

The observers also met with groups such as the League of Women Voters, Americans for Prosperity, political parties and media representatives.

They had done a lot of research before arriving in Kansas. They knew that the county is the basic unit of election administration, and they were familiar with Kansas policies on voter identification, provisional ballots and the basics of the vote tabulation process. Overall, their English was fluent and their background knowledge was very good.

After visiting Kansas before the election, the team traveled to Oklahoma to visit polling sites and county election offices on election day and the days immediately following.

During a presentation at KCOA in September, Secretary Thornburgh and his staff had informed CEOs of the possibility of various federal and international agencies visiting Kansas. Although only a handful of counties were directly affected, it is encouraging to note that CEOs in Kansas are able to accommodate such visits in addition to all their regular election preparation activities and that the election administration process in Kansas holds up well when scrutinized.