

CANVASSING KANSAS

An Update on Election News from Kansas Secretary of State Ron Thornburgh

June 2005

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Record set for constitutional amendment

For the third time in recent Kansas history, voters were presented with a constitutional amendment question in this spring's general election. The question proposed to voters concerned the definition of marriage. A vote "yes" on the question meant the voter supported including a definition of marriage in the Kansas constitution. A vote "no" on the question meant there would not be a definition of marriage included in the Kansas constitution. Voters overwhelmingly approved the amendment with 417,627 "yes" votes compared to 179,432 "no" votes. Two counties, Stevens and Wichita, passed the amendment with 91.1 percent of the voters saying "yes." Only one county, Douglas, had a majority of voters saying "no."

Total turnout for the election was 598,808 voters. This compares to 268,905 voters in the 1999 constitutional amendment election and 416,066 voters in the 1995 constitutional amendment election. In keeping with current trends, this election set a record for the number of voters statewide in an April constitutional amendment election. The amendment question increased turnout in the spring city/school elections by approximately 15 percent.

This election, as well as the previous two constitutional amendment questions held in the spring, presented unique challenges to election administrators. With school election districts not required to follow precinct lines, precinct-level results were not accumulated for this election. The Secretary of State's office worked with each county election officer to ensure that each voter was guaranteed a ballot, even if they were not eligible to vote on any other election. Due to the diligence and hard work of county election staff, the election was conducted successfully with a higher voter turnout than any other constitutional amendment election held in conjunction with city/school elections.

New vendor selected for ELVIS

In March 2005, the Secretary of State's office (SOS) selected Election Systems and Software (ES&S) to serve as the new contractor for the Election Voter Information System (ELVIS). ES&S bills itself as the premier provider of local, state-level, and statewide voter registration (VR) and candidate filing management solutions with more than 48 million voter registrant files managed each day, five statewide VR systems in use (CA/MD/MO/NE/NM), and more than 400 local-level VR systems installed.

The **ES&S PowerProfile®** software solution provides local election officials with the ability to register voters, qualify candidates and conduct elections. PowerProfile also supports absentee and

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Lobbyists can now register online

Electronic lobbyist registration is a new feature for the 2005 legislative session and calendar year. Since October 1, 2004, individuals wishing to officially register as lobbyists have had the option of registering by paper form or by accessing the lobbyist center on the Secretary of State's Web site. The electronic registration can be paid by credit card or electronic check utilizing the AccessKansas payment portal linked to the lobbyist application.

The program is a cooperative effort between the Secretary of State, Governmental Ethics Commission and AccessKansas. The bulk of the programming was done in-house by SOS computer programming staff.

Since its introduction, approximately 362 of the total 1,216 registrations received in the Secretary of State's office for the 2005 calendar year have been electronic. This is approximately 30 percent of the registrations, a figure expected to rise in the next few years as the word gets out about this new feature.

Lobbyists also have the option of filing their expenditure reports electronically if they have registered electronically. Forms such as the termination statement and affidavit of exemption will be introduced once the Governmental Ethics Commission approves the electronic versions. Upon approval, all forms of lobbyist filings will be available through the electronic lobby registration link on the Secretary of State's Web site.

Wilkey appointed EAC director

In a May 20, 2005, press release, the Election Assistance Commission (EAC) announced the appointment of Tom Wilkey as the first executive director of the EAC. Wilkey assumed his duties June 20, 2005.

Wilkey has more than 30 years of experience in the field of elections. He has been with the New York State Board of Elections since 1985 and has served as executive director since 1992. He retired from that position in 2004. He is a charter member of the National Association of State Election Directors (NASSED) and is chair of NASSED's Voting Systems Board, which also oversees NASSED's Independent Testing Authority process.

EAC Chair Gracia Hillman and Vice Chairman Paul DeGregorio reported that the decision to appoint Wilkey was unanimous. The com-

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RON THORNBURGH Kansas Secretary of State

Dear Friends:

I am proud of the work that has been completed to this point on the Election Voter Information System (ELVIS). We have made great strides in a short amount of time. We have endured a couple of bumps along the way, but I am happy to say we are on target to complete this project on time.

The selection of Election Systems & Software (ES&S) as our new partner for the development of the centralized voter registration database required by the Help America Vote Act (HAVA) has helped us stay on target. Selected by the ELVIS evaluation team, ES&S will build the HAVA requirements drafted by the county election officers on the team and deliver a HAVA-compliant system that will be fully operational by the 2006 election cycle.

Designed by ES&S, ELVIS will serve as a centralized, statewide, real-time voter registration solution. ES&S's subcontractor in Kansas, InfiniTec, is the leading supplier of software and services to Kansas county governments.

In addition to CVR, ELVIS also is an election management system. After our December 1 letter, all 105 counties committed to use the fully-integrated ELVIS system, CVR *and* EMS. Those commitments are current and effective. We will continue to move forward with ELVIS. Conversion of the first pilot counties is scheduled for July. The next conversion will take place in August for the second group of pilot counties. After that, the remaining 90 counties will begin converting. Each county will receive training before the full implementation.

We are on target to make sure that, by the 2006 election, voting will be better for all Kansans.

Sincerely,

A stylized handwritten signature of Ron Thornburgh, featuring a large, bold letter 'R' with the name 'Ron' written in a smaller, cursive script below it.

RON THORNBURGH
Secretary of State

2005 Legislation

Summary of 2005 elections legislation

In 2005 the Secretary of State proposed four bills affecting election procedures. Although most of the legislation remained alive until the end of the legislative session, in the end none of the elections bills passed.

All the major elections bills were amended into Senate Bill 142, which became the vehicle for those bills and some campaign finance bills as well. The bill died in conference committee on the last day of the wrap-up session.

For informational purposes, following is a brief summary of the bill:

Senate Bill 142—Advance Ballot Security Bill

The bill would have:

- Required a voter to designate another person in writing if the voter wished to have the person deliver the voter's advance ballot to the mail box or to the election office.
- Required the CEO to check signatures on returned advance ballot envelopes and challenge those that did not match the voters' signatures on the registration.
- Required the CEO to make an effort to contact any voter whose advance ballot was challenged on the basis of the signature check.

Senate Bill 142 also contained:

- Senate Bill 132—Optical Scanning Equipment Certification Bill
This bill would have updated state laws governing the requirements of optical scanning systems.
- Senate Bill 143—Direct Recording Electronic (DRE) Equipment Certification Bill
This bill would have updated state laws governing the requirements of electronic voting systems and would have brought them into compliance with HAVA.
- Senate Bill 65—Campaign Finance Reporting Bill
This bill would have required electronic reporting of campaign contributions totaling \$300 during the 11-day period before each election.
- Senate Bill 67—Telephonic Campaign Finance Records
This bill would have required reporting by groups responsible for automated telephonic campaign messages.

Legislation that Passed

There were, however, a couple of bills related to elections that did pass:

House Bill 2478—Kansas Court of Appeals Judge Positions

Several years ago a law was passed to increase the size of the Kansas Court of Appeals from 10 to 14 members. House Bill 2478 was passed this year to delay creation of Positions 13 and 14. Under this legislation, Position 13 goes into effect in January 2007, and Position 14 goes into effect in January 2008. The judges appointed to these positions will face statewide retention elections after they have served their four-year terms.

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Vendor

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early voting (advance voting in Kansas), election worker training, voter database maintenance and petition validation.

The SOS and ES&S are working to install the system in Kansas by January 1, 2006, the HAVA deadline. With ES&S's experienced team, 15 pilot counties, 90 counties and the state all working together, ELVIS will be successfully implemented on time.

Legislation

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House Concurrent Resolution 5004—Recommending Revisions to NVRA

This concurrent resolution urges the U.S. Congress to amend the National Voter Registration Act of 1993 to reduce the cumbersome and expensive purging and confirmation mailing provisions. Passage of the resolution has no effect on Kansas law or on voter registration procedures unless Congress amends NVRA.

Second annual HAVA training held

On May 4, 2005, county election officers from all across the state headed to Salina for the KCCEOA Annual Conference. On Thursday, May 5, the Secretary of State's office presented the second annual HAVA training. Required by HAVA, the state must provide training to all election officers each year.

In 2004, the first year of training since the law mandated it, nearly 250 individuals from all 105 counties attended the day-and-a-half training. This year the training lasted one full day. A makeup session was held Friday, May 13, in Salina at the Kansas State University-Salina campus.

This year's turnout was very impressive with more than 190 county clerks and staff members in attendance, with several dozen more attending the makeup session. The training is not only a time to pass new information from the SOS to the counties but is a time when state and county officials can communicate and discuss real issues that face all those involved in running elections in Kansas.

This year's training covered a wide range of topics, including the record-breaking 2004 Presidential Election, the new ELECTION and Voter Information System (ELVIS) project and its status, voting equipment procurement project, second chance voting, federal services voting, polling place accessibility and many others.

Voting equipment manufacturers and vendors were invited to the conference as an opportunity to allow county election officers to familiarize themselves with the voting equipment options facing them as the time approaches for the procurement of HAVA-compliant electronic voting systems this fall.

Blue Suede News coming soon!

The third edition of the *Blue Suede News* hit the streets on June 1, 2005. *Blue Suede News* is a monthly newsletter designed to provide information about the ELVIS project.

The newsletter contains consistent sections, such as Featured Staff, which will help you to get better acquainted with SOS and ES&S staff members participating in the ELVIS project. Another section is the Upcoming Attractions section on the back. This section provides important dates that everyone should keep in mind. A new section that will be included for the first time in the June edition is Questions and Answers. In this section, questions counties have about ELVIS will be answered on a regular basis.

The Blue Suede News will be distributed to all 105 Kansas counties on a monthly basis. Please take some time to read it, as it is not only informative but includes some fun and interesting articles.

Director

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mission felt fortunate to find someone with the amount of experience and respect in the field of elections that Wilkey has.

The EAC was created by the Help America Vote Act of 2002 (HAVA). Many of the operations of the Office of Election Administration (OEA) in the Federal Election Commission were transferred to the new

EAC as a result of HAVA. With the transfer of the OEA, the principal duty of the FEC is to oversee federal campaign finance laws.

The EAC's press release announcing the appointment of Wilkey can be viewed online at http://www.eac.gov/news_052005.asp.

Planning for MEOC V underway

The dates and location are set and planning is underway for the four-state Midwest Election Officials Conference. The conference will be held Sunday, December 11, through the morning of Wednesday, December 14, at the Sheraton Hotel and Convention Center in Overland Park, Kansas. The Sheraton was the site for the annual November conference of the Kansas Association of Counties in 2003 and 2004.

The first MEOC was held in 1987. The interval for subsequent conferences was sporadic until a four-year interval was established in 1997, then 2001, and now 2005. It was held one other time in Kansas—at the Overland Park Marriott. Usually it has been in Kansas City, Missouri, at the Hyatt or Westin Crown Center.

The goal of MEOC has always been to bring a high-quality, national-caliber conference to the Midwest at an affordable rate to enable county election officers and their staffs to attend when their budgets and travel allowances might not permit attendance at conferences held in cities on the coasts.

MEOC presents an opportunity to meet colleagues in other states who have similar elections duties, renew old acquaintances, compare notes and discuss the issues and trends of the day. Also, it is an opportunity to explore Kansas City life during the holiday season.

The Secretary of State's office will distribute more detailed information about MEOC as it becomes available. Registration packets will be mailed and a Web site will be up and running in June.

