

CANVASSING KANSAS

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

Study group looks at the future of elections

There are always new ideas being considered to improve election administration in Kansas and elsewhere. In recent years, several have been tried to various degrees and a few have gained some adherence in Kansas. One example of this is vote by mail, which means conducting all elections by mail ballot. A number of Kansas county election officers have expressed interest in this option.

Last fall, Secretary of State Ron Thornburgh decided to appoint a study group to look at voting options and to provide him with input on the advantages and disadvantages of each. The impetus for the study group grew partly out of the discussion about vote by mail, but the mission Secretary Thornburgh gave the study group was to look at all options and provide input as to which are viable and/or preferred for Kansas. The name of the committee is the Study Group on the Future of Elections in Kansas.

Members were invited representing local government, political parties, academia and the disabilities community. They were selected for their knowledge, experience with the political process, and the perspectives of the organizations they represent.

A leading expert in the field of convenience voting, Prof. Paul Gronke of Reed College in Oregon, has participated in the study group's discussion. He has provided background reading materials and the ability to frame issues related to various voting options to guide the group's discussion.

The study group was set up for three meetings. Additional meetings could be held if the group needs or wants them. The first meeting was held Friday, January 23, 2009 in the Secretary of State's office. All 20 invitees either attended or were represented by designees. This meeting, which lasted approximately four hours, was spent considering some background and research materials to familiarize members with the issues at hand.

The second meeting was held Friday, February 20. All but two members were able to attend this time, and the meeting lasted almost

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May conference coming together

This year's Kansas County Clerks' and Election Officials Association (KCCEOA) conference will be held May 6-8 in Hutchinson at the Grand Prairie Hotel and Convention Center. The Secretary of State's office is currently putting together agenda items for Thursday, May 7.

A few possible items include: nursing home voting, future HAVA expenditures, rules for voter intent, canvassing, graphic design review of ballots and forms, ELVIS issues (including candidate module), all-mail ballot elections, MEOC, census, and legislation.

Our office is hoping to include outside speakers and county
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Get ready for MEOC VI

Initial planning has begun for the sixth quadrennial Midwest Election Officials Conference (MEOC). Secretary of State Ron Thornburgh hosted a conference call in December 2008 with secretaries of state in Iowa, Missouri and Nebraska to get their commitments to help organize the conference. All four secretaries are on board and have assigned staff to do the planning.

For those who have never attended MEOC, it is a regional conference intended to bring a high-level, national-caliber election conference to the backyards of county election officers in the four-state region. Some counties don't have travel budgets to support interstate travel to conferences held in coastal cities, so in the 1980s the four-state SOS offices decided to bring a conference to their area. All planning for MEOC is done with the goal of minimizing costs for maximum participation.

All MEOC conferences have been held in Kansas City in December. The first one was in 1987, and by 1997 a four-year interval was established with conferences following in 2001 and 2005. The dates for the 2009 MEOC are tentatively set for Sunday, December 6, through Wednesday, December 9, but those dates could change depending on the hotels' availability and schedules.

More details will follow and MEOC VI will be a topic for discussion at KCCEOA in May. We encourage all CEOs to mark their calendars and make tentative plans to attend. This will be a chance to hear about current issues in election administration, see the latest technology at vendor exhibits, and network with colleagues in other states. The greater the participation, the more valuable it is for everyone.

congratulations

In between Christmas and New Year's, Karen Brooks (Cowley County Clerk) and Dan Defore were united in marriage. The wedding ceremony took place in Las Vegas, Nevada – this being one of those rare occasions where “What happens in Vegas Stays in Vegas” does not apply!

Dan is the water superintendent for the city of Winfield and, along with his dad, owns an auction business. Dan has four children combined with Karen's three children to create a large, happy family. The family now resides on a farm outside of Winfield.

Our office wishes to extend a hearty congratulations to Karen and Dan!!!

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RON THORNBURGH
Kansas Secretary of State

Dear friends,

At the close of every election cycle, one of the most important things our office does is to look back at the election and examine what worked, what could use improvement, and what (if anything) should be scrapped within the entire process. At the end of this discussion, the conversation often turns to what the future of elections in Kansas will look like.

With that mind, we put together a task force made up of local and state election officials, political party leaders, scholars, disability advocates, and other interested parties and challenged them to explore some of the leading alternatives to the current system – options including mail ballot voting, internet voting, even vote-by-phone. Nothing was off the table, in hopes of garnering the best possible discussions and outcomes.

The group has met twice and has had some interesting (and often lively) debate regarding the integrity, security, and accessibility of these varied systems. While there have been some disagreements, I am encouraged by how passionate the members of the task force are about our state's elections, and specifically, how to engage more citizens in this process. As these meetings continue and eventually conclude, I am hopeful that we will have a recommendation that will play an important role in shaping the next several years (or decades) of election administration in Kansas.

Already, we have begun to address the changing needs of our voters, but I believe there is more that can be done. As we move away from an election day, to more of an election cycle, it is important that we consider where our citizens are during the day, rather than simply where they live. Satellite advance voting is an important step in that direction. Ultimately, the goal of any long-term planning is to increase the level of participation without sacrificing the level of uniformity and security we have in our current system. I believe we can successfully balance both.

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

Elections bills under consideration in 2009

The following is a list of elections bills that are being considered by the Kansas Legislature during the 2009 session. Election officers should monitor these bills' progress. The Secretary of State's office keeps track of them and sends a periodic update by e-mail to all county election officers. As of this writing, some of these bills have passed the first house, and some have not moved at all. Many will not ultimately become law this year. Interested persons may track any bill's progress online by going to www.kslegislature and typing the bill's number in the box titled "Track a Bill."

Senate Bills

SB 42—Proposed by the Senate Education Committee, this bill would change the order of offices on ballots by moving state board of education up from its current position after district attorney to a position after statewide offices, before state legislature.

SB 43—Proposed by the Senate Education Committee, this bill would raise the campaign contribution limits for state board of education candidates from \$500 to \$1,000 for each primary and general election.

SB 55—Proposed by the SOS and KCCEOA, this bill would allow UOCAVA (federal services) voters to vote on political party precinct committee positions in the August primary and on special question submitted elections whenever they are on the ballot. Federal services ballots would thus be the same as other voters' ballots.

SB 56—Proposed by the SOS, this is an advance voting mail ballot security bill similar to 2005 Senate Bill 142, 2006 House Bill 2281 and 2007 Senate Bill 159. It would: (1) prohibit people from signing ballot applications for voters, (2) require the voter to designate a person in writing if the voter wants the person to mail or deliver the ballot to the CEO, (3) require the designated ballot delivery person to sign a statement saying they delivered the ballot as instructed by the voter and did not exercise undue influence over the voter, and (4) require the delivery person to mail or deliver the ballot within 2 days.

SB 57—Proposed by the SOS, this bill deals with electronic campaign finance reports. A 2008 law requires last-minute reports to be filed during the 11-day "blackout" period before an election if contributions reach a threshold of \$300. They may be filed by hand delivery, express delivery service, fax or electronically. This bill would require them to be filed by fax or electronically, not by hand delivery or express delivery, so the SOS and GEC offices would not have to be open on weekends before elections.

SB 71—Proposed by the Senate Education Committee, this bill would require all groups formed to promote the passage or defeat of local question submitted elections to maintain detailed records of contributions and expenditures and to file reports with the CEO by the 8th day before the election.

SB 79—Proposed by the KCCEOA, this bill would move the candidate filing deadline from June 10 to May 10.

SB 80—This bill would amend the law governing elections to approve a 3rd class city's sale of electric, water or gas systems. Current law requires the sale to be approved by the "qualified electors of the city" and the bill would change it to "votes cast at the election."

SB 103—This bill would undo the 2008 law proposed by the KCCEOA to reduce the number of city/school spring primaries. It would return the language of the law to its 2007 language. Passage of SB 103 would mean the contradictory and confusing law passed in 2008 would be removed, but the KCCEOA's desire to reduce the number of primaries would not be met. The Senate committee chair has asked KCCEOA to submit amendments to SB 103 to accomplish its goals.

SB 117—This is a campaign finance/ethics bill that would require anyone who is subject to the Kansas

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Campaign Finance Act who distributes printed campaign materials to print on the materials the chairperson, treasurer or other party responsible for the materials. This is an enhancement to the “paid for by” attribution already required by law.

SB 118—This bill would require candidates for statewide offices to file their regular campaign finance reports electronically using the online electronic reporting system built by the SOS after a law passed in 2007. Statewide candidates would not have the option of filing their reports by fax, hand delivery or mail. This would not affect reports filed with CEOs.

SB 164—This bill would authorize cities, counties and school districts to designate their Internet web sites as official newspapers and publish legal notices on their web sites.

SB 171—This bill would authorize Sherman County to elect its county commissioners in at-large elections. It is similar to 2008 HB 2307.

SB 176—This bill would provide for members of the board of regents to be elected. There would be 9 regents—two per congressional district and one elected at-large on a statewide basis.

SB 186—This bill would require the governor and lieutenant governor to file a notice with the SOS if they resign. The governor would be authorized to appoint a new lieutenant governor, who would not take office until confirmed by the Senate.

SB 190—This bill would include definitions of various types of ballots in the voting equipment crime. Unauthorized possession of paper, optical scan and DRE ballots would be illegal in addition to unauthorized possession of voting equipment.

SB 191—This bill would require VVPATs, or voter verifiable paper audit trails, on all electronic (DRE) voting machines in Kansas. All existing DREs that do not have VVPATs would have to be retrofitted by January 1, 2010. The SOS would be prohibited from certifying any DREs without VVPATs, and no money from any source could be spent by the SOS on DREs that do not have VVPATs. The VVPATs would be the official record in case of a recount. The bill is similar to 2007 HB 2254.

SB 193—This bill would provide for an expedited election in case of a vacancy in the office of US Senator. It is very similar to 2007 SB 152.

SB 210—This bill would remove the authority to appoint election commissioners in counties of 130,000 population and give the authority to the respective county commissions.

SB 267—Proposed by the SOS, this bill would require each voter to provide ID each time they vote. Valid ID documents are those outlined in HAVA and currently used for first-time voters. Permanent advance voters would only need to provide ID once.

SB 268—This bill would allow UOCAVA (federal services) voters living abroad to apply for, receive and return their ballots by email in addition to the fax option. They would have to sign a waiver of secrecy, as they currently do with faxed ballots.

SCR 1602— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 (the resolution says the amendment would be voted on at the “general election in August, 2010” but it probably means November) if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would authorize the legislature to classify and tax watercraft on a basis different from other property.

SCR 1605— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would remove from the Kansas Constitution a clause saying the Legislature may, by law, exclude persons from voting due to mental illness.

SCR 1607— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would deal with the definition of public utility. The resolution is the same as HCR 5011.

SCR 1608— This concurrent resolution would cause a statewide special question on the ballot in No-

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vember, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would guarantee equal rights for men and women.

House Bills

HB 2031—This bill would require pending city annexations to be approved by the voters in a mail ballot election conducted by the county election officer. The city proposes the annexation to the county commission. If the commission approves it, the election is held by mail ballot. If a majority of the voters in the area to be annexed approve, the annexation is carried out.

HB 2066—Proposed by the SOS, this is a cleanup bill on voter registration and HAVA voter ID laws. It is similar to 2006 HB 2776 and 2007 HB 2173. It would not change current practice regarding voter registration or voter ID; rather it would bring state laws into compliance with the federal HAVA law. It would (1) clarify what constitutes valid ID, (2) clarify in several places that once a person shows valid ID, the person is not required to show it again, (3) codify in state law procedures for verifying VR records with DMV, Dept. of Corrections (felons) and Vital Statistics (deceased), (4) change the order of data items on the VR card to list driver's license 1st followed by last 4 social security digits instead of the reverse, and (5) resolve a discrepancy between 2 laws regarding the VR deadline before elections (1 law says the 14th day instead of the 15th).

HB 2077—This is a photo voter ID bill similar to 2007 SB 169 except that it does not include a requirement that applicants prove their citizenship at the time of voter registration. It would require voters to provide photo ID when voting and require the CEO to check IDs and signatures. It exempts certain groups from the ID requirements and allows persons receiving public assistance to receive free IDs from DMV

HB 2156—This bill would prohibit former members of the Kansas legislature from holding paid elective office in municipalities after they leave the legislature. The prohibition would be effective July 1, 2011.

HB 2193—This bill would remove the requirement that candidates for state offices file their campaign finance reports with the county election office. They would file their reports only with the SOS.

HB 2215—This bill would prohibit the use of public funds to pay for lobbying the legislature.

HB 2217—This bill would set limits on political phone calls, or robocalls.

HCR 5003—This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would provide for equal rights between the sexes and prohibit discrimination based on sex.

HCR 5005— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would abolish the requirement that federal census data be adjusted (by the SOS) to count military personnel and college students at their permanent residences for purposes of state redistricting.

HCR 5006— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would make the governor's appointments of Supreme Court justices subject to confirmation by the Kansas Senate. It would also alter the makeup of the Supreme Court nominating commission which supplies names to the governor from which the governor makes the appointments.

HCR 5010— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would establish a procedure for the governor to make appointments to fill vacancies in all statewide executive offices, including lieutenant governor, attorney general, secretary of state, state treasurer and commissioner of insurance. The appointment power would extend to cases of disability of any officer. The amendment includes a procedure for determining disability.

HCR 5011— This concurrent resolution would cause a statewide special question on the ballot in November, 2010 if the resolution is passed by a 2/3 vote in each house of the Kansas legislature. The amendment would authorize the legislature to define public utility for property tax purposes. The resolution is the same as SCR 1607.

Managing the 2009 Spring elections



Every four years, one of the first things encountered by newly-elected county clerks is the Spring elections for city offices, local school boards and boards of trustees for community colleges. This year, 14 new county clerks took their oaths of office on January 12 and were immediately faced with a candidate filing deadline on January 27. This was followed by primary elections on March 3 in many areas and the general election on April 7. New county election officers seem to do a good job managing their first elections after seeking advice from their neighboring county election officers and from information provided by the Secretary of State's office.

The KCCEOA organizes a training program for new county clerks early in the first year of their terms, and the Secretary of State's office is always invited to make a presentation on elections at that session. The training was held February 19 and 20 in Topeka. The first topic covered by Ron Thornburgh and SOS staff at the February 19 session was Spring elections, recognizing the immediate impact of the elections on new county clerks.

For the most part, the 2009 Spring elections are the same as they have been in past years. There are always questions about incompatibility of office, conflicts of interest and questions associated with the non-partisan nature of these elections.

One unique aspect of this year's Spring elections is the confusion resulting from a law that was passed in 2008 intended to reduce the number of expensive primary elections. The KCCEOA proposed legislation in 2008 to increase the number of candidates required to file before triggering a primary in a given jurisdiction, thereby decreasing the number of primaries. But after the bill was amended during the legislative process, the law contained some contradictory language that made it unclear how many candidates would be carried forward to the general election if a primary is held.

The Secretary of State's office issued a policy statement in an attempt to clarify the law, deferring to county counselors/attorneys if they gave the election officers different interpretations. The KCCEOA and the SOS office coordinated to offer legislation in February to eliminate the contradictory language and to preserve the 2008 amendments that reduced the number of primaries. That legislation is pending as of this writing.

Training prepares new clerks for job

On February 19 and 20, 24 new county clerks and staff attended county clerk training for newly elected county clerks in Topeka. The first day, Ron Thornburgh, Brad Bryant, Bryan Caskey and Diane Minear conducted several hours of training on various aspects of elections. Topics included HAVA, NVRA, city elections, legal resources, and communication. Later in the afternoon on February 19, Jamie Shew, Douglas County Clerk, Libby Ensley, Shawnee County Election Commissioner, and Don Merriman, Saline County Clerk, hosted a roundtable discussion on how to prepare for elections as a new county clerk.

Friday's sessions included a presentation by Vicki Lignitz and Peggy Huard of the Division of Property Valuation. This was followed by a report from Mark Handshy, Division of Accounts and Reports and then a discussion led by Michael Smith, from the Attorney General's office, on open meetings and open records.

The two-day training concluded with a round table discussion involving several "experienced" county clerks. A good conference was conducted with a lot of helpful information shared among the attending clerks.

Study group

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six hours. Many topics were freely discussed, leading to disagreements and, often, consensus. Three main points resulted from the meeting: 1) the study group identified a set of guiding principles for considering future voting options, 2) it settled on a list of factors to consider in assessing the advantages of each option, and 3) it finalized the list of options that should be considered for future elections.

The three concepts agreed on by the study group members are as follows:

Guiding Principles

Participation—What system will achieve the greatest voter participation?

Accuracy—What system will produce the most accurate results?

Security—Do some systems provide greater security of a ballot?

Access (convenience & accessibility)—What systems provide greater access? This principle includes two perspectives: convenience of the voter in obtaining and voting a ballot, and accessibility in the sense of serving voters with disabilities.

Equity—What systems are best at providing equal protection and treating various voters and groups equally?

Factors to Consider

Feasibility—Is a particular voting option workable or would it require insurmountable change?

Effect on voters—Will a particular option promote participation or discourage it? Will voters like it?

Effect on groups represented on the study group—How will a particular voting option affect parties, election administrators, local governmental units, voters with disabilities, etc.?

Cost—Are some options more expensive than others? Will some options save money over the current system?

Advantages / Disadvantages—Considering the advantages and disadvantages, or pros and cons, of a particular option, what is the balance? Does a particular option have more disadvantages than advantages, or are its advantages so great that its disadvantages are insignificant?

Options for the Future

Vote by Mail—Every voter is automatically mailed a ballot every election.

Vote Centers—Polling places are set up around the county, but voters aren't required to vote at an assigned place where they're registered. They can vote at the most convenient site.

Expand Advance Voting—Make advance voting more convenient by implementing ideas such as no-excuse permanent advance voting and incentives for more counties to conduct satellite advance voting.

Telephone Voting—Some states use this to comply with the HAVA mandate for voters with disabilities. Voters go to a site, record their votes via a

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E-Motor Voter getting better

The electronic motor-voter program launched in late August 2008 is now a regular part of the voter registration process in Kansas and a normal part of the data encountered by registrars in county election offices as they access the Agency Central function in the ELVIS voter registration system. Some needed enhancements were identified during the first few months of the system's operation in the fall of 2008, and those have mostly been completed. There is very little change noticeable to applicants.

The e-motor voter system has removed almost all paper from the Division of Motor Vehicles' voter registration system and has automated the transfer of registration records to election officers.

As reported in the prior issue of this newsletter (see *Canvassing Kansas*, December 2008, page 7) the e-motor voter program is being improved to include an online voter registration program. This program will allow any person who has a valid Kansas driver's license to go to the Secretary of State's Web site and register to vote online. The applicant's signature from the driver's license file at the DMV is attached to the registration data provided by the applicant and transferred to the CEO through Agency Central. It was originally hoped that the online voter registration program would be implemented in December 2008 or

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Study group

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telephone key pad, and a ballot is printed for scanning or hand-counting.

Internet Voting—Voting via the Internet from voters' personal computers with some type of secure voter verification.

Status Quo—Continuing the present system for the foreseeable future, with polling places on election day and advance voting in person or by mail at the voter's choice.

At the third meeting, tentatively scheduled for mid-April, the study group members will be offered opportunities to complete a grid where they rate each option based on the guiding principles and factors, speak as an advocate for one or more options, speak as an opponent of one or more options, and submit written comments. It is expected that a written summary of the discussions will be provided after the study group completes its work.

The members of the study group are:

Representing local government:

Dennis Kriesel	Kansas Association of Counties
Moji Fanimokun	League of Kansas Municipalities
Jim Edwards	Kansas Association of School Boards
Bob Newsome	Riley County

Representing election offices

Stacia Long	Seward County Election Officer
Shane Shields	Sumner County Election Officer
Karen Defore	Cowley County Election Officer
Brian Newby	Johnson County Election Officer

Representing academics

Bob Beatty	Washburn University
Joe Aistrup	Kansas State University
Paul Gronke	Reed College, Oregon

Representing political parties

Kris Kobach	Kansas Republican Party
Kenny Johnston	Kansas Democratic Party
Rob Hodgkinson	Kansas Libertarian Party

Representing disabilities organizations

Martha Gabehart	Kansas Commission on Disability Concerns
Anthony Fadale	Kansas ADA Coordinator
Michael Byington	Kansas Association for the Blind and Visually Impaired

Representing political consulting

Earl Glynn	Consultant
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The Secretary of State's office plans to report further on the study group's activities at the KCCEOA conference in May.

Newest developments concerning HAVA

Here are some of the latest developments regarding HAVA and the implementation of that program:

ELVIS Workstation Payments –

We are pleased to report we've received ELVIS workstation payments from nearly every county before the February 23 deadline! We appreciate your promptness in payment and would like to say thank you! If you have not submitted payment please do so as soon as possible.

ELVIS Training –

In February, our office organized new user ELVIS training for newly elected county election officials. We held two training sessions, one in Topeka and a second in Dodge City.

It is our goal to organize additional regional ELVIS training, for both new users and a refresher for current users, later this year that will be made available to everyone. As soon as a plan is in place, ES&S will be contacting counties with more details.

EAC Data Survey –

After compiling the county data submitted to the SOS office in the 2008 post-election report, the Election Day Survey required by the U.S. Election Assistance Commission (EAC) was completed.

COUNTIES - Thank you for your diligence and hard work in completing the post-election report. We understand the level of difficulty and confusion in some of the questions being asked. In turn, we have shared your thoughts with the EAC in hopes to improve the survey in the future.

HAVA Endowment Money –

Last year, Secretary Thornburgh appointed the Ballot Programming Task Force to research ways to reduce the programming (audio) charges counties were undergoing. Based on the results, Secretary Thornburgh offered a list of approved programming software/hardware items to all counties, covering most of the purchase costs.

This year's HAVA budget includes an endowment program with limited funds available to spend on a list of approved items. Last year, funds were limited to ballot programming and this year the list of items is being expanded. Approved items include: voting equipment hardware/software (including ballot programming), electronic poll books, ballot on demand and expenses in complying with voting equipment security policy.

There are plans currently being developed to distribute additional information regarding the endowment program, including an order request form, deadlines and percentage responsible by county (each county will be responsible for a percent of payment for each request).

As soon as this plan is complete, all needed information will be e-mailed to all counties. Also, pending legislative approval of the budget, the endowment program will be included in next year's HAVA budget.

May conference

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include outside speakers and county election officers during our presentation to provide different perspectives on some agenda items.

If you have any additional agenda suggestions please submit them to Craig Bourne at craigb@kssos.org. We will do our best to include all suggested items during our presentation!

Improvements

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January 2009, but some delays in the final programming and testing procedures have pushed it back.

The system will be ready for implementation in the very near future, and CEOs will be notified when that happens.