

# CANVASSING KANSAS

An update on election news from the Kansas Secretary of State's office

## Thornburgh resigns

Kansas Secretary of State Ron Thornburgh resigned unexpectedly in February. Thornburgh submitted his resignation letter to Governor Mark Parkinson February 8, effective February 15. He announced plans to accept a job with the National Information Consortium (NIC) based in Olathe, Kansas. NIC is the parent company of [kansas.gov](http://kansas.gov), [nebraska.gov](http://nebraska.gov) and other state government Web portals.

Thornburgh was first elected in 1994 and was subsequently re-elected in 1998, 2002 and 2006. The seat is up for election in 2010. He has worked in the Secretary of State's office since the mid-1980s, starting as a college student intern in the mail room, eventually rising to full-time status and the position of Deputy Assistant Secretary of State for Elections and Legislative Matters. He left the elections position in 1992, becoming Assistant Secretary of State prior to beginning his campaign for election in 1994.

According to Article 1, Section 11 of the Kansas Constitution, the Governor appoints a person to fill the vacancy for the remainder of the term. As of this writing, the appointment has not been announced.

Thornburgh was an integral part of the election administration process in Kansas for more than 20 years, and his experience and cooperative attitude will be missed by all the election officers who know him.

## New law for 2010 election

This year, Kansas joins the ranks of states that have statutory procedures in place to facilitate voting by a group of voters that often has difficulty getting to the polls: the elderly and disabled. A 2008 law is in effect for the 2010 election that would authorize the county election officer to send mobile election boards to nursing homes, assisted living facilities and long-term care facilities. The law is optional in several aspects: it is optional for the CEO to conduct mobile polling, it is optional for each facility to participate, and it is optional for the residents in the facilities to participate. The residents still have their regular options of voting at the polls on election day, by advance ballot or by permanent advance ballot.

The Secretary of State's office will provide each CEO with a list of facilities in the county that meet the definitions in the law. A Guide for

*Please see **NEW LAW**, page 10*

## March 2010 inside

- 1 Thornburgh resigns
- 1 New law for 2010 election
- 1 Elections underway
- 2 Congratulations
- 2 The HAVA report
- 3 Australians visit SOS office
- 4 Legislation 2010
- 6 MEOC VI held in Overland Park
- 9 Voter list efforts combine in 2010
- 10 Couple convicted of interstate double voting
- 11 MOVE compliance in the works

## Elections underway

Once again, election officials find themselves at the beginning of a busy election cycle. Some county election officers are already in the middle of election season if they have city primaries and general elections this spring. Once the spring elections are over, it will be time to head straight into the fall elections.

As always, the first major event is the candidate filing deadline happening at noon on Thursday, June 10, followed by the primary August 3 and the general election November 2. So far, the candidate filings in the Secretary of State's office for state and national offices have been slightly ahead of past years, but it's impossible to tell how the final numbers will turn out

*Please see **ELECTIONS**, page 9*

# congratulations

**B**ryan Caskey, long-time elections administrative assistant for the SOS office, married Mindi Kohake, audit administrator for the SOS office, on Sunday, February 7, 2010 in Ireland at the Ashford Castle.

The Ashford Castle is located in Western Ireland, North of Galway. Ashford Castle was built in 1228 and once was the home of the Guinness Family.

The couple spent six days in beautiful Ireland before returning home to Topeka.

Bryan and Mindi met at the Secretary of State's office more than three years ago. They are currently living in central Topeka. They celebrated their union with close family and friends February 27, 2010 with a reception in Topeka. CONGRATULATIONS and BEST WISHES!

## The HAVA report

### HAVA Endowment Update

We have finalized all 2009 endowment requests and have placed orders with our vendors. Participating counties should begin to receive their requested items soon. Our office is currently working with each vendor to organize regional training and as soon as a plan is in place those who requested training will be contacted. Please remember to review any agreements and invoices you receive. If you have any questions, please contact Craig Bourne at (785) 296-0080.

Beginning this Spring we, plan to launch the 2010 HAVA endowment program. As in the past, we have a limited amount of HAVA funds in our budget that will be used to cover a percentage of each approved item requested. All items found on the 2009 endowment request form will again be made available. If you would like to request an item be added to the request form, please e-mail Craig Bourne at [craigb@kssos.org](mailto:craigb@kssos.org).

### 2010 ELVIS Workstation Payment

We are pleased to report we've received ELVIS workstation payments from most counties before the March 12 deadline! We appreciate your promptness in payment and would like to say thank you! If you have not yet submitted your payment please remember to do so.

### Candidate Declaration of Intent – Pronunciation Guide

As candidates file for office, please remember to use the phonetic pronunciation key for names that may be questionable. This will be helpful when creating the audio files as it is important the candidate's name is correctly pronounced.

## CANVASSING KANSAS

Published by  
the Secretary of State's office

Memorial Hall  
120 SW 10th Ave.  
Topeka, KS 66612-1594  
(785) 296-4564

Editor  
Jodi Spindler

Layout and Design  
Jodi Spindler

Contributing Writers  
Craig Bourne  
Brad Bryant  
Bryan Caskey

If you have any suggestions or  
comments about this or future issues,  
please call (785) 368-8095.

Copyright 2010  
Kansas Secretary of State

This publication may be duplicated for  
informational purposes only. No written  
permission is required with the  
exception of articles or information  
attributed to a source other than the  
Office of the Kansas Secretary of State.

Please see **HAVA**, page 3

# Australians visit SOS office

The Kansas Secretary of State's office hosted two federal election officials from the Australian Electoral Commission December 10, 2009. The purpose of the visit was to observe a demonstration of the online voter registration program implemented in July 2009. The online registration system was implemented as an enhancement to the electronic motor-voter system jointly designed by the Secretary of State's office and the Division of Motor Vehicles in August 2008.

The online voter registration system was the subject of an article in the July 6, 2009 issue of Election Administration Reports, a well-known publication devoted to election issues nationwide. The Australian Electoral Commission subscribes to the newsletter, and the article on Kansas attracted the attention of Paul Dacey, the deputy electoral commissioner at the AEC. He contacted the SOS election office by e-mail and asked if he could visit the office as they prepared to return to Australia after a visit to Phoenix for the Council on Governmental Ethics and Laws (COGEL) conference. COGEL coincided with the MEOC conference held December 6-9, 2009, in Overland Park.

Dacey was accompanied on his trip by Dezma Maxwell, manager of redistributions at the AEC. Maxwell explained that the concept of redistributions generally equates to what we in the United States refer to as reapportionment or redistricting.

The SOS IT department set up a demonstration of the online VR system, and afterward the Australians met with SOS elections staff to discuss the program and to compare American elections with Australian elections. Former Secretary of State Ron Thornburgh hosted Dacey and Maxwell for lunch.

SOS office staff members were pleased to have the opportunity to host the Australian visitors and excited to know that the online voter registration project was noticed in other places in the world. The chance to compare notes with other election officials is always a valuable opportunity.



Paul Dacey and Dezma Maxwell, enjoying their visit to Kansas Secretary of State's office, stop for a picture with former SOS Ron Thornburgh.

---

## HAVA

from page 2

### KCCEOA May Training

This year's Kansas County Clerks and Election Officials Association (KCCEOA) conference will be held May 4-7 in Topeka, KS at the Holiday Inn. The Secretary of State's office is currently putting together agenda items for Thursday, May 6.

A few possible items include: canvassing procedures, graphic design update, mobile polling program, and satellite advance voting.

Similar to the past few years, our office is hoping to include outside speakers on some agenda items.

# Elections bills under consideration in 2010

There are a number of bills affecting elections, ethics and campaign finance in the 2010 legislative session. Following is a summary of the bills introduced this year that the KCCEOA's election committee and the office of the Secretary of State are monitoring. Some were proposed by KCCEOA and/or the Secretary of State's office.

There are other bills held over from 2009 that can be worked in the 2010 session as well. Those bills are included along with the 2010 bills in a periodic update sent to all CEOs via e-mail.

The KCCEOA committee, chaired by Allen County Clerk Sherrie Riebel, met at the Midwest Election Officials Conference December 6, 2009, to finalize its agenda. The committee meets via conference call monthly to monitor progress.

## 2010 Senate Bills

**SB 418**—This bill would require campaign finance reports from groups that engage in electioneering communications as third parties (so-called “527 groups”) attempting to affect Kansas elections.

**SB 419**—Proposed by the KCCEOA, this bill would require all candidates for city offices to file with the county election officer. No city candidates would file with the city clerk.

**SB 420**—Proposed by the KCCEOA, this bill would move the filing deadline for candidates for extension council boards of directors from the Wednesday following the Tuesday five weeks before the April general election to the Tuesday 10 weeks before the April election, to coincide with city/school board/community college filing deadlines.

**SB 421**—Proposed by the SOS, this bill would raise the penalty for the crime of illegal voting from a class A misdemeanor to a security level 9, nonperson felony.

**SB 422**—Proposed by the KCCEOA, this bill would reduce the number of spring primaries for city/school board/community college board of trustees positions. The bill would clean up the confusing language in the 2008 law and maintain the intent of the 2008 law, which raises by one the number of candidates that trigger a primary. If three candidates file for a position, there would be no primary and all three names would be on the general ballot. If four or more candidates file, there would be a primary and the top two candidates would move on to the general.

**SB 423**—This bill would allow candidates for offices covered by the Campaign Finance Act to transfer unused funds from one campaign account to another.

**SB 426**—Proposed by the SOS, this is a bill to make voting easier for UOCAVA (overseas federal services) voters and comply with the 2009 federal MOVE Act (Military and Overseas Voter Empowerment). It incorporates 2009 SB 268 and 2009 SB 55. It would allow UOCAVA voters to choose to receive all voting information electronically, submit their FPCAs (ballot applications) electronically, and receive and return their ballots by email or other electronic means. It provides a full ballot for UOCAVA voters so their ballots would no longer exclude local special elections and precinct committee positions.

**SB 443**—This bill would raise the individual campaign contribution limit to candidates for state board of education from \$500 to \$1,000.

**SB 466**—Proposed by the SOS, this is an election security bill. It incorporates (1) voter ID for every voter every election, similar to 2009 SB 267, (2) security for advance ballots by mail, similar to 2009 SB 56, and (3) clarification of what constitutes valid ID documents and codification of HAVA voter registration verification procedures, similar to 2009 HB 2066.

**SB 542**—This bill is the same as HB 2654. It would move elections held in the spring of odd-numbered years to coincide with elections in August and November of even-numbered years.

**SCR 1622**— 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 “mental illness” as a basis for the legislature to deny the right to vote.

**SCR 1626**— 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 add a new Article 16 to the Kansas Constitution titled the Health Care Freedom Amendment guaranteeing the right of Kansans to provide for their health care.

**SCR 1627**—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 create a budget stabilization fund in the state treasury beginning July 1, 2011.

## 2010 House Bills

**HB 2256**— This bill would allow persons 14-to-17-years-old to pre-register to vote. The SOS would be required to coordinate with DMV in the design of a separate voter registration application form for underage voters, and state and county election officers would be prohibited from providing names of pre-registered persons to the public. When a pre-registered voter becomes 18 years old, the CEO would notify the person that their name has been moved to the active voter registration list. The provisions of the law would expire July 1, 2014 unless extended by the legislature.

**HB 2562**— Proposed by the KCOA, this bill would reduce the number of newspapers required for various county officials if they published the notices on web sites.

**HB 2635**—This bill would take the process of drawing congressional and state legislative districts from the legislature and assign it to the Legislative Research Department with assistance from a 5-member redistricting commission. A redistricting plan would be presented to the legislature for an up-or-down vote with the opportunity for amendment.

**HB 2654**—This bill would move elections for cities, school boards, community college boards of trustees and water districts and drainage districts from the spring of odd-numbered years to the fall of even-numbered years.

**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 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 5029**— 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 repeal the adjustment of the federal census figures, conducted by the SOS, in preparation for the redistricting process each decade. The resolution is similar to 2009 HCR 5006, but it applies to the adjustments of only military personnel, not college students.

**HCR 5032**—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, referred to as the Health Care Freedom Amendment, would constitutionally preserve the right and freedom of Kansans to provide for their health care.

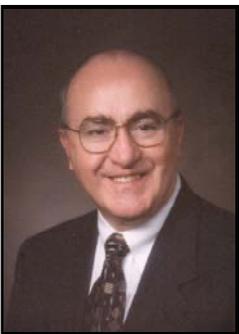
# MEOC VI held in Overland Park



2009 host Secretaries for MEOC were:



Missouri Secretary of State  
Robin Carnahan



Nebraska Secretary of State  
John Gale



Iowa Secretary of State  
Michael A. Mauro



Former Kansas Secretary of State  
Ron Thornburgh

The sixth Midwest Election Officials Conference was held at the Overland Park Marriott Hotel from Sunday, December 6 through Wednesday, December 9. The responses from conference attendees indicated it was a rousing success. One measure of its success was the number of attendees—more than 250 county election office personnel registered for MEOC, which was more than in MEOC V in 2005 and about the same as MEOC IV in 2001. Given the tightness of government budgets and widespread travel restrictions, this was a great turnout.

We did not have complete cooperation from Mother Nature. A winter storm with snow and ice affected major portions of the MEOC area and prevented a few people from attending. Also, some had to leave the conference early to beat the deteriorating travel conditions. There were others who extended their stay an extra day to allow highway crews time to clear the roads. The Marriott graciously allowed an extra night at the conference room rate for those who needed to stay over.

MEOC was formed in the late 1980s when the secretaries of state in Iowa, Kansas, Missouri and Nebraska decided to organize a national-caliber conference for election officials in the four-state area whose travel budgets sometimes don't allow them to attend conferences held in cities on the coasts. The secretaries agreed that if the conference could be brought to the heartland and the expenses held as low as possible, election officials in the counties would attend. Their vision has proved to be correct. The first five MEOCs were in 1989, 1991, 1997, 2001 and 2005. Since 1997, the conference has settled into a four-year interval.

After opening remarks at the general session on Monday morning, December 7, the four secretaries traveled across town to the National World War I Museum in Kansas City, Missouri, to hold a press conference to announce their support for the MOVE Act recently passed by Congress. MOVE (Military and Overseas Voter Empowerment) will facilitate the voting process for overseas voters who qualify to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act. It will lengthen ballot distribution periods in many states, ease the process of applying for and receiving ballots, and allow the process to be done electronically through e-mail or secure Web sites.

During the conference there were presentations on various aspects of the election process, including the following:

The Minnesota Election '08: A Personal RECOUNTing—Gary Poser, Minnesota state Election Director, gave his account of the highly publicized recount in the 2008 U.S. Senate race between Norm Coleman and Al Franken.

Accessible Elections-Polling Places and Beyond—Kern Walden of Inclusion Solutions discussed real-life accessibility issues and explained methods for making polling places and other aspects of the voting process more accessible.

Will Change Never Stop? What's Coming Next?—Doug Lewis of The Election Center in Houston discussed change brought about in recent years through federal legislation and other factors, and gave a rundown of possible future federal legislation.

Early Voting—Bruce Sherbet, Election Administrator for Dallas County,

Please see **MEOC**, page 7  
Canvassing Kansas

Texas, has conducted early voting for more than 20 years. He presented a fact-filled discussion of tips and tricks for effective administration of voting before election day.

Election Reform Legislation Pending and Passed in the 111th Congress—Leslie Reynolds, executive director of the National Association of Secretaries of State, updated conference attendees on significant issues being discussed in Congress and how they might affect election administrators at the local and state levels.

Media: Friend or Foe?—Roy Criss, public relations manager and spokesman for the Des Moines International Airport, used his experience as a member of the media to provide advice on how best to handle media relations.

Digital Technology and Changing Media—Media consultant David Brazeal and KU Law Professor Mike Kautsch provided insight on the effect of new technology—Twitter, Facebook, and other social networks—on traditional media.

The 2010 Census: It's in Our Hands—Todd Wiltgen, government partnership specialist with the U.S. Census Bureau's Regional Office in Kansas City, gave an overview of the census and discussed the challenges of taking the decennial census.

Dementia and Voting Rights—Kelly Loeb, outreach coordinator for the Alzheimer's Association, gave an entertaining talk about the types and effects of dementia, including Alzheimer's disease and other forms of cognitive impairment and their possible effects on voters' ability to cast their ballots.

Military and Overseas Voting: New Law, New Program, New Vision—Scott Weidmann of the Federal Voting Assistance Program discussed the provisions of the Uniformed and Overseas Citizens Absentee Voting Act as well as the new Military and Overseas Voter Empowerment (MOVE) Act and their anticipated effects on election administrators.

Managing the Rising Costs of Elections—This was a panel discussion made up of one county election administrator from each state. Jamie Shew, Douglas County clerk, was the Kansas representative. The panelists gave four varied approaches to controlling costs and doing more with less. During his part, Jamie Shew gave his listeners a new perspective on elections budgets and explained his concept of budgeting by "thinking widgets."

Elections in 2010 and Beyond: The View from the Pew Center on the States—Doug Chapin, who started the popular elections news Web site known as electionline.org and who now works with the Pew Center, discussed current and future initiatives Pew is working on as part of its Make Voting Work program. Pew has funded many studies and has provided funding to states to foster creative ways to improve the election administration process.

Other speakers were invited to MEOC for the purpose of providing motivational and personal enrichment messages:

Steve Siemens, "Mr. People Builder," gave an amusing talk during the Monday general session entitled "Don't Die Until You're Dead." Steve teaches people how to add enthusiasm to their lives and jobs and how to die young as late as possible. He also presented a breakout session on "Team Work Makes the Dream Work."

Bob Priddy, historian and newsman from Missouri, was the after-dinner speaker at Tuesday night's banquet. Bob used his unique perspective and sense of humor to give insight into relationships between the four states in his talk entitled "Border Wars and Border Friendships."

The final general session on Wednesday morning closed with a bang as Jeff Havens gave his hilarious, reverse-psychology advice on how to "Uncrapify Your Life."

The Tuesday evening banquet featured a first for a MEOC conference when the Washington, DC-based Capitol Steps spent an hour poking satirical and humorous fun at well-known political figures. The Steps, some of whom are former Capitol Hill staffers, rewrite the lyrics to popular songs and perform them in a no-holds-barred fashion that kept audiences rolling in the aisles. Their motto is: "We put the MOCK in Democracy!"

It would be impossible to have a conference like MEOC without the organizations that contribute their resources to support it.

MEOC recognizes them with titles indicating their levels of support, the highest being Champion of

Democracy:

Election Systems & Software	Champion of Democracy
National Information Consortium	Supporter of Democracy
Anheuser Busch	Conference Sponsor
Henry M. Adkins & Son	Conference Sponsor
Iowa Developmental Disability Commission	Contributor
Inclusion Solutions	Contributor
A. Rifkin	Contributor
GEO Solutions	Contributor
infoUSA Government	Contributor
Decision Support	Contributor
Election Administrators	Contributor
Robis Elections, Inc. / AskED	Contributor
Everyone Counts	Contributor
Nebraska State Education Assn.	Contributor
Jackson Co., MO Board of Elections	Contributor

There were 10 vendors that also supported the conference with exhibitor booths:

A. Rifkin  
Decision Support  
Election Administrators, LLC  
Election Systems & Software  
Everyone Counts, Inc.  
GEOElections  
Henry M. Adkins & Son  
Inclusion Solutions  
infoUSA Government  
Robis Elections, Inc./AskED

The conference planners were pleased with the service provided by the Overland Park Marriott Hotel. The hotel offered a number of amenities that enhanced the experience both for the planners and the attendees, including a great room rate, free Internet service, free parking, a newly remodeled lobby, free cocktails at the Sunday night reception, exemplary service and attention to attendees' needs throughout the conference.

A variety of companies provided items for the goody bags received by each person registered for MEOC, and there were also dozens of door prizes for which drawings were held at various events during the conference.

The Kansas County Clerks and Election Officials Association presented each conference attendee with a tote bag as a "Welcome to Kansas" gesture. The bag featured an election theme and the flags of all four states. The gift was organized by KCCEOA officers and Don Merriman, Saline County clerk.

Former Kansas Secretary of State Ron Thornburgh is one of the few people who have attended all six MEOCs. At the conclusion of the 2009 conference he expressed his pleasure at how smoothly the conference went and at the quality of the sessions. He commended the members of KCCEOA for their strong showing at the conference.

Here is the attendance breakdown by state:

Iowa - 47  
Kansas - 101  
Missouri - 72  
Nebraska - 40



# Voter list efforts combined for 2010

Three parts of the comprehensive Kansas voter registration list maintenance program were timed to coincide with each other in 2010: (1) National Change of Address, or NCOA, (2) interstate voter registration crosscheck, and (3) temporary driver's license comparison. All three were conducted this year using data pulled from ELVIS on January 15, 2010.

NCOA is familiar to CEOs, having been instituted in the mid-1990s as a result of the National Voter Registration Act. The SOS office contracts with a private vendor licensed by the U.S. Postal Service to compare the statewide database against the Postal Service's change of address file. The results are posted on SOSIX. Each county must either participate in NCOA or conduct its own countywide mailing(s) to identify changes of address. NVRA requires confirmation notices to be sent to all registrants who appear to have moved.

The interstate crosscheck was conducted for the first time in 2006. It was repeated in 2007 and 2009, and an expanded version has been run in 2010. A data comparison was done in 2008, but the results were not sent to CEOs or processed in any way because the program was run too late in the year and the August primary election was approaching. NVRA requires list maintenance programs to be completed at least 90 days before any election. Unlike NCOA, it is optional for CEOs to process and act on the crosscheck information. One significant change was made in 2010 in the instructions for processing the crosscheck results: the CEO must mail a confirmation notice to each individual who appears, as a result of the crosscheck results, to have moved out of the state. There are certain exceptions to this, which are outlined in the instructions. The CEO should not cancel a registration record without sending a notice to the voter or comparing records between states to verify that two similar records do indeed represent the same person.

The third program, temporary driver's license (TDL) comparison, was run for the first time in 2009. Not all CEOs see the results of this program. In the TDL program, the SOS office obtains a list of temporary driver's license holders from the Division of Motor Vehicles and compares it to the statewide voter file to identify illegal registrations and, possibly, illegal votes. Any temporary driver's license holder who registers or votes has committed a crime because temporary licenses are issued only to non-U.S. citizens who are legally present in the United States for a temporary, defined period. Although their presence in the country is legal, it is not legal for them to register or vote because they are by definition not U.S. citizens. In 2009 there were more than 9,000 TDL records, and approximately 30 indicated a possible match in the voter file, with one person apparently casting a vote in 2009. These cases are referred to local prosecutors for investigation and possible prosecution. CEOs are notified only if some of the instances occur in their counties.

The three programs were conducted early in the year to avoid election season, and they were run in January to avoid confusion. CEOs receive information from all three programs at the same time of year, using the same date for the data, and have plenty of time to process the results before the busy election season begins.

## Elections

from page 1

this year. Very few of the candidates for statewide offices, all of which are up for election this year, have filed thus far.

In late 2009, the Secretary of State's office distributed candidate filing information and an election calendar to all county election offices. These documents are posted on the Web site as well.

It is important to keep in mind the filing locations for various offices. County and local candidates file with the county election office and national and state candidates must file with the Secretary of State. Democratic and Republican candidates for national and state offices who choose to file by fee accompanied by the Declaration of Intention (Form CD) may have their signatures attested in the county office to save a trip to Topeka, but they must

*Please see **Elections**, page 11*

# Couple convicted of interstate double voting

A Kansas couple was convicted in late 2009 of voting in both Kansas and Arizona. The U.S. Attorney's office in Kansas City, Kansas, received a complaint of a man and woman who voted in both Kansas and Arizona in November 2008. Information was exchanged between the states, and in the end Arizona officials pursued the case. The FBI in Arizona conducted an investigation, which included a subpoena of election records from the county election officer in Kansas where the individuals were registered to vote. The couple had voted advance ballots by mail in Kansas and voted at their polling place in Arizona.

The FBI referred the case to the U.S. Attorney's office in the District of Arizona, which filed charges. On November 24, 2009, the voters were each sentenced to one year probation and fined \$1,000 for voting twice in the 2008 presidential election. The judge sentenced the two as part of their conviction on a misdemeanor count of deprivation of rights under color of law.

These convictions came on the heels of a misdemeanor conviction, also in 2009, of a voter who voted in both Shawnee and Nemaha counties in 2004 (see *Canvassing Kansas*, December 2009, page 1). That instance was discovered through a comparison of voting records by Shawnee County Election Commissioner Elizabeth Ensley and Nemaha County Clerk Mary Kay Schultejan.

Another case involved three Kansas City-area individuals who voted in both Kansas and Missouri in November 2004. A reporter for the *Kansas City Star* obtained the statewide voter registration databases for Kansas and Missouri and discovered the double votes. The case was investigated by the FBI office in Missouri, and all three voters pled guilty.

The interstate comparison of voter registration records in which Kansas has participated since 2005 has produced some instances of possible double voting. A case involving a person who apparently voted in both Harvey County and Lyon County was referred to the county attorneys by the Secretary of State's office July 27, 2009. In that case, voting records indicated the voter had cast ballots in both counties for several elections, voting in advance by mail in one county and in person in the other.

In another case, the offices of Kansas Secretary of State Ron Thornburgh and Kentucky Secretary of State Trey Grayson collaborated in a joint referral to the U.S. Attorneys' offices in the two states July 14, 2009. The interstate crosscheck program indicated a person who had voted in both states in November 2008. Again, the person voted in advance by mail in one state and in person in the other.

The Kansas Secretary of State's office has worked in recent years to improve the collection of evidence of cases of illegal voting and to improve the routine of referring them to law enforcement agencies at the county, state or federal level for investigation and prosecution. The process also requires cooperation from county election officials who are often asked to provide records and to verify that voter history records are accurate. After all that work is done, some cases have been pursued and have resulted in convictions, while others are pending. The good news from these efforts is that very few cases of double voting or other types of illegal activities are found. The results show that elections are generally fair and above-board, but in the few cases where election crimes are exposed, the track record of obtaining convictions is improving.

---

## New Law

from page 1

---

Mobile Polling has also been produced with the assistance of a task force appointed by Secretary of State Ron Thornburgh in 2007.

Voting by persons with cognitive impairments or dementia is an area of growing interest among political scientists, and there is a perception that states need to adopt procedures to increase voting opportunities for these individuals, who have limited access to political information and limited mobility to get to the polls. They are reliant on others for the most basic necessities of life, and voting is an activity they are often interested in but unable to accomplish.

Mobile polling has two main benefits: (1) it increases opportunities for a group of voters that need them most, and (2) it reduces opportunities for coercion and intimidation of these vulnerable voters.

The American Bar Association's Commission on Law and Aging has emphasized voting by the elderly

*Please see **NEW LAW**, page 11*

# MOVE compliance in the works

The Kansas Secretary of State's office continues to plan for compliance with the federal MOVE (Military and Overseas Voter Empowerment) Act and to coordinate with other states, vendors and the federal government to bring about a smooth implementation process. The requirements of MOVE were detailed in a previous edition of this newsletter (see *Canvassing Kansas*, December 2009, page 4).

The SOS office is considering adding a Web page or enhancing existing pages and using the VoterView feature of ELVIS to facilitate the flow of information to overseas voters required by MOVE. Also, the office has initiated discussions with other states in an effort to coordinate the plan and, possibly, share the expense. The states involved in the discussions are those that have ES&S statewide voter registration databases: Alabama, Arizona, Arkansas, Kansas, Nebraska and New Mexico.

A number of private vendors have designed MOVE compliance software and services. Some have contacted the SOS office seeking individual opportunities to contract for services, but they also have an opportunity to bid on a federal contract. The Federal Voting Assistance Program, which has authority in overseas voting and has duties under MOVE, announced plans to issue a Request for Quotes to identify vendors that can provide the necessary services to states. According to the FVAP's plan, states would be allowed to choose vendors from the approved list.

Funding for MOVE expenses may come from two sources. First, states are authorized by MOVE to spend remaining HAVA funds. Second, there may be federal funding provided through federal agencies such as the FVAP or the Election Assistance Commission.

CEOs and the SOS office will soon begin planning for the 2010 primary and general elections, and the effects of MOVE need to be incorporated into those plans. The SOS office will keep CEOs informed as plans develop and as word comes from the federal government about the options for implementation.

---

## New Law

from page 10

and cognitively impaired in recent years and the commission has recommended that states adopt mobile polling procedures. The commission conducted a study of a limited mobile polling program in Vermont in 2008 and has expressed interest in conducting a similar study in Kansas in 2010. Ellen Klem, a staff attorney for the commission, approached the Secretary of State's office in 2009 with a plan for a study. Secretary Thornburgh approved the concept, and Ms. Klem applied for research funding from the Brookdale Foundation Group's Leadership in Aging Fellowship Program. As of this writing, the application for funding is pending. If the Commission on Law and Aging receives funding, Ms. Klem will coordinate with the Secretary of State's office to identify a handful of counties that plan to conduct mobile polling in 2010 to request their participation in the study.

The Secretary of State's office will provide more information to county election officers as it is available and will discuss the topic at the KCCEOA conference in May.

## Elections

from page 9

send the original documents and fees to the Secretary of State and the information must be received in the SOS office before the noon deadline on June 10. If these candidates file by petition, they must mail or deliver their original petition documents to the SOS office before the deadline. Some candidates will ask the CEO to mail their petitions or fees/Form CDs to the SOS office for them. The CEO may do so if they choose, but it is not recommended because they are taking on the responsibility for the candidate.

Kansas election officials did a superb job administering the election in 2008 amid predictions of record voter registration and turnout. Some national groups predicted the electoral system would not be able to handle the numbers and would fail, but this did not occur due to effective preparation and focus on the task at hand. This remains the goal for 2010.

Some of the themes to keep in mind this year are expansion of satellite advance voting and implementation of mobile polling at nursing homes (see *New law for 2010 election*, page 1, in this newsletter). Also, it appears there will be some competitive primaries for certain statewide and congressional offices, and close races can focus added attention on the election process.