

CANVASSING KANSAS

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

September 2005

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Voting equipment committees at work

Election officers across the state have been busy preparing for full deployment of the ELVIS system for many months now. The voter registration/election management system we call ELVIS is so large it has its own newsletter—*Blue Suede News*.

But another aspect of HAVA that looms large is the voting equipment procurement. During the last few months of 2005 and the first part of 2006, county election officers can expect to hear more about the acquisition of the HAVA compliant voting equipment, which will be as large as ELVIS in some ways, including total cost and total impact on the administration of future elections.

The planning and design phases of both the ELVIS project and the voting equipment procurement have taken similar routes. Both started with a work group consisting mostly of county election officers to design the requirements of the system and to write the request for proposal (RFP). Both then used a subset of the work group, called the evaluation committee, to analyze vendors' responses to the RFPs and decide which vendors to open contract negotiations. The work groups and the evaluation committees were heavily involved in policy decisions affecting how the SOS office implemented the programs.

According to state purchasing rules, any procurement that goes through the bid process must have a three-member procurement negotiating committee, or PNC, consisting of an agency representative, a representative from the Division of Purchases, and a representative from the Division of Information Systems and Communication (DISC). For both ELVIS and the voting equipment procurement, the SOS representative is Assistant Secretary of State Janet Chubb, the representative from Purchases is Bob Sachs, and the DISC representative is Carey Brown.

Purchasing guidelines also require an agency project sponsor. The ELVIS sponsor is Janet Chubb; for the voting equipment procurement the sponsor is Brad Bryant, election director. Also, a project manager is committed to each project from the

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Midwest Election Officials Conference - update

The plan for the 2005 Midwest Election Officials Conference is gradually taking shape. The conference will be December 11 – 14 at the Overland Park Sheraton Hotel and Convention Center. Conference registration is set at \$125 per person. You can book rooms by calling the hotel at 913-234-2100.

As of this writing, two popular speakers from past MEOC conferences have been booked for return appearances: Mark Mayfield and Juli Burney. Mayfield bills himself as the “corporate comedian,” and CEOs who attended MEOC in 1997 (eight years ago!) will remember the hilarious warmup talk he gave before the Tuesday night banquet. Juli Burney was the Wednesday morning general session speaker in 2001. Her talk was so entertaining that she has since been hired by county election officer associations, including the KCCOEA, to speak at their meetings. The MEOC planning committee thought that bringing Mark and Juli back for MEOC 2005 would be a drawing card for attendees.

The breakout sessions this year will include discussions of election fraud, graphic design of forms, youth voting programs such as Kids Voting, voting equipment guidelines, accessibility, and vote centers. We also are considering

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Visit us at the State Fair

The Secretary of State's office is sponsoring a booth at the 2005 Kansas State Fair in Hutchinson. This marks the 19th consecutive year that the SOS has attended the fair, which runs September 9-18. The volunteers in the booth are registering voters, handing out literature and pencils, selling Kansas flags and handing out ballots for the opinion poll. Last year, approximately 1,715 individuals participated in the opinion poll. State Fair attendees also have the option of registering for two 5' x 7' nylon Kansas flags that will be given away at the end of the fair.

The Kansas commemorative quarter is being introduced to the public by the Governor's office at the State Fair on September 9. Following the presentation, the quarter is going to be available in \$10 rolls for public purchase. Collectors' editions also will be available. The state coin was selected in April 2004 by Kansas high school students in an election conducted by the Secretary of State's office, the Department of Education and the Governor's office.

Colorado's Davidson is new EAC commissioner

President George Bush appointed Donetta Davidson, Colorado's Secretary of State, to fill a vacancy on the U.S. Election Assistance Commission. Bush nominated Davidson on July 21, the U.S. Senate confirmed her July 28, and the President then appointed her on August 3. Her formal swearing in was in late August.

Davidson is a former state election director from Colorado and a charter member of the National Association of State Election Directors. She also has county-level experience as an election administrator, and most recently served as Secretary of State. She fills the vacancy created by the resignation of DeForest B. "Buster" Soaries, Jr., who was one of the four original EAC commissioners and the first chairman. She joins current chairman Gracia Hillman and commissioners Ray Martinez and Paul DeGregorio on the EAC.

The EAC is a new federal agency created by the federal Help America Vote Act to administer federal payments to states, develop guidance to meet HAVA requirements, implement election administration improvements, adopt voluntary voting system guidelines, and serve as a national clearinghouse of information regarding election administration. Some of the EAC's functions were previously performed by the Office of Election Administration in the Federal Election Commission. The FEC maintains its oversight of federal campaign finance laws.

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RON THORNBURGH Kansas Secretary of State

Dear Friends:

It is hard to believe that my tenure in the Secretary of State's office is approaching 24 years. I have enjoyed serving during that time and value the many friendships and partnerships that have developed over the years.

The partnership I value most is with my county election friends. Some of you may remember when I first began working with county election officials in 1985. You raised me and took me under your wing when I was young and stupid! You taught me everything I needed to know about elections, integrity and public service. Twenty years later, we stand stronger than ever due to the partnerships and trust built during that time.

The year 2006 is fast approaching and that means a number of changes will take place with election administration. ELVIS will be fully implemented and new voting equipment will be installed statewide. We are still in the implementation phases on both of these important projects, and I want to reflect on our unique state and county partnership.

You have helped design, build and will eventually implement our new election system. County election officials have been involved in implementing HAVA requirements since the beginning. You have served on evaluation committees, selection committees, and workgroups and have spent countless hours at our request. You have participated in training and have given us invaluable direction and feedback. Your involvement and commitment will make our new election system stand above all of the rest.

I greatly value the many partnerships that have developed over the years. While I am grateful for our partnership, I am most proud of the great work being done for the Kansas taxpayer. Our election system is safe, fair and accurate because of our joint efforts. Thank you for helping to make HAVA implementation run smoothly, and I look forward to a continued partnership for many years to come.

Sincerely,

A handwritten signature in black ink that reads "Ron" in a stylized, cursive font.

RON THORNBURGH
Secretary of State

Saline county clerk participates in EAC standards board

One of the aspects of the Help America Vote Act (HAVA) that has not received much attention thus far is the Standards Board, which is one of several groups created by HAVA to perform specific functions. The groups are as follows:

Election Assistance Commission (EAC)—This is the four-member federal commission charged with the responsibilities of administering federal payments to states, providing information and guidance to the states on the administration of elections, and adopting voluntary voting system standards, (see article elsewhere in this newsletter).

EAC Standards Board—This board, along with the Board of Advisors, reviews the voluntary voting system guidelines and reports to the EAC. The voting system guidelines are voluntary standards for voting equipment. New or redesigned voting equipment and software must pass qualifications testing at the national level according to these standards. States are not statutorily required to follow the guidelines, but in reality few, if any, states will ignore them.

The Standards Board has 110 members. Fifty-five are state election officials in the 50 states, District of Columbia and four U.S. territories (Puerto Rico, Guam, American Samoa, and U.S. Virgin Islands), and the other 55 are county or local election officials, one in each state/district/territory. Kansas' state-level member is Secretary of State Ron Thornburgh. The county member is Saline County Clerk Don Merriman.

Board of Advisors—This board has 37 members representing such organizations as the Governors Association; National Conference of State Legislatures; Association of Secretaries of State; Association of State Election Directors; Association of Counties; Association of County Recorders, Election Administrators, and Clerks; Election Center; IACREOT; DOJ's Voting Rights Section of the Civil Rights Division; Federal voting Assistance Program; representatives of the fields of science and technology; and representatives of voting interest groups.

Technical Guidelines Development Committee (TGDC)—The TGDC is assigned the task of making recommendations to the executive director of the EAC on the development of the voting system guidelines. TGDC membership represents the National Institute of Standards and Technology, the Standards Board, Board of Advisors, Architectural and Transportation Barrier Compliance Board, American National Standards Institute, Institute of Electrical and Electronics Engineers, Association of State Election Directors, and "other persons with technical and scientific expertise relating to voting systems and voting equipment."

A special report by Don Merriman: At the meeting in February 2005 the members of the Standards Board were divided into three working groups: Bylaws, Executive Director Search, and Executive Board Selection Committee. During the meeting a draft of the Standards Board bylaws was completed, the Executive Committee was elected, and Executive Director Search questions were determined. We accomplished quite a bit of work in two days.

I served on the Executive Director Search Committee and reviewed 11 resumes and made a recommendation. The EAC then hired Thomas Wilkey as the executive director of the EAC. This was accomplished during the spring of 2005 (around our city-school primary and general elections). It was a very interesting task.

During the recently completed Standards Board meeting in Denver, Colorado, on August 24 and 25, we considered the draft of the VVSG (Voluntary Voting System Guidelines), a document of 420 pages. Also, we passed the bylaws for the Standards Board. Several resolutions were offered and debated for the VVSG. The guidelines (VVSG) were drafted by the EAC, the TGDC (Technical Guidelines Development Committee), and NIST (National Institute of Standards and Technology). The guidelines may be viewed on the EAC Web site (www.eac.gov), and public comment will be taken through September 30, 2005. The VVPAT (Voter Verified Paper Audit Trail) is discussed in detail in the VVSG. Currently, it is not mandated; however, at least 20 states have adopted statutes requiring the VVPAT.

Serving on the Standards Board is very interesting to say the least, but I am honored to be serving and representing local election officials from the state of Kansas.

Bill Gale reappointed

Sedgwick County election commissioner Bill Gale was recently reappointed by Secretary of State Ron Thornburgh. The appointment was made July 20, 2005. Gale had been appointed in November 2003 to fill the unexpired term of his predecessor, Marilyn Chapman, who had been election commissioner for more than 20 years. Gale's new term will be for four years.

Gale said: "It is indeed an honor to serve the Sedgwick County voters as election commissioner. I look forward to continuing to serve in the election field during these exciting and challenging times of change."

"Bill has done a nice job during the past two years," stated Ron Thornburgh. "It is a privilege to appoint him to a full four-year term as election commissioner."

Kansas Election Standards revised

The 2005 version of the Kansas Election Standards will soon be available. The standards were written in 2002 by SOS staff and a nine-member task force of county election officers. KCCEOA formally adopted the standards at their affiliate meeting at the Kansas Association of Counties fall conference in November 2002.

The standards have been revised annually since then to accommodate new laws, court decisions, occasional Attorney General opinions, and other changes in practice. The 2005 revisions represent the third year the standards have been revised since adoption.

This year's revisions include: a more detailed table of contents, addition of procedures for adopting 9-1-1 addressing in voter registration files, explanations of confirmation notice mailing procedures and procedures for processing changes of address, addition of a section on the Kansas Open Records Act, addition of sections on e-mailing ballot applications and ballots by federal services voters, and details about post-age payment in mail ballot elections.

The revised standards have been sent to the task force members for their review and comment. They will be proposed to the KCCEOA membership for adoption in November at the Kansas County Officers Association convention.

Two Kansas CEOs receive IACREOT awards

Kansas election officers were well represented at the July national conference of the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) held in New York. Of 10 awards, two were won by Kansans. Shawnee County Election Commissioner Elizabeth Ensley received the University of Missouri Chancellor's Advanced Certificate in Public Administration and Lyon County Clerk Karen Hartenbower received the Chancellor's Certificate in Public Administration.

IACREOT is committed to continuing education for public officials through the Chancellor's Certificate in Public Administration Program (CCPAP). University-level classes are offered at the conferences through the University of Missouri-St. Louis. CCPAP is designed to provide a background of the core principles of public service. It also is an excellent way for members to exchange ideas with other public officials.

Hartenbower reports that she took nine public administration courses at IACREOT meetings for several years and gave a presentation to more than 200 election officials on the subject of training older poll workers on new technology. Classes were taught by professors at the University of Missouri at St. Louis. Hartenbower said, "I feel it is very important that county clerks and election officials stay current with any issues facing their offices. I feel we never stop learning unless we are dead, and I am not ready for that yet! IACREOT offers many learning opportunities for its members to grow."

To receive her award, Ensley was required to take 20 courses. She has recently been serving as the education chair for IACREOT and was asked to serve another term. As chair, her duties include assisting the division directors in preparing the specific training within their fields, providing general education for the membership, and coordinating with the University of Missouri in preparing for CCPAP classes.

Brian Newby, Johnson County Election Commissioner, and Jamie Shew, Douglas County Clerk, also attended.

Postal regulations create questions

Several situations have arisen in both Kansas counties and at the national level that create questions regarding U.S. Postal Service regulations. These situations involve official election mailings, and in some cases confirmation mailings conducted pursuant to the National Voter Registration Act of 1993 (NVRA).

Election officials in many states have mailed NVRA confirmation notices at nonprofit postage rates for years. However, recently postal officials have informed election officials in some jurisdictions that such mailings no longer qualify for the nonprofit rate due to a “clarification” of postal regulations. A May, 2005 interpretation of Customer Support Ruling (CSR) PS-323, paragraph (1)(h) concludes that because confirmation notices contain “personal information” they do not qualify for nonprofit rates. According to the new interpretation, if a confirmation notice contains “personal information” it is disqualified from the nonprofit postage rate.

Postal authorities have informed Oregon election officials that they can qualify for nonprofit rates if they print a message on the confirmation cards encouraging people to vote or making some sort of “solicitation” to comply with the solicitation requirement of the rule. Oregon intends to appeal the interpretation to the Postal Service’s Pricing and Classification Center in New York.

The Election Center, a national nonprofit association of elections officials, has a standing Postal Task Force that has worked on a number of postal issues over the years since the NVRA was enacted. Doug Lewis, executive director of the Election Center, has said he intends to take this issue to the Task Force for consideration and possible discussion with the Postal Service.

Closer to home, some county election offices have been informed by local postal officials that undeliverable confirmation notices would be disposed of rather than returned to the election office. The notices needed to have “return service requested” printed on them in order to have them returned, and the election office would be charged additional postage to equal the first-class rate of 37 cents per piece. If the notices are originally mailed at the 37 cent rate, the return service is provided automatically. This effectively negates the nonprofit rate benefit and significantly increases the total postage costs of conducting confirmation mailings required by law.

Some county election offices had applied for the nonprofit permits as a result of information provided by the Secretary of State’s office at the KCCEO’s spring conference in May, 2005. That information was from Postal Service publications and the regional office in Topeka. More information will be disseminated as it is received.

Voting equipment

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SOS: for ELVIS it is Mary Hill, and for voting equipment it is Chad Sump. Both Mary and Chad work in the SOS IT (Information Technology) office.

Because of the complexity of these two projects, Secretary of State Thornburgh has appointed 10 member steering committees to oversee the various aspects of each project. The steering committees are composed solely of SOS employees and represent various offices in the agency: IT, budget, human resources, elections and communications. Most of the members of the ELVIS steering committee also are on the voting equipment steering committee. Both steering committees meet at least once weekly to discuss issues and recommend policy decisions to Secretary Thornburgh.

ELVIS has another very active and committed group: the 15 pilot counties. The pilot CEOs and their respective staffs have worked long and hard already to be the first to try each new aspect of ELVIS: data conversion, user acceptance testing, training, software installation, and the all-important Go Live date.

Thus far, the voting equipment procurement project has not been given a distinctive name like ELVIS. However, several acronyms have crept into our discussions: VEWG for Voting Equipment Work Group, VEEC for Voting Equipment Evaluation Committee, and VESC for Voting Equipment Steering Committee.

At this point, VEWG has completed its work, having designed the requirements of the procurement and written the RFP. VEEC is still active and will remain so for the next several months. VESC has begun weekly meetings within the SOS office and expects to be active well into 2006 as the voting equipment is purchased, tested, shipped to counties, and installed. There also will be training programs for county election staffs, who will then conduct or oversee training for their poll workers.

MEOC - continued

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conducting user group meetings for statewide voter registration systems. Nebraska and Kansas are installing ES&S software, and Missouri and Iowa are installing Saber’s product.

MEOC will kick off with a Sunday evening reception featuring, once again, Kansas City jazz and barbecue.

We are working hard to make MEOC a success once again, and we invite all county election officers to attend and bring as many of their staff members as possible. Watch your mail for registration information.