



CANVASSING KANSAS

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

September 2007

Data crosschecking expanding to other states

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Readers of this newsletter will recall the four states that are members of the Midwest Election Officials Conference—Iowa, Missouri, Nebraska and Kansas—initiated a program in late 2005 to share voter registration data across state lines to identify duplicate records. The program that started when the four secretaries of state signed the agreement in December 2005 has expanded to include 12 states. This makes the midwest region the national leader in data crosschecking.

After the agreement was signed at the 2005 MEOC, the election offices and information technology (IT) departments in the four SOS offices built the program for data crosschecking. The Iowa SOS IT department hosted the program, which ran for the first time in the summer of 2006. At that time the state of Minnesota joined, so actually five states were involved. The results of the crosscheck indicated approximately 15,000 records in the Kansas ELVIS database also existed in the other four states' databases. The matching records were sent to each county election officers (CEO) in Kansas for processing and cancellation of the duplicate records. Cancellation only occurs if (1) the CEO is certain the records represent the same person,

and (2) the Kansas record is the older record, meaning the record in the other state has a newer registration date.

The program was run again in August 2007, with South Dakota joining. Results are being sent to CEOs as they are received from the Iowa IT department.

Secretary of State Ron Thornburgh decided to expand the program by inviting the border states of Colorado and Oklahoma to form a new MEOC-style agreement and also invited Arkansas and Texas to join, forming a South Central United States region. All four states have agreed to participate, although Colorado will be delayed as it is in the process of installing its HAVA-compliant voter registration system. Also, New Mexico and Arizona have asked to join the South Central effort, making a total of six states joining Kansas in that effort. An agreement still needs to be signed and the program written before the crosschecking can begin. It is expected that the first South Central data crosscheck will occur in late fall 2007 or the spring of 2008. Either way, it is important to conduct the first crosscheck before the 2008 presidential election.

Secretary Thornburgh also intends to expand the programs to search for illegal double votes in addition to double registrations. To do that, the voter history fields need to be included when data is exchanged. So far the programs do not include this, but the Kansas SOS office intends to invite states to include this feature if they wish to do so.

Other regional crosscheck efforts have begun in the Northwest and Southeast. The Northwest program centers around Oregon and Washington with the possibility of other states joining, and the Southeast program involves Kentucky, South Carolina, Tennessee and possibly others.

Newby reappointed in Wyandotte

Secretary of State Ron Thornburgh appointed Bruce Newby to his first full four-year term as Wyandotte County election commissioner July 1, 2007. Thornburgh administered the oath of office to Newby at a ceremony at the Unified Government Building July 9.

Newby was first appointed April 21, 2006 to fill the vacancy created by the retirement of former election commissioner Pat Rahija. In making the appointment, Thornburgh said, "Commissioner Newby came into the position at a very important time in election reform. With only months left before the 2006 election cycle, he was able to step in and complete the changes brought about by the Help America Vote Act in a timely and professional manner. I am confident that he will continue to

do great work for the people of Wyandotte County and the state of Kansas."

In his remarks, Newby thanked his staff and the officials and staff of the Unified Government. He also expressed appreciation for the support of Secretary Thornburgh and his office.

Shortly after taking office in 2006, Newby was informed of the necessity of moving his election office from its longtime location in the western part of the county to a site closer to downtown. He successfully organized the move during preparations for the August primary election and the procurement of new voting equipment pursuant to the Help America Vote Act. In addition to the August primary and the November general election in 2006, he has conducted a series of special elections for local jurisdictions.

Crawford County sees changes

This past July, R.J. Wilson resigned as Crawford County Clerk after three years of service. R.J. has accepted a job with E3 Biofuels of Kansas City. Despite working only three years as county clerk, R.J. made an immediate presence and was instrumental in implementing many changes in election administration due to the passage of the Help America Vote Act.

As a result of his resignation, the Governor appointed Don Pyle to fulfill the remainder of the term. Don has worked in the county clerk's office for three previous years, including the last year and a half as the deputy county clerk. Prior to working in the clerk's office, Don worked as a comptroller for a manufacturing company. Don and his wife are originally from Crawford County and have two sons -a high school senior and a seventh grader. In his spare time, Don likes to chase his boys around and play a little golf.

Welcome aboard Don!

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RON THORNBURGH
Kansas Secretary of State

Dear Friends,

When the Help America Vote Act (HAVA) was drafted in the wake of the 2000 Florida election crisis, the goal was to create statewide systems that were more fair, accurate and accessible to voters across the nation. As you know, a large part of that was the creation of statewide voter databases, in our case, ELVIS.

These databases have streamlined the way in which counties exchange information and undoubtedly strengthened our system. We have been able to purge outdated records in a more rapid fashion, ensuring that at any given moment our voter registration files are as up-to-date as possible. But our work should not end at our state's borders.

In December of 2005, I joined three other Secretaries of State to enter into an agreement to cross-check our database against those in Iowa, Missouri, and Nebraska. So far, we've completed two checks, both with promising results. In fact, the program has proven so successful that I am working to begin checking Kansas records against those in Colorado, Oklahoma, Arkansas, Arizona, Texas and New Mexico. Work is already underway in Minnesota and South Dakota.

As our elections process moves further into the digital age, it is important that we continue to look for ways to utilize this new technology, without compromising the integrity of our system. We're off to a great start, but there's more to be done.

With that in mind, I want you to know that my office is working to expand the scope of these searches, to include checking for illegal double voting. While this function is not currently available, we are working to make it a reality in the near future. I've also been in contact with members of the Pew Trusts, a nonprofit organization dedicated to the betterment of the public sector, and when they begin work in this area, I am hopeful that Kansas will be able to play an important role in their efforts to further improve the system.

During my time in office, we've always worked to make the Secretary of State's office the least complicated, most accessible agency in state government. Our elections system, thanks to the hard work of all of you, routinely exceeds this challenge. I am confident that as we expand our cooperation with other states, Kansas will continue to lead the nation.

Best,

A handwritten signature in black ink that reads "Ron".

RON THORNBURGH
Secretary of State

Work with task forces, work groups and committees betters elections

At the KCCEOA conference in May, Secretary of State Ron Thornburgh appointed several task forces to address some current election-related issues. Each task force includes county election officers as well as members of the Secretary of State's office.

In addition to these task forces, we also continue to meet with existing work groups and committees, and provide various forms of training. Here is a closer look at each:

Ballot Programming Costs Task Force –

This group was created to research various ways to more effectively program ballots and reduce programming costs with the focus primarily on audio ballots and has assisted the Secretary of State in a number of experiments and research to better learn how the audio files are programmed. The group also has participated in a conference call to determine which options provide the best solution.

HAVA Training and Education Work Group –

The focus of this group is to provide some training and educational solutions for county election officers and other election staff. This group recently participated in a conference call to discuss a number of issues before the upcoming 2008 election.

ELVIS Enhancement Committee –

Over the past couple of months the EEC members have participated in a series of conference calls and one face-to-face meeting. The group recently agreed upon six enhancements to be submitted to Election Systems & Software (ES&S). These enhancements were ones the group believed were most important to have before the 2008 elections. The committee also identified and submitted a list of bugs found in the system.

Group Living Quarters Task Force –

This group was formed to look at ways to administer ballots to nursing homes and other institutions where voters need assistance and where there have been reports of possible manipulation of votes. A number of CEOs have received such reports, and some have initiated programs to address the problem, but so far there is no statewide solution. At least one scholarly study has been conducted during the past year on a national level, and the task force will consider the results of that study in its deliberations.

Advance Voting Task Force –

This task force was appointed for the primary purpose of outlining effective ways for CEOs to administer satellite advance voting. Thus far, only Sedgwick and Johnson counties are authorized by law to have satellite advance voting, but legislation was introduced in 2007 to allow it as an option for all counties. The legislation did not pass in 2007 but will be brought up again early in the 2008 legislative session.

Another focus of the advance voting task force will be to identify ways to increase security in advance voting by mail, which continues to be a source of allegations of improper activities and voter intimidation. Legislation is under consideration to improve ballot security in this area but so far it has not passed. If such legislation passes, the task force will study the new rules and help their fellow CEOs find ways to administer them.

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Election Standards Task Force –

This task force has been in existence since 2002, shortly after passage of the Help America Vote Act. The task force assisted the SOS office in development of the Kansas Election Standards and in annual revisions since the original standards were adopted in 2003. The task force considers revisions as proposed by the SOS office and in turn submits them to the full membership of the KCCEOA for formal adoption in September at the KCOA conference.

Policy change affects UOCAVA voters

The SOS office has recently been informed of a policy change for voters who fall under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). According to the Federal Voting Assistance Program, when a county receives a Federal Post Card Application (FPCA) from a voter, the county should undertake two actions: (1) send the voter a federal services ballot; and (2) send the voter a voter registration application.

If the voter returns a completed voter registration application, the county needs to add the voter to the normal registration list, but with a new designation. The voter should be entered as active, with a reason of “Federal Services Only.” This class of voters will continue to use the UOCAVA laws as they pertain to ballot distribution, including:

- From the date of receipt of the FPCA through the second federal general election, the voter will automatically receive a ballot for the elections he/she is eligible to vote.
- Ballots must be sent 45 days before the election.
- Voters may fax their completed ballots to the county election office.

Once the time period covered by the FPCA has been completed, the county must change the status reason to “Active.” This will require the county to treat this class of voter as it would any other registered voter with no additional privileges.

If a federal services voter registers to vote, however, the voter could decide to vote a regular ballot either at the polling place or by advance voting. Also, as a regular registered voter they are eligible to vote in local question submitted elections.

The SOS office will be spending additional time training on this new change at upcoming meetings.

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Kansas Reform Party’s request denied

The Kansas Reform Party recently submitted a request to the Secretary of State’s office asking to change the name of its party and to de-affiliate with the national Reform Party. While evaluating this request the SOS office found an Attorney General’s opinion that covered a very similar situation in the early 1980s.

Using this opinion, as well as some court cases that have been decided over the years, the office denied the party’s request. The Reform Party must submit a new party recognition petition containing a new party name. Currently, the Reform Party remains a legally recognized political party in the state of Kansas.

The party was first recognized in Kansas in the early 1990s and first appeared on the ballot in the 1996 election. Its application for official recognition was associated with the candidacy of Ross Perot for President of the United States.

Expanding

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It is widely recognized that HAVA has facilitated the crosschecking of data. Because all states are required by HAVA to have statewide databases, it is a natural next step to consider sharing the information to clean up the voter lists and prevent fraud. Because of this, there are discussions at the national level to determine the best way to pursue crosschecking on a larger scale. Many of these discussions use the term “interoperability” instead of “crosschecking.”

Earlier this year the Pew Charitable Trusts issued a request for proposals for programs to improve the administration of elections in the United States. The Pew Trusts indicated its intention to issue grants totaling up to \$2 million. Anyone was

eligible to submit a proposal, and several proposals that were submitted dealt with voter registration database interoperability. Pew intends to announce the results soon. If one or more interoperability programs are approved, studies will begin immediately and Secretary of State Thornburgh has told representatives of the Pew Trusts that he would like Kansas to play a part in those programs.

On another front, the Federal Election Assistance Commission teamed up with the National Academies of Science to conduct a study of interoperability. They appointed a committee of state and local election officials and technical experts to conduct a series of meetings and issue a report on the

feasibility of such a program. The committee’s first meeting was Monday, August 6, in Washington, DC. Kansas election director Brad Bryant was invited to participate in his capacity as president of the National Association of State Election Directors. In his remarks Bryant emphasized that once a state has its HAVA-compliant system and has established programs to identify duplicate records *intrastate*, it is not difficult to compare data with other states to find duplicates on an *interstate* basis. He detailed the MEOC and South Central efforts and signaled Kansas’ intention to work to expand the programs and to participate in any national-level efforts that come about.

