

SAFE the topic at KAC conference

The annual mid-November conference of the Kansas Association of Counties was attended by more county clerks and election commissioners than usual this year. Janet Rumpel, president, and the other officers of the Kansas County Clerks and Election Officials Association arranged an event to allow county election officers and the Secretary of State's office to discuss the latest plans for implementation of the Secure and Fair Elections (SAFE) Act in 2012.

The session, held from 1:00 to 4:00 P.M. on Monday, November 14, included the following topics: the work of the SAFE CEO Task Force; upcoming ELVIS modifications as a result of SAFE; new and revised forms; policy statements arising from Task Force discussions; administrative regulations proposed by the Secretary of State; the voter education campaign; and training of CEOs and poll workers.

Presenters from the Secretary of State's office were: Brad Bryant, State Election Director; Bryan Caskey, Assistant Election Director; Josh King, Special Programs Coordinator; Ryan Kriegshauser, Legal Counsel; and Kay Curtis, Public Affairs Director. Ms.

Curtis led a discussion of the voter education program, which also included Doug Ballou and Ann Hertzog of the firm of Whitworth Ballou, the company that was awarded the contract to conduct the media and outreach campaign for SAFE.

Several members of the task force made comments about their experiences serving on the task force and outlined issues they consider to be most important to keep in mind as everyone prepares for implementation of SAFE next year. Several ideas for local voter education programs were mentioned as well.

One of the themes of the presentation was that implementation of SAFE falls into two phases. Phase 1 goes into effect January 1, 2012 and includes photo ID for all voters each time they vote, and security of mailed advance ballots. Phase 2 deals with proof of citizenship required of all new voter registrants beginning January 1, 2013. CEOs were reminded that there will be legislation introduced in the 2012 legislative session to move the effective date of Phase 2 earlier, possibly as early

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KCOA wrap-up

The annual fall conference of the Kansas County Officials Association offered an opportunity for county clerks and election commissioners to meet with Secretary of State Kris Kobach and his staff to begin preparations for the upcoming 2012 election cycle. The conference, which was held September 14-16 at the Wichita Airport Hilton Hotel, included a breakout session for election officers on Thursday, September 15 from 1:30 to 4:00 P.M. for the discussion of election-related topics.

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The Secretary of State's office will be closed on the following state holidays:

Monday, December 26, 2011 for Christmas
Monday, January 2, 2012 for New Year's
Monday, January 16, 2012 for Martin Luther King Day

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canvassing kansas

Published by the Office
of the Secretary of State

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Kansas Secretary of State



From the desk of the Secretary

Got photo ID? That question will be asked all across Kansas as our ambitious SAFE Act voter education media campaign launches. Every Kansan will be reminded to take to the polls one of several types of photographic identification for each election after January 1, 2012.

Both paid advertisements and public service announcements will convey the message. The ads will be on radio, broadcast and cable television, printed posters, mailing inserts, websites and newspapers. And we are calling for many civic-minded partners to help spread the word and share the expense.

Viewers and listeners will be directed to a website for the complete list of acceptable photo IDs they can use. I encourage all 105 Kansas county election officers to join in publicizing the new photo ID requirements. Many have already come up with great ideas.

One county clerk suggested printing a reminder to voters on the new voter registration cards after redistricting. Another clerk plans to place yard signs near the parking lots of polling places. We welcome any other great ideas that you may have.

For secure and fair elections,

A handwritten signature in black ink that reads "Kris W. Kobach". The signature is written in a cursive, flowing style.

Retirements and Resignations

Gilmore Retirement

On October 27, long time Morton County Clerk Mary Gilmore announced her retirement. Mary's retirement is effective on January 1, 2012. Mary served as county clerk for 19 years.

Prior to being elected as county clerk, Mary worked for 12 years in hospital administration. Upon her retirement, Mary plans to spend more time with her three grandchildren, as well as quilt, read and craft. Mary also plans to spend a lot more

time on the golf course!

In parting Mary wanted to share this: "I have enjoyed working with the Kansas County Clerks and the Secretary of State's Office. I treasure the close friendships made and will miss each of you."

Kaminska Retirement

On November 11, 2011, Donna Kaminska, Elk County Clerk, submitted her letter of resignation to the Governor. Donna's last day in office will be January 1, 2012. Donna

has been county clerk since May 1, 1999. Donna previously worked for Maurine Burns, Wilson County Clerk, before moving to Elk County to work for Marvis Gaddie.

In retirement, Donna plans to visit her 7 children, 15 grand children and 10 great grandchildren. She also plans to travel a little, sew, garden and basically do whatever she wants!

In parting, Donna wanted to share the following: "I want to tell

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KCOA Conference

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Secretary Kobach opened the session with welcoming remarks, a discussion of 2012 election preparations, a summary of his goals for the HAVA endowment program, and an overview of the Secure and Fair Elections (SAFE) Act. The SAFE Act was one of the major topics during the remainder of the SOS office's presentation, taking up one third of the time.

The major message arising from the discussion of the 2012 election was that next year will be a hectic, busy and somewhat complex election.

Several factors will require election officers to devote extra time and effort to planning for the election. 2012 is a presidential election year, which brings out more voter registrations, more advance

voters, and more overall turnout. 2012 is also a redistricting year, requiring the reassignment of many voters to new districts.

In addition, Kansas election officers will be implementing the SAFE Act, which makes major changes in voting procedures, and county clerks are up for re-election and will be candidates while carrying out their statutory duties in conducting the election

Election Director Brad Bryant reviewed the new election laws passed this year, plans to revise the Kansas Election Standards, and the voting procedures in effect for military and overseas citizen voters under the 2009 Military and Overseas Voter Empowerment (MOVE) Act.

Assistant Election Director Bryan Caskey previewed next year's redistricting process and its effect on voters, candidate filing deadlines, and procedures built into the

ELVIS voter registration database. Caskey also discussed ongoing plans to finish the candidate filing module in ELVIS, which will allow counties to report election night results to the SOS electronically and also to electronically submit their official election abstracts after their respective county canvasses.

The final hour of the presentation was devoted to an update on plans for implementation of the SAFE Act. Members of the SAFE CEO Task Force were recognized for the work they put in developing policies, procedures and forms.

A discussion of general plans for implementation of SAFE followed, including policy statements, administrative regulations, new and revised forms, training programs for CEOs and poll workers, and the voter education program. ■

See updated information on SAFE elsewhere in this newsletter.

KAC Conference

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as the spring of 2012.

A group of new and revised forms was posted on the secure SOSIX site in early November. The forms are available to CEOs to begin reviewing and planning for use after the first of the year.

Ryan Kriegshauser explained the process used for adopting administrative regulations. Kriegshauser has overseen the drafting and submission of a group of regulations related to SAFE. The regulations were published in the Kansas Register in late November. A 60-day public comment period follows publication, and a public hearing will be held in late January, 2012. During the process, members of the Secretary of State's office will present the proposed regulations to the joint legislative committee on rules and regulations. After the January hearing, final revisions will be made if needed and the regulations will be in effect.

During the discussion of the voter education campaign, Doug Ballou and Ann Hertzog unveiled the theme of the campaign, which is "got photo ID?" The slogan is a takeoff on the successful "got milk?" campaign used in recent years by the dairy producers. Television and radio ads, newspaper articles, and printed materials will be organized around this theme and made available to CEOs for their use as the 2012 election season begins.

One of the most important aspects of the implementation of any new law is training. Specifically, the key aspect of training for SAFE is the training of poll workers. CEOs will need to train their poll workers on the procedure for verifying voters' photo ID documents. SAFE adds a step to the fundamental electoral process, where the poll worker hands the ballot to the voter. Now the voter will be required to provide photo ID before obtaining a ballot, and the poll worker's review of the ID document is the key part of the process.

During the session at KAC, the Secretary of State's office outlined its plans for training, including the following:

CEOs will receive a training notebook that contains the basics for conducting an election, including

the requirements of SAFE. This notebook will replace the "HAVA CEO Training" notebook issued in 2004. It will contain the basics for training poll workers, sample photo ID and citizenship verification documents, and other materials related to SAFE.

The SOS office will provide a PowerPoint document for training poll workers. The document will contain the basic curriculum that any poll worker in Kansas needs to receive. CEOs may use the PowerPoint as provided, or they may adapt it to suit their local needs.

The SOS office will provide brief training guides for poll workers to highlight the most important aspects of the voting process. They may have these guides at the polling places for quick reference.

The SOS office also is revising the Kansas Election Standards to include information related to SAFE. The revisions are made with input from the Election Standards CEO Task Force, which has been in existence since 2003. The training materials will be finalized when the administrative regulations are final.

At the end of the KAC session, several topics not related to SAFE were discussed briefly: SOS plans to enhance the security of UOCAVA emailed ballots in 2012; reduction in the number of Kansas counties required to provide ballots and voting materials in Spanish (see article elsewhere in this newsletter); update on HAVA programs, including the 2011 endowment program and the requirement for CEOs to report on their inventories of voting equipment; voter registration list maintenance programs planned for January, 2012; and election deadlines that have changed as a result of legislation passed in 2011.

The KAC meeting was a valuable opportunity to discuss the status of SAFE implementation and to hear CEOs' questions and concerns. We appreciate the work of the KCCEOA officers in arranging the session. Also, the SOS office is interested in hearing ideas from CEOs for future training. The next regularly scheduled statewide conference is the KCCEOA spring meeting in May, 2012. If there is a need for additional regional meetings or conference calls to keep everyone updated, we invite CEOs to submit their ideas. ■

Spanish ballots for four counties

Finney, Ford, Grant and Seward counties are included in a list of cities, counties, and county equivalents across the nation that will be providing language assistance for voters unable to participate in an English-based election process. Voters in these designated areas will receive ballots and other voting materials in Spanish, Apache, Cheyenne, Navajo, Pueblo, Seminole, Sioux, Tohono O'odham, Ute, Yaqui, Yuman, Aleut, Athabascan, Eskimo, Chinese, Filipino, Japanese, Korean or Vietnamese.

Fortunately, Kansas will only be working with Spanish. That announcement was made October 12,

A note of thanks to the Task Force members

Secretary of State Kris Kobach wishes to extend his thanks to the members of the SAFE CEO Task Force. These volunteers represented all sizes of counties and all parts of the state. They met three times for five-hour sessions, and many of them also met for a special half-day advance ballot envelope design session. After many hours of discussion, a set of effective interpretations and policy statements emerged that could be written into administrative regulations and forms that will allow for the efficient administration of elections under the new rules emerging from the SAFE Act.

Three principles that emerged from the discussions serve as indications that election officers across Kansas have the right attitude to carry out the changes brought about by the SAFE Act:

- The debate over the policies in SAFE is over—it's time to figure it out and get the job done.
- Let's design procedures that are best for the voter.
- Let's implement the Act in a way that minimizes provisional ballots.

For a list of Task Force members, see Canvassing Kansas, September 2011, page 3.

2011 by the United States Census Bureau, the agency tasked with collecting the data and crunching the numbers for these determinations, a task it has had since 1975. Determinations were made in 1980, 1990 and 2000, with the process remaining largely unchanged. That streak ended in 2010.

With the demise of the long-form survey after the 2000 census, Congress elected to use the detailed data provided by the American Community Survey, and directed the Census Bureau to make that a reality. Unfortunately, that complicated the process because of how the ACS is administered. While the Bureau had five years worth of data from large jurisdictions, it only had two years of data for jurisdictions with less than 20,000 people. This produced a system where the margin of error for a jurisdiction increased as its population decreased.

Fortunately, the Bureau was able to apply statistical models to the ACS data using the 2010 census information on age and race. This improved the data for smaller jurisdictions. Also changed in the July 2006 amendment to the Voting Rights Act was the schedule for Section 203 determinations. The Census Bureau will now revise the list every five years, meaning the list will change again in 2016.

One thing that has not changed is the formula. At its most simple, that formula states that a jurisdiction is subject to Section 203 requirements if more than 5 percent of its voting age citizens belong to the language minority group and are limited-English proficient. However, that's not where it stops. A jurisdiction can also find itself on the list if more than 10,000 of its voting age citizens belong to the language minority group, are limited-English proficient and the rate of those citizens with less than a fifth grade education is higher than the national rate.

For 2010, the result was a list of 248 cities, counties and county equivalents that will be producing voting materials in one or more of the languages above. If your county isn't one of those 248, take a deep breath, you have five years before you need to sweat this again. On the other hand, if your county is one of the lucky four, we have two words for you: ¡Buena Suerte! ■

Voter registration list maintenance improvements

The Secretary of State's office is undertaking a new statewide list maintenance program for 2012. Beginning January 1, 2012, the Secretary of State's office will compare the ELVIS database with the Social Security master death list. This will be the first time we have used this program. The master death list contains more than 87 million records created from Social Security recipients. The Social Security Administration does not have death records for all persons, however, our office believes this will be a valuable resource. Results of the database comparison will be sent to counties for processing in January. Our office intends to run this comparison every year in conjunction with existing list maintenance programs.

The interstate voter registration data crosscheck program is expanding for 2012. The 2011 program comprised 14 states and nearly 40 million records. The state of Michigan recently signed the Memorandum of Understanding to join the program, so with the addition of Michigan the 2012 crosscheck will include 15 states and nearly 47 million records. This is the largest program of its kind in the United States. (See the sidebar for a list of the states and the number of voter registration records contributed by each state to the 2011 program.)

The crosscheck program is hosted by the Kansas Secretary of State. The two purposes are to identify duplicate registrations resulting from voters' state-to-state moves, and to identify possible double votes if voters are registered in two states and cast ballots in both. In the 2012 program, each state will upload its January 13, 2012 voter file to a secure FTP site hosted by the Arkansas

Secretary of State. The Kansas SOS IT department will download the files, run comparisons, and upload each state's results to the FTP site. Each state then downloads its files of possible matching records and processes the files according to its laws and regulations.

In Kansas and most of the other states, the results are forwarded to CEOs with instructions to send confirmation mailings to voters representing possible duplicate records. These voters are added to the inactive list for possible eventual cancellation according to rules in the National Voter Registration Act.

In cases of suspected double votes, state and county election officials must share information to produce evidence that the instances are in fact double votes. The evidence usually consists of copies of poll book signatures or signatures on mailed advance ballot return envelopes or in-person advance ballot application forms.

The crosscheck program is a voluntary association of states that wish to share data to provide an additional tool to help keep lists clean. Likewise, it is optional for county election officers to act on the results, but the program is viewed by the states as a worthwhile effort to improve the accuracy of voter registration lists, and CEOs are encouraged to participate.

These two programs, along with the National Change Of Address program, in-state duplicate checks, statewide comparisons with death records from Vital Statistics, felon records with Department of Corrections, and holders of temporary drivers licenses by persons who are not U.S. citizens, are important to keep the voter registration lists as clean as possible. ■

CONTRIBUTED STATE RECORDS

ARIZONA
2,828,356

ARKANSAS
1,644,254

COLORADO
3,301,121

ILLINOIS
8,501,239

IOWA
2,123,358

KANSAS
1,694,611

KENTUCKY
3,023,010

LOUISIANA
2,820,421

MISSISSIPPI
1,974,934

MISSOURI
4,122,311

NEBRASKA
1,121,744

OKLAHOMA
2,089,584

SOUTH DAKOTA
574,895

TENNESSEE
3,947,353

TOTAL
39,767,191

Retirements and Resignations

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the other clerks that I have enjoyed knowing all of them. Some of those that I knew best are already sitting home and doing exactly what I plan on doing. To those still working away, I wish you all of the best in 2012 and always.”

Greenwood County Changes

Earlier this year, Greenwood County Clerk Debbie Wyckoff resigned after 11 years as county clerk. Debbie spent 28 years working in the Greenwood County Clerk’s office during her career. In her retirement, Debbie plans to spend a lot of time with her grandchildren!

Kimberley Hall was selected as Debbie’s replacement. Kimberley has worked in the clerk’s office for nine years, primarily as the budgetary clerk and then as the election deputy. Kimberley has been married for 22 years to her husband Karl. They have one son who is 12 years old. In her free time, they like to ride ATVs and attend their son’s ball games.

Logan County Changes

Pat Schippers resigned as Logan County Clerk on August 1, 2011. Pat is now working for the Logan County Hospital. Pat served as county clerk for more than 18 years.

Crystal Rucker was appointed as her replacement on August 29, 2011. Crystal had been the deputy county clerk since August 2008 prior to her appointment as clerk. Crystal grew up around Oakley and graduated from Winona High School. After high school she moved to Alva, Oklahoma and attended college at Northwestern. Thirteen years ago, Crystal and her family moved back to Kansas where she began working for the Colby Free Press prior to working in the clerk’s office. Crystal enjoys spending time with her husband Melvin, two sons, Eric, a sophomore at Oakley High School, and Aaron, an 8th grader at Oakley Middle School; fishing and camping, watching her boys play sports, and watching and attending KU football and basketball games.



Tabitha Lehman stands with Secretary Kobach and her children after being sworn in. *Photo by Tom Treacy.*

Sedgwick county changes

On September 30, 2011, Sedgwick County Election Commissioner Bill Gale submitted his letter of resignation to Secretary of State Kobach. His resignation was effective November 5.

While in office, Bill oversaw the implementation of HAVA, reduced the number of polling places from more than 200 to 65, and oversaw the effort to increase advance voting to approximately 40 percent of all votes cast. Although Bill has not settled on his new career yet, he is looking around the non-profit sector, and possibly a future run for political office.

Tabitha Lehman was appointed by Secretary Kobach as the new Sedgwick County Election Commissioner. Tabitha most recently served as deputy commissioner and has been employed full-time by the election office since February 2009.

We at the Secretary of State's office wish the best of luck to all those transitioning into new endeavors! ■

State voting equipment contracts renewed

The Secretary of State's office recently signed renewed voting equipment contracts with Election Systems and Software (ES&S) for ES&S and Premier voting equipment.

The previous contracts were five-year contracts originating in 2005, having been negotiated as part of the HAVA implementation process. Those contracts expired after the 2010 general election, and negotiations for new contracts took nearly a year to complete. The new contracts expire in late 2015. Price sheets have been emailed out to all CEOs and posted on SOSIX.

ES&S no longer owns the intellectual property rights to Premier equipment; they will continue to sell and service equipment offered under the contract with the state. Dominion Voting Systems owns the property rights to Premier equipment, so Dominion sells and services all Premier equipment currently offered, and any new systems developed under the Premier brand name will come from Dominion.

Negotiations are currently underway for a state contract with Dominion for the sale, programming and service of their Premier and Dominion brands.

Dominion offers its own line of products, but they are not yet certified for use in Kansas. They plan to receive federal approval of a system called Dominion Democracy Suite in the spring of 2012, then submit the system to the Secretary of State for certification in Kansas.

Henry Adkins and Son, Inc., of Clinton, MO, has been a longtime provider of Premier equipment in Kansas. Recently Adkins announced that they would be selling, programming and servicing voting equipment for Unisyn Voting Solutions. They will continue to service and program Premier equipment under their contract with Dominion, but it is unclear at this point whether they will continue to sell Premier equipment.

Dominion has a contract with another company, Election Source, to sell, program and service Premier equipment in Kansas. ■