

CANVASSING KANSAS

AN UPDATE ON ELECTION NEWS IN KANSAS

PRIMARY ELECTION REVIEW

Voter turnout lower than 1996 primary

The 1998 August primary has passed and the elections division of the Secretary of State's office is gearing up for the November general. The primary election process began with the candidate filing deadlines. The deadline for the primary candidates to declare party affiliation was noon Wednesday, June 10. The second deadline, which was noon Monday, August 3, was for independent and judicial retention general election candidates.

After June 10, there were 277 total candidates filed to run in the primary election for both state and national offices. Of those 277, 218 candidates did not have opposition in their races, 10 of whom were running for national office.

There were 157 men and 66 women who filed for the 125 Kansas House seats. Of the incumbents from the last session, nine did not file for office again. Three of the incumbents who did file for re-election did not win their primaries.

Voter turnout on August 4 was at a low 28.89 percent. Out of 1,493,779 registered Kansas residents, only 431,575 made their way to the polls. Among those who voted, 53,429 voted by advance ballot. Compared to the 1996 primary election, the number of registered Kansans is higher, but recent voter turnout was considerably lower. In 1996 there were 1,352,393 registered voters in Kansas. Out of the 533,367 who voted in the election, 43,860 voted by advance ballot. Official voter turnout in 1996 was 39 percent.

Internet a resourceful tool in election night tabulation

County election officers and the Secretary of State's office coordinated efforts during the August primary election season to take another step toward computerizing the process of collecting results on election night. The process is generally referred to as election night tabulation, or ENT, and it involves collecting vote totals for all national and state offices. Information on county and local office races is available only from the respective county election offices.

All the information collected during ENT is unofficial; the counties hold their canvasses on Friday after the election, then certify official abstracts to the Secretary of State, where the results are tabulated in preparation for the meeting of the state board of canvassers. The state board of canvassers is required by law to review and certify the statewide results by September 1; usually the meeting occurs in the last week of August, whereupon the Secretary of State issues certificates of nomination to the winning candidates.

In past years, the Secretary of State's office has maintained on election night a bank of ten telephones on a toll-free line for county election officers to call to report their results. Data entry operators answer phones and enter the data. Most counties call in

several times with partial results, with county results being collected in a computer program where the totals are tabulated into district totals. Press organizations pay the Secretary of State for direct hookups to the computer program so they can disseminate the results via radio, television and newspapers. Most of the money collected from press organizations is contributed to the Kansas County Clerks Association's scholarship fund.

When a county has its precincts completed and makes its final call of the night, an ENT supervisor in the Secretary of State's office reads the final totals back to the person who called them in. At that point the computer indicates the county's results are complete and final, although still unofficial.

The Secretary of State's office sets up a dozen public access

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Division of the Budget certifies census population estimates

New census population estimates have been certified to the Secretary of State. According to state law, the Kansas Division of the Budget each year on July 1 certifies the latest county, city and township estimates of population released by the U.S. Bureau of the Census.

These figures are merely estimates of total persons living in a

The Bureau of the Census conducts its actual head count only every 10 years; the next decennial will be taken as of April 1, 2000.

given jurisdiction; they do not include information regarding race, sex, age, income or other socioeconomic characteristics. The Bureau of the Census conducts its actual head count only every 10 years; the next decennial will be taken as of April 1, 2000. Between decennial censuses, it uses formulas to adjust the latest figures to take into account birth rates, death rates and migration rates to produce the annual estimates.

The July 1, 1998, estimate of statewide population is 2,583,745, which is an increase of 24,402 over

the July 1, 1997, estimate of 2,559,343. The census in 1990 reported a statewide population of 2,477,574.

According to the U.S. Constitution, the original purpose of the census was to provide population figures to use in apportioning the seats in Congress among the states. Kansas has had as many as seven seats in the U.S. House of Representatives, but in 1990 the number of Kansas seats dropped from five to four. This is not due to an overall loss of population; the state of Kansas has shown steady increases in population over the past few decades, but some other states grew faster, so without an increase in the total number of seats in the U.S. House, Kansas lost a seat in 1990.

Preparation has begun for the 2000 census. The Secretary of State's office is working with the Kansas State Library and Data Center, the Kansas Legislative Research Department and the U.S. Bureau of the Census to ensure that all political entities in the state are accounted for geographically and to encourage a strong response to the Bureau's inquiries in an effort to produce a complete and accurate count of all Kansans.

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**Secretary of State Ron
Thornburgh**
State Capitol, 2nd Floor
300 SW 10th Street
Topeka, KS 66612-1594
(785) 296-4564

EDITOR
Chuck Knapp

LAYOUT AND DESIGN
Mindy Miller

COPY EDITORS
Barb Nemeč
Nancy Reddy

CONTRIBUTING WRITERS
Brad Bryant
Bryan Caskey
Jessica Fields
Kevin Gaskin
Raylene Wallace

If you have any suggestions or comments about this or future issues, please call Chuck Knapp at (785) 296-1864.

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Use of election logo will ensure priority handling

The Official Election Mail Logo developed by the Election Center in conjunction with the United States Postal Service has been mailed to election officials throughout the country.

Every county election official should now have a logo that can be reproduced on any mail piece that involves elections. This may include mail ballots, advance ballots, voter

registration, and any other official election mailings.

Several counties have already begun to use the logo on various mailings. Our office encourages every county to use the logo as much as possible.

The United States Postal Service has stated that any mailpiece with the logo on it will receive priority handling. There is no charge for the

use of the logo.

There are some guidelines as to where the logo may be placed on the mailpiece. These guidelines are spelled out in the materials that were included with the logo.

If any county election official has not yet received their copy of the logo, please contact our office and we will send one to you.



RON THORNBURGH

KANSAS SECRETARY OF STATE

Dear friends,

This is the final issue of our *Canvassing Kansas* newsletter before the November general election, and I'd like to take this opportunity to once again encourage everyone's participation in two programs we're initiating this year to support voting and the electoral process: Honor a Vet with Your Vote, and the Election Board Worker Recognition program.

As I mentioned in this column in June, we have worked with a number of military and veterans organizations to start the Honor a Vet with Your Vote program in Kansas. In this program we hope to personalize the vote and give potential voters something to think about as they cast their ballots. We have designed a pocket card to use in promoting the program, as well as a lapel sticker to be worn by any voter who wishes to honor a vet by writing the veteran's name in the blank space on the sticker. We will be sending a supply of the stickers to each county election officer before the general election.

I encourage you to get behind the Honor a Vet program by promoting it whenever you have a chance in public appearances or through your daily contacts in the office. If you know people involved in military organizations in your community, such as the VFW or American Legion, I hope you will mention this worthwhile program to them and encourage their participation. If you need more information, contact Brad Bryant or Chuck Knapp in my office.

Another program we have been planning for this year is the Election Board Worker Recognition program. We will be sending a questionnaire on which each county election officer will have a chance to list the election board workers who have been the most dependable over a period of years. We want to recognize these workers with a certificate and write-up in their local newspapers, along with an invitation to attend the state canvass in late November. Please start thinking about which board workers in your county have merited this distinction, and respond to our inquiry when you receive it.

As I write this column, I realize the general election is only two months away. We all have much to do to be ready for November 3, and I hope we all will find a little time to devote to these two new programs to encourage voter participation and to recognize two groups, our veterans and our election board workers, who have contributed so much to our democratic system.

Sincerely,

Ron Thornburgh

Year 2000 compliance problems continue

September 1998, 16 months to find out if your county is compliant. "With what?," you're asking. The year 2000 is steadily approaching and all the computers you depend on may fail you, through no fault of your own. There have been warnings that any type of date reliable hardware and software will cease to operate because of problems that are posed by the year 2000. Either one of two things could happen.

One, your computer will fail and simply stop working because of the internal clock in your computer. According to a study done by Greenwich Mean Time, a company that specializes in Year 2000 issues, "79% of pre-1997 BIOS chips could not rollover from 1999 to 2000 and 14% did not know the year 2000 was a leap year."

Two, which could be even worse, production of erroneous information. If your computer is able to roll over to 2000, calculations that occur may be confused and made negative. The types of programs and software that could be affected, which would apply to election officials and election software vendors, include:

— **Electronic voting machines, automated reporting mechanisms, ballot tabulation software, ballot creation software and data entry software.**

Example: All information from the 2000 presidential primary was entered by your staff. When told to print, the computer prints a blank page. The reason why this could happen is in the software. Imbedded instructions that recognize the two-digit year compare the current year (00) to the previous year (99). It finds that the current year is less than the previous year and therefore does nothing.

— **Voter registration** systems will not be able to calculate ages properly and could eliminate every

voter from your system. Most software programs have "catches" that deny applicants who are under 18 from being registered.

Example one: A person born on February 1, 1982 comes to register on their birthday in 2000. When their age is calculated the program subtracts 82 from 00 which returns the age as -82. Some programs will "crash" because they are not able to handle negative numbers. Other programs may be able to ignore the negative sign but will purge all voters over the age of 82.

Example two: An 85 year old voter wishes to change party affiliation and sends in a voter registration card. When updating their information the program cycles through the instructions and finds that she is 15 years old, (15-00). Although the program ignores the negative it will purge the registration because instead of 85 years old, she is now 15.

— **NVRA Reports** could also fall under the situation as previously discussed.

Example: How many new voters have registered since the last federal election? 1996-2000 is four, but using the two digit system, it is -96.

— **Personal computers** or PCs are not immune either. All computers have an internal clock and on January 1, 2000, it will reset to its creation date, which is usually 1980. If any **voter registration** records are kept on PCs the problem could be compounded because all registered voters born after 1962 could be eliminated.

These few examples illustrate just how serious the year 2000 problem is. Keep in mind that these are obstacles that can be overcome and need to be addressed. If your county is not approaching this problem, serious complications might lie ahead.

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computers so anyone interested in tracking ENT results may come into the office, sign onto a computer and scroll through the various races. In addition, the office posts the results on the Secretary of State's home page so computer users may access the information more conveniently. There is a delay of approximately 15 minutes in posting.

The past couple of elections have seen an increase in the number of counties that fax their results rather than phone them in. This year, for the first time, county

election officers had a third option—filing their results electronically, via the Internet.

More than 40 counties have Internet access and are able to communicate with the Secretary of State and others through the use of e-mail. This year a system has been developed that allows any such county to opt to report their election night results through the Internet. The data goes into the same computer program as the phoned and faxed results.

This primary election, 44 counties phoned in their election night results, 31 faxed and 30 reported electronically.

NVRA leads to increased number of registered voters

Voter registration sites still being defined through legislation, court cases

The National Voter Registration Act of 1993 (NVRA) expanded the number of voter registration sites and, true to its intent, appears to be contributing to the increase in the total number of registered voters in Kansas and the nation. The NVRA required the establishment of registration sites at driver's license offices, public assistance offices, offices serving disabled persons, and other offices designated by the individual states.

One of the more time-consuming aspects of planning for implementation of the NVRA was identifying the offices that needed to be included as voter registration sites according to the NVRA's definitions. Now, three years later, that process is still not finished. More sites are being added as Congress considers new legislation and the federal courts decide cases brought by groups advocating a broad interpretation of the NVRA's mandates.

Federal legislation would require registration at college enrollment

Legislation being considered in Congress would require that each college or university offer to each student at enrollment the opportunity to register to vote. The legislation is being considered in the form of an amendment to HR6, the Higher Education Amendments of 1998. As passed by the House, the bill would require institutions to use the mail voter registration form prescribed in the NVRA, which apparently means the universal form developed by the Federal Election Commission in compliance with the NVRA. That form is a multipage document with instructions for registering in any state in the Union. This would add considerably to the costs of implementing the new provision. It is unclear from the legislation who would pay for it. The legislation passed by the House also requires use of the declination form as currently used by public assistance and disabilities offices.

The Senate version of the bill does not include this amendment, but rather a similar one that requires states to provide voter registration forms to colleges and universities so they can offer registration to all currently enrolled students. It does not appear to mandate use of the federal form, nor does it require registration specifically at enrollment. The bill, SB 1882, has passed

the Senate.

Election officials will be interested in keeping track of this legislation as it moves through the federal legislative process.

Federal court orders registration at college disability offices

A group called the National Coalition for Students with Disabilities has contacted a number of states, including Kansas, to tell them they believe the offices serving disabled persons on college campuses should be included in the NVRA definition of mandatory voter registration sites. The group seeks to have the states identify the offices and implement voter registration programs within 20 days so disabled students will have the opportunity to register at fall enrollment.

In July, the Coalition won a federal court case in Virginia on this issue. The court found that "offices providing services to disabled students at public colleges are 'offices' under (the NVRA). As a result...particular offices...must be designated as voter registration agencies."

As a result, the Secretary of State's office is in the process of contacting the six Regents institutions, 19 community colleges and possibly other public institutions of higher learning to determine whether they have offices that fit the definition. This could add to the number of NVRA-mandated voter registration sites in the state.

New York federal court restricts number of required public assistance offices

The state of New York won after being sued by the U.S. Justice Department for not designating enough voter registration sites. The Justice Department suit claimed that the state should include offices dispensing Medicaid applications even if those offices were private doctors' offices and nongovernmental agencies. The Justice Department said the state, by limiting its definition of public assistance offices to government offices, had failed to comply with the NVRA's requirement that "all offices of the state that provide public assistance" be designated voter registration sites.

The court rejected the Justice Department's argument, saying that doctors' offices are medical treatment centers, not Medicaid public assistance offices, even though they might provide Medicaid applications. Further, the court said nongovernmental offices were not required to be included as mandatory voter registration sites.

Voting equipment certification process evolves

Although it's not always publicized, the voting equipment certification process in Kansas, as in most states, is constantly evolving. There are frequent contacts from companies seeking to have their equipment approved for use in the state, and there is usually one or more specific piece of equipment pending certification.

In addition, at any time there are several counties considering the move from paper ballots to machine-counted ballots, or considering changing the type of voting equipment they use.

A map and list of Kansas counties indicating the voting systems they use accompanies this article. Following is a brief summary of the voting equipment certification process.

Voting equipment certification process

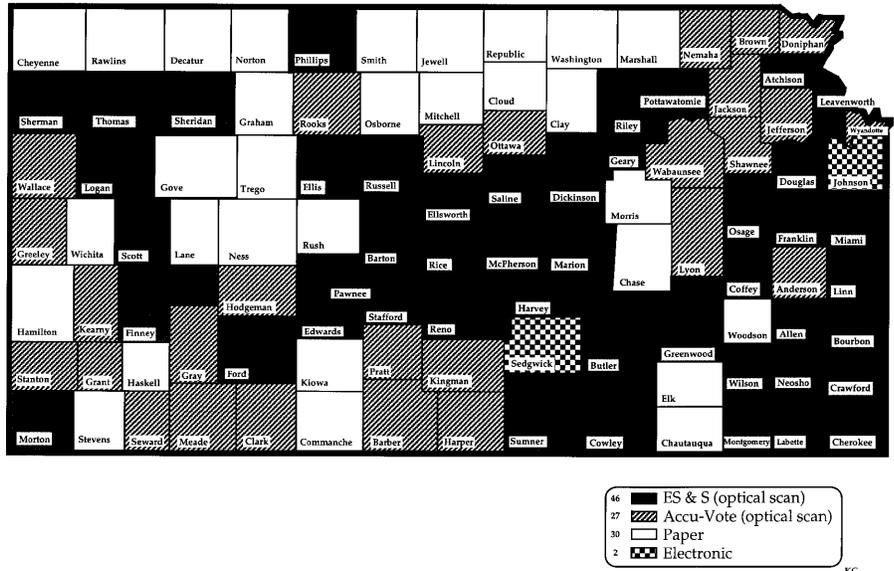
Each county is authorized by law to select and purchase the type of voting system it uses. However, before any voting equipment may be sold or used in Kansas, it must be certified by the Secretary of State.

A company seeking certification of one of its products contacts the Secretary of State and pays a \$250 deposit. The Secretary of State schedules a public certification hearing and collects information from the vendor and other governmental jurisdictions where the equipment has been used.

The Secretary of State's research is intended to ascertain whether the equipment meets the following requirements:

- Federal Election Commission standards,
- Kansas law, and
- testing by an independent authority.

Kansas voting systems by county



Several years ago the National Association of State Election Directors, with the backing of the National Association of Secretaries of State, devised a system whereby voting equipment hardware and software was tested by independent testing authorities (ITAs). The ITAs are experts on various types of computerized equipment, and they subject the equipment to a rigorous set of tests to determine accuracy, reliability and the ability to withstand impact and changes in humidity and temperature. The use of ITAs has standardized the process to a certain degree so states can rely on shared expertise.

Equipment manufacturers must pay fees to the ITAs to have their equipment and software reviewed, but once they receive ITA approval it makes the job of getting their systems certified in individual states easier and faster.

The Kansas Secretary of State's office has endorsed the NASS/ NASED ITA program and has used it for the past five years in certifying

equipment. Before the advent of the ITAs, the state would hire an outside independent expert to attend the certification hearing at the manufacturer's expense.

At the certification hearing, usually held in Topeka, the manufacturer and/or vendors of the equipment appear and conduct a demonstration. The hearing is open to the public and any county election officers who may be interested.

The Secretary of State and his staff conduct mock votes on the equipment, test its tabulation system, mark (and intentionally mismark) ballots, test the equipment's write-in capabilities, and in general put the equipment through its paces to see if it works.

After the hearing, if a review of the ITA report, FEC standards, Kansas law and experience in other jurisdictions has indicated no problems with the equipment, the Secretary of State will issue a certification letter which authorizes the vendor(s) to market the system in Kansas.

29 paper ballots, 74 optical scan ballots, two electronic ballots

Allen	ES & S	Greeley	Accu-Vote	Osborne	Paper
Anderson	Accu-Vote	Greenwood	ES & S	Ottawa	Accu-Vote
Atchison	ES & S	Hamilton	Paper	Pawnee	ES & S
Barber	Accu-Vote	Harper	Accu-Vote	Phillips	ES & S
Barton	ES & S	Harvey	ES & S	Pottawatomie	ES & S
Bourbon	ES & S	Haskell	Paper	Pratt	Accu-Vote
Brown	Accu-Vote	Hodgeman	Accu-Vote	Rawlins	Paper
Butler	ES & S	Jackson	Accu-Vote	Reno	ES & S
Chase	Paper	Jefferson	Accu-Vote	Republic	Paper
Chautauqua	Paper	Jewell	Paper	Rice	ES & S
Cherokee	ES & S	Johnson	Electronic	Riley	ES & S
Cheyenne	Paper	Kearny	Accu-Vote	Rooks	Accu-Vote
Clark	Accu-Vote	Kingman	Accu-Vote	Rush	Paper
Clay	Paper	Kiowa	Paper	Russell	ES & S
Cloud	Paper	Labette	ES & S	Saline	ES & S
Coffey	ES & S	Lane	Paper	Scott	ES & S
Comanche	Paper	Leavenworth	ES & S	Sedgwick	Electronic
Cowley	ES & S	Lincoln	Accu-Vote	Seward	Accu-Vote
Crawford	ES & S	Linn	ES & S	Shawnee	Accu-Vote
Decatur	Paper	Logan	ES & S	Sheridan	ES & S
Dickinson	ES & S	Lyon	Accu-Vote	Sherman	ES & S
Doniphan	Accu-Vote	Marion	ES & S	Smith	Paper
Douglas	ES & S	Marshall	ES & S	Stafford	ES & S
Edwards	ES & S	McPherson	ES & S	Stanton	Accu-Vote
Elk	Paper	Meade	Accu-Vote	Stevens	Paper
Ellis	ES & S	Miami	ES & S	Sumner	ES & S
Ellsworth	ES & S	Mitchell	Paper	Thomas	ES & S
Finney	ES & S	Montgomery	ES & S	Trego	Paper
Ford	ES & S	Morris	Paper	Wabaunsee	Accu-Vote
Franklin	ES & S	Morton	ES & S	Wallace	Accu-Vote
Geary	ES & S	Neosho	ES & S	Washington	Paper
Gove	Paper	Nemaha	Accu-Vote	Wichita	Paper
Graham	Paper	Ness	Paper	Wilson	ES & S
Grant	Accu-Vote	Norton	Paper	Woodson	Paper
Gray	Accu-Vote	Osage	ES & S	Wyandotte	Accu-Vote

OPTICAL SCAN EQUIPMENT

EQUIPMENT	CERTIFICATION DATE	MANUFACTURER	VENDOR
OPTECH III-P OPTECH IV-C	November 16, 1987	Business Records Corporation	Business Records Corporation Tom Eschberger 11 W. Mockingbird Ln., Suite 1400 Dallas, TX 75247 (214) 905-2300
ES & S 115/150	March 2, 1984	Election Systems & Software, Inc.	Election Systems & Software, Inc. David Hughes 11208 John Galt Blvd. Omaha, NE 68137-2364
ES & S 315/550 Model 100 Precinct Level Ballot Tabulation System	May 23, 1997	Election System & Software, Inc.	The Lockwood Company, Inc. Clifford Maze Old US Highway 73 & Challis Ln. Atchison, KS 66602 (913) 367-0110
Accu-Vote ES 2000	March 4, 1993	Global Election Systems, Inc.	Barry Herron 1204 Westridge Dr. Atchison, KS 66602 (913) 367-7072
MicroVote Election System	March 4, 1993	MicroVote	MicroVote Jim Ries 6366 Guilford Avenue Indianapolis, IN 46220-1750 (317) 254-3269
MicroVote Opti-scan Advance System*	June 3, 1998		
OPSCAN 5	January 20, 1994	Sequoia Pacific	Sequoia Pacific Howard Cramer 10940 S. Parker Rd., Suite 412 Parker, CO 80134 (303) 840-9787

*temporary conditional certification until July 1999

DIRECT RECORDING ELECTRONIC EQUIPMENT

I-Mark Systems Electronic Ballot Station	August 12, 1997	I-Mark Systems	Global Election Systems, Inc. Barry Herron 1204 Westridge Dr. Atchison, KS 66602 (913) 367-7072
AVC Advantage Voting System	July 18, 1986	Sequoia Pacific	Sequoia Pacific Howard Cramer 10940 S. Parker Rd., Suite 412 Parker, CO 80134 (303) 840-9787
AVM (Automated Voting Lever Machine)			
MicroVote 464	September 28, 1997	MicroVote	MicroVote Jim Ries 6366 Guilford Avenue Indianapolis, IN 46220-1750 (317) 254-3269

LEVER MACHINE EQUIPMENT

Shoup Lever Machine		International Election System	International Election System Gary Kelly PO Box 70 Beverly, NJ 08010 (609) 871-2100
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Voter registration by Internet becomes a reality

For years now, election officials have been encouraging people to get out and register to vote. MCI Communications Corp., the American Association of Retired Persons, and Rock the Vote have enabled us to access state-specific voter registration applications over the Internet. The process is simple. All that a registrant needs to do is log on to the Internet using <http://netvote98.mci.com.>, and the screen will provide step by step instructions on filling out the application.

Once the registrant has provided all the needed information, the data will be preprinted onto a federal mail voter registration postage paid form and sent to the registrant. For those registrants who do not know where to mail the signed registration, the application includes all the necessary shipping addresses.

The software chosen for this project tracks the information provided so that the registrant submits all the required data. If a blank is left unanswered, the program will not allow the registrant to advance to the next blank.

A word of caution: just because a person has completed the application process does not mean they are officially registered. At the top of the page a message in bold lettering reads “**(State) Voter Registration Complete.**” The preprinted application has to be signed and returned to the address provided before the registrant is considered registered to vote.

There are four states that differ from the other 46 states. **North Dakota** has no voter registration requirement, **New Hampshire** and **Wyoming** do not accept voter registration by mail for their state elections, and **Mississippi** allows it only for federal elections.