



DELEGATE SELECTION PLAN

FOR THE 2020 DEMOCRATIC NATIONAL CONVENTION

ISSUED BY THE KANSAS DEMOCRATIC PARTY

(AS OF FRIDAY, DECEMBER 20, 2019)

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Kansas

Delegate Selection Plan

For the 2020 Democratic National Convention

Section I

Introduction & Description of Delegate Selection Process

A. Introduction

1. Kansas has a total of 47 delegates (including 8 bonus delegates) and 3 alternates. *(Call I & Appendix B)*
2. The delegate selection process is governed by the *Charter and Bylaws of the Democratic Party of the United States*, the *Delegate Selection Rules for the 2020 Democratic National Convention* (“Rules”), the *Call for the 2020 Democratic National Convention* (“Call”), the *Regulations of the Rules and Bylaws Committee for the 2020 Democratic National Convention* (“Regs.”), the rules of the Democratic Party of State, the State election code, and this Delegate Selection Plan. *(Call II.A)*
3. Following the State Party Committee’s adoption of this Delegate Selection Plan, the State Party shall submit the Plan for review and approval by the DNC Rules and Bylaws Committee (“RBC”). The State Party Chair shall be empowered to make any technical revisions to this document as required by the RBC to correct any omissions and/or deficiencies as found by the RBC to ensure its full compliance with Party Rules. Such corrections shall be made by the State Party Chair and the Plan resubmitted to the RBC within 30 days of receipt of notice of the RBC’s findings. *(Reg. 2.5, Reg. 2.6 & Reg. 2.7)*
4. Once this Plan has been found in Compliance by the RBC, any amendment to the Plan by the State Party must be submitted to and approved by the RBC before it becomes effective. Adherence to this plan will help us safeguard against post-election audits *(Reg. 2.9)*

B. Description of Delegate Selection Process

1. Kansas will use a proportional representation system based on the results of a Party-Run Primary for apportioning delegates to the 2020 Democratic National Convention.
2. The “first determining step” of Kansas’s delegate selection process will occur on May 2, 2020, with a Party-Run Primary. Kansas selected this date to qualify to receive additional (“bonus”) delegates of 20% of its base number of delegate votes. Prior to

the May 2, 2020, Party-Run Primary, the Kansas Democratic Party will mail to every registered Democrat on March 9, 2020, information explaining how a voter may cast a ballot in the 2020 Party-Run process. The same information will be made available via the state party website, Facebook page, and via email beginning March 9, 2020.

The KDP anticipates a large increase in participation from caucuses in 2008 and 2016 when participation was limited to those who could appear in person. Instead, dependent on fundraising, on March 30, 2020 the KDP plans to send paper ballots with prepaid postage to every registered active Democratic voter in Kansas, which is approximately 400,000 voters. Any voter registering as a Democrat after March 30, 2020 and before April 23, 2020 may request a paper ballot in person at the KDP headquarters. Mail-in ballots must be postmarked by Wednesday, April 24, 2020. There will be at least one voting center in each Senate District on primary day, May 2, 2020, where people can drop off their paper ballot in person or register to vote and cast a paper ballot. Mail-in ballots will be returned to the Kansas Democratic Party Headquarters and sorted by Kansas Senate District. Ballot boxes will be locked and stored in a secure location at the Headquarters.

State Party Headquarters Information:

Kansas Democratic Party

Mailing Address: P.O. Box 1914 Topeka, KS 66601

Office Address: 501 SE Jefferson St #30, Topeka, KS 66607

Phone: (785) 234-0425

Email: info@kansasdems.org

Since the Kansas Party Run Primary will hold in-person voting on May 2, 2020, which is a Saturday, KDP leadership will reach out to religious organizations, in particular the Jewish community, to determine any special accommodations necessary for their organizations. Mailing ballots to all active registered Democrats may provide a remedy to this.

Kansas will employ Ranked Choice Voting on all ballots. Ranked choice voting (RCV) ballots give voters the option to rank candidates in order of choice or to vote for just one. Rather than being limited to a single choice, voters can indicate a first choice, second choice, and so on. The number of rankings provided would not be based on a formula, but based on whether the vendor could provide a ballot with five rankings or some fewer number that would be at least three rankings. The process as follows will ensure that as many ballots as possible will count toward candidates who ultimately receive the viability threshold of at least 15% of the vote in each of Kansas' congressional districts.

- 1) Determine if all candidates have at least 15% of the vote (that is, 15% of first choices) in a congressional district. If so, the tally is complete.

- 2) If not, remove the last-place candidate from consideration and make that candidate “inactive.” Re-allocate that candidate’s votes to the active candidate who is ranked next on each ballot.
- 3) Continue this process of making last-place candidates inactive and re-allocating votes to active candidates until all active candidates have at least 15% of the votes in the final round of the tally.
- 4) Allocate delegates by proportional representation based on percentages of the vote cast for candidates who have met the viability threshold in the final round of the tally.

Since Ranked Choice Voting may be unfamiliar to many voters in Kansas, an extensive education program will be implemented to teach voters about the process and answer questions about completion of the ballot. In addition, FairVote, a nonpartisan voter education organization that supports ranked choice voting, will carry out a nonpartisan voter education outreach effort in Kansas that will include literature, online education resources, and grants to local organizations that work with constituency organizations in Kansas. FairVote has conducted similar programs in cities like Oakland (CA), San Francisco (CA) and Santa Fe (NM) and has a contract with a Santa Fe-based community organizer who has run voter education programs on ranked choice voting in two New Mexico cities and has experience in best practices to ensure ranked choice voting is implemented equitably and well for all voters.

Using best practices, the KDP will conduct training of all volunteers, staff and contractors who will be able to provide assistance and answer questions at in-person voting sites on the day of the party-run presidential primary. Also, a simple “how to vote” handout will be available for voters, similar to what was sent to voters with their mail-in ballot.

Specifics regarding the ballot design will be finalized in coordination with the KDP’s selected vendor, but the expectation is to have a ballot consistent with what is being used in most cities with ranked choice voting: a “grid ballot”. Again, all votes will be cast on paper ballots and no voter will receive a paper record of their vote. The KDP has been consulting with county election officials to process mailed ballots and expects to have all ballots (both those arriving by mail and dropped off on primary day) to be scanned at a central location. The optical scanning ballots will create “cast vote records” that will be run through federally tested software ready to tally RCV ballots according to defined rules, with a separate tally for voters in each congressional district. Following the practice of many RCV jurisdictions, the cast vote record files will be posted on the KDP website along with the official tally. Ballots will be maintained such that a recount can be conducted. Also, the KDP plans to showcase best practices for a “post-election audit” of the tally with the support of the nonpartisan organization Vote at Home.

There are two ways a recount can be triggered. One way is through a 0.5% difference between candidates which will result in an automatic recount. A second way is through a presidential candidate requesting a recount. The procedure for a presidential request for a recount is outlined in the Voter Participation within item 5h. If a recount is conducted, it is our intention to be as transparent as possible. To that end, we invite all relevant campaigns to be present during the event. During a recount, the Kansas Democratic Party will follow the standards for review in Kansas Law (KSA 25-3107).

After the ballots have been collected, they will be stored at a location that is secure. The criteria for determining if a location is secure will be done in conjunction with our prospective voter system vendor. With that vendor, we will also create appropriate selection criteria for identifying individuals who will count the ballots.

C. Voter Participation

1. Participation in Kansas's delegate selection process is open to all voters who wish to participate as Democrats. (*Rule 2.A and Rule 2.C.*)
 - a. Any qualified Kansas voter or any person who will have met all the qualifications of a voter at the next general election, and who has filled out a voter registration form designating their party as the Democratic Party is qualified to vote in the Party-Run Primary. Individuals shall be afforded the opportunity to register to vote or register as a Democrat prior to casting a vote at one of the Voting Centers on May 2, 2020. The Kansas Democratic Party will use ***KSvotes.org*** to register voters whenever possible. If voters register through this system, then they will be registered to vote for the General Election. If paper registration forms are used, those forms will be submitted to the appropriate county election office the following Monday, May 4, 2020 so that the voters will be registered to vote in the 2020 General Election. With respect to voter verification, our prospective voter system vendor will be able to verify voter eligibility. Primary Day Voting Centers will be open from 10 a.m. until 4 p.m. in at least one designated location in each Kansas Senate District (more designated locations may be available in Senate Districts made up of more than three counties). District Chairs will determine locations by October 1, 2019.
 - b. An overview of the state's voter registration, enrollment procedures, and/or declaration process including:
 - (1) Kansas registers voters by party.
 - (2) Voters who are not registered as Democrats are given the opportunity to participate in the process by changing their voter registration to Democrat by May 2, 2020; (Rule 2.A & Reg. 4.3.B)

- c. The Party-Run Primary will use paper ballots with ranked choice voting. An optical scan system will be utilized to tabulate the ballots.
 - d. Paper Ballots, which will also be ranked choice voting, will be utilized for the in-person voting centers.
 - e. The Kansas Democratic Party will provide education and outreach to ensure accessibility for people with disabilities and for people with limited English proficiency in accordance with the Americans With Disabilities Act and Sections 203 and 208 of the Voting Rights Act. *(Rule 2.K.9)*
3. The Kansas Democratic Party will continue efforts to improve participation with respect to presidential preference and the delegate selection process *(Rule 2.I and 2.I.1)*
- a. The Party will educate voters about same-day party registration and advance/absentee voting; *(Rule 2.I.1.a)*
 - b. All voting centers will be accessible, fairly placed, and adequate in number, and have a sufficient number of paper ballots; *(Rule 2.I.1.b)*
 - c. The party will have ample volunteers in each Voting Center to speed up the voting process and minimize long lines; *(Rule 2.I.1.c)*
 - d. The Party will continue to advocate for elimination of onerous and discriminatory voter identification requirements at election polling places; for the purposes of the Party-Run Primary, no voter identification requirements may be instituted beyond what is required by Kansas law; The following forms of identification shall be valid if the identification contains the name and photograph of the voter and has not expired. Expired documents shall be valid if the voter is 65 or older. The statute number that pertains to this law is KSA25-2908 *(Rule 2.I.1.d)*
 - e. The Party will provide notification and education about in person Voting Center locations. Any voter may vote at any of the Voting Centers; *(Rule 2.I.1.e)*
 - f. Military and overseas voting is available through absentee voting. *(Rule 2. I.1.f)*
4. As part of encouraging participation in the delegate selection process by registered voters, the Kansas Democratic Party will send a mailing to all registered Democrats in March 2020 as well as use social media, email, and press opportunities to reach all Kansans. *(Rule 2.I.2)*
- a. The Party will highlight the online voter registration tool **KSVotes.org** that was built in partnership with Loud Light and GPS Impact. *(Rule 2.I.2.a)*

- b. The Party will encourage Senate District leaders to work with local high schools to lead pre-registration voting drives of high school students so that they are already registered once they reach voting age; (Rule 2.1.2.b)
 - c. Kansas law grants restoration of voting rights to all people who have completed their prison sentence, parole, or probation, without requiring the payment of court fees or fines; (Rule 2.1.2.c) and
 - d. *Voters will be able to register at any of the in-person Voting Centers on May 2, 2020. (Rule 2.1.2.d)*
5. The Kansas Democratic Party will take steps to continue efforts to ensure an open and inclusive process that also resists attempts at voter suppression and disenfranchisement. (Rule 2.K)
- a. Vendors who provide any support for any element of the party-run primary must reply to a Request for Proposal (RFP) and successfully demonstrate reasonable safeguards against error and fraud to vote advance/absentee. We are working with VoteAtHome to draft RFPs, ensure necessary election security is in place, and craft a timeline enabling sufficient review of potential vendors. (Rule 2.K.1)
 - b. The Party will invest in training programs for Senate District leadership and volunteers to ensure everyone is properly trained for all aspects of the operation of all in-person Voting Centers.
 - c. Vendors who provide any support must demonstrate technical ability and the resources to successfully run the process (Rule 2.K.2)
 - d. The Party will invest in education efforts to highlight voter registration including same-day voter registration and party-affiliation changes at the Voting Centers; (Rule 2.K.3)
 - e. Results from advance/absentee voting and in person voting will be made available as soon as possible on the Kansas Democratic Party Website. Media and the general public will be made aware of any delays through the proper channels. (Rule 2.K.4)
 - f. The allocation of all national delegates will be locked in by the results, which will be announced as soon as possible, as the first determining step, as determined by Kansas's Plan, subject to recount; (Rule 2.K.5)
 - g. All ballots will be kept at the Kansas Democratic Party headquarters through the conclusion of the Democratic National Convention. Ensuring final expressions of preference as part of the presidential nominating process are

securely preserved in a locked storage location provides the availability of a prompt and accurate recount or recanvass; *(Rule 2.K.6)*

- h. Any Presidential candidate may request a recount of the results by submitting a request in writing to the Chair of the Kansas Democratic Party. Request must include the scope of the recount, a description of the challenge, and an explanation about how the national delegation could be altered as a result of the problem or its correction. Requests for recounts must be received by the Chair no later than 5 p.m. CDT on Wednesday, May 6, 2020; *(Rule 2.K.7)*
- i. Advance/absentee Balloting will allow voters who are unable to vote in person to participate. This can include, but is not limited to, those serving in the military, those with a disability or illness preventing participation, those who are not able to take time off from work or obtain child care, and other reasons; *(Rule 2.K.8)* and
- j. The Kansas Democratic Party will provide education and outreach to ensure accessibility for people with disabilities and for people with limited English proficiency in accordance with the Americans With Disabilities Act and Sections 203 and 208 of the Voting Rights Act. *(Rule 2.K.9)*
- k. With regard to full accessibility and accommodation for those who are blind or severely visually impaired, it is the policy of the Democratic Party that in any Party administered primary or voting process, which allows voters to vote a secret ballot, provisions and accommodations will be made so that blind and severely visually impaired, qualified participants, who are unable to read and/or mark a printed ballot, will be afforded the opportunity to vote with the same degree of privacy as is afforded to other voters, and will be afforded the opportunity to verify that their vote is being cast as they have intended. It is understood that, while these accommodations must be universally available, no person who wishes to instead use human assistance to vote will be compelled to accept the accommodations available. The Kansas Association for the Blind and Visually Impaired have agreed to assist us in ensuring that those who are Blind or Visually Impaired can vote privately and securely.

6. Scheduling of Delegate Selection Meetings

The dates, times and places for all official Party meetings and events related to the state's delegate selection process must be scheduled to encourage the participation of all Democrats. Such meetings must begin and end at reasonable hours. The Kansas Democratic Party is responsible for selecting the dates and times and locating and confirming the availability of publicly accessible facilities for all official meetings and events related to this process. In addition, the scheduling of meetings shall consider

any religious observations that could significantly affect participation. (*Rule 3.A & Reg. 4.*)

- a. In person Voting Centers will be open from 10 a.m. until 4 p.m. on Saturday, May 2, 2020.
- b. Each Senate District will hold a convention on Saturday, May 9, 2020 for the purpose of electing delegates to the Congressional District convention to be held the following Saturday, May 16, 2020. The location will be determined by each Senate District Leader. The Senate District Leaders shall convene the district conventions between 10 am and 2 p.m. Any registered Democrat may participate in the Senate District convention. Senate District Convention location and times will be posted on the Kansas Democratic Party Website and promoted on social media and through email. The location of the Congressional District convention will be determined by each Congressional District Chair and shall convene between 10 am and 12 noon on May 16, 2020. Delegate candidates selected at the Senate District convention will participate in the election for the designated number of Congressional District delegates. The Kansas Democratic Party will hold a convention of the Kansas Democratic Party State Committee for the purpose of electing the pledged Party Leader and Elected Official delegates, At-Large delegates, and Alternates on Saturday, June 6, 2020 between 1:00 pm and 3:00 pm in a location determined by the state party. Membership on the State Party Committee at the June 6th convention is apportioned on the basis of population and/or some measure of Democratic strength. Kansas Democratic Party Bylaws provide: “The state committee shall consist of
 - (1) One hundred forty-four members, 36 of whom (18 men and 18 women) are elected by each of the four congressional districts as described in Article I, Section 2c;
 - (2) Two members (one female and one male) elected by each ancillary organization as defined in Article I, Section 5a; however, the party’s official state organization for women shall have two female representatives.
 - (3) Each Democratic member of the state board of education, state senate, and state house of representatives; and
 - (4) Each member of the state executive committee as prescribed in Article I, Section 4.”

Sections (1) and (2) aim to promote gender equality in the convention’s state committee. Section (3) is based on Democratic candidate performance and appointments to the state executive committee take gender equality into consideration.

Same-day registration is permitted if a person is not currently registered or is an unaffiliated voter and thereafter becomes a registered Democrat.

Section II

Presidential Candidates

A. Ballot Access

A presidential candidate gains access to the party run presidential preference primary ballot by paying the necessary filing fee of \$2,500 to the Kansas Democratic Party, along with a Presidential Statement of Candidacy Form filed with the Kansas Democratic Party Chair. The Statement of Candidacy form will be available by contacting the Kansas Democratic Party office on or after February 1, 2020. The deadline to file the Presidential Candidate Statement of Candidacy Form and pay the fee is February 17, 2020. "Uncommitted" shall automatically appear on the ballot. Write-ins are not allowed. (Rule 1.A.8, Rule 15.B, Rule 15.E, Rule 11.C, Rule 14.A, Rule 14.C, Rule 14.D, Rule 14.E, & Rule 15.H)

B. Other Requirements

1. Each presidential candidate shall certify in writing to the State Democratic Chair, the name(s) of their authorized representative(s) by February 17, 2020. (*Rule 13.D.1*)
2. Each presidential candidate (including uncommitted status) shall use their best efforts to ensure that their respective delegation within the state delegation achieves the affirmative action, outreach and inclusion goals established by this Plan and is equally divided between men and women. (*Rule 6.I*)

Section III

Selection of Delegates and Alternates

A. District-Level Delegates

1. Kansas is allocated 28 district-level delegates (*Rule 8.C, Call I.B, I.I, & Appendix B*)
2. District-level delegates shall be allocated by a Party-Run Primary with the first determining step occurring on May 2, 2020, and then a three tier process as follows.
 - a. Tier 1: Senate District Conventions, May 9, 2020.
A Senate District Convention will be held in each of Kansas's 40 State Senate Districts and additional locations for State Senate Districts, 1, 5, 14, 18, 20, 33, 34, 36, and 37 where a Senate District falls under the jurisdiction of two Congressional Districts. (See the following charts for the proportional allotment of delegates for each Senate District unit.)

The purpose of the Senate District Conventions is to elect delegates representing the Senate District for the Congressional District Convention. The order of business will be: 1) Party verification/registration; 2) Welcome from Party Official; 3) Election of delegates to the Congressional District Convention; 5) Other Senate District business; 6) Adjourn

First Congressional District - 13 local unit conventions, 65 delegates

Senate District or Senate District Subdivision Conventions	2016 Democratic Candidate Votes	Congressional Districts Coinciding Counties	Delegates Elected from Local Unit Level to Congressional District Level
1a	1,440	1 (Marshall and Pottawatomie)	1
17	8,004	1 (Geary, Lyon, Pottawatomie, and Wabaunsee)	8
18a	761	1 (Pottawatomie and Wabaunsee)	1
20a	259	1 (Wabaunsee) -Caucus with 18a	0
22	10,308	1 (Clay, Geary, and Riley)	10
24	7,484	1 (Dickinson and Saline)	7
33a	3,263	1 (Barton, Hodgeman, Lane, Ness, Pawnee, Rush, and Scott)	4
34a	6,837	1 (Reno)	7
35	6,922	1 (Chase, Dickinson, Ellsworth, Marion, McPherson, Morris, and Rice)	7
36a	4,625	1 (Cloud, Jewell, Lincoln, Marshall, Mitchell, Osborne, Ottawa, Phillips, Rooks, Russell, Smith, and Washington)	5
38	4,386	1 (Clark, Ford, Gray, Hodgeman, Meade, and Seward)	5
39	4,881	1 (Finney, Grant, Greeley, Hamilton, Haskell, Kearney, Morton, Stanton, Stevens, and Wichita)	5
40	5,297	1 (Cheyenne, Decatur, Ellis, Gove, Graham, Norton, Logan, Phillips, Rawlins, Sheridan, Sherman, Thomas, Trego, Wallace)	5

Second Congressional District - 13 local unit conventions, 113 delegates

Senate District or Senate District Subdivision Conventions	2016 Democratic Candidate Votes	Congressional Districts Coinciding Counties	Delegates Elected from Local Unit Level to Congressional District Level
1b	6,058	2 (Atchison, Brown, Doniphan, Jackson, Marshall, and Nemaha)	6
2	22,245	2 (Douglas and Jefferson)	22
3	14,322	2 (Douglas and Leavenworth)	14
5a	5,733	2 (Leavenworth)	6
12	6,992	2 (Allen, Anderson, Bourbon, Franklin, Linn, and Miami)	7
14a	1,621	2 (Coffey, Montgomery, Wilson, and Woodson)	2
13	8,304	2 (Bourbon, Cherokee, Crawford, and Labette)	8
15	6,273	2 (Labette, Montgomery, and Neosho)	6
18b	10,625	2 (Shawnee)	11
19	11,980	2 (Douglas, Osage, Jefferson, and Shawnee)	12
20b	14,696	2 (Shawnee)	15
36b	690	2 (Marshall) - Caucus with 1b	1
37a	3,097	2 (Miami)	3

Third Congressional District - 11 local unit conventions, 162 delegates

Senate District or Senate District Subdivision Conventions	2016 Democratic Candidate Votes	Congressional Districts Coinciding Counties	Delegates Elected from Local Unit Level to Congressional District Level
4	15,482	3 (Wyandotte)	15
5b	5,170	3 (Wyandotte)	5
6	11,169	3 (Johnson and Wyandotte)	11
7	23,879	3 (Johnson)	23
8	17,816	3 (Johnson)	18
9	13,571	3 (Johnson)	14
10	16,185	3 (Johnson and Wyandotte)	16
11	18,003	3 (Johnson)	18
21	17,372	3 (Johnson)	17
23	12,726	3 (Johnson)	13
37b	11,722	3 (Johnson and Miami)	12

Fourth Congressional District - 12 local unit conventions, 90 delegates

Senate District or Senate District Subdivision Conventions	2016 Democratic Candidate Votes	Congressional Districts Coinciding Counties	Delegates Elected from Local Unit Level to Congressional District Level
14b	3,973	4 (Butler, Chautauqua, Cowley, Elk, and Greenwood)	4
16	9,313	4 (Butler and Sedgwick)	9
25	9,349	4 (Sedgwick)	9
26	7,401	4 (Sedgwick)	7
27	10,235	4 (Sedgwick)	10
28	7,590	4 (Sedgwick)	8
29	12,330	4 (Sedgwick)	12
30	12,289	4 (Sedgwick)	12
31	9,990	4 (Harvey and Sedgwick)	10
32	6,179	4 (Barber, Comanche, Cowley, Harper, Kingman, Sedgwick, and Sumner)	6
33b	1,970	(Edwards, Kiowa, Pawnee, Pratt, and Stafford)	2
34b	466	(Kingman)	1

- b. Tier 2: The Kansas Democratic Party Congressional District Conventions will be held May 16, 2020 in locations determined by each Congressional District Chair. The conventions will select the district level delegates to the national convention. District-level delegates will be selected by a caucus of Senate Convention delegates who sign statements of support for the same presidential candidate.
- c. Tier 3: The Kansas Democratic Party State Convention will be held June 6, 2020 in a location determined by the State Party. The convention will select Party Leader and Elected Official delegates, At-Large delegates, and Alternates to the national convention. If a delegate to the national convention is not able to attend, the alternate with the highest votes moves into the delegate slot, being mindful of gender balance and other goals for inclusion.

3. Apportionment of District-Level Delegates and Alternates

- a. A Senate District unit convention shall be entitled to elect one delegate for each 1,000 votes received by the Democratic candidate for president in the 2016 elections in that state senate district. Major fractions of 1,000 votes, fractions between 500 and 999, shall result in one extra delegate awarded to a district. Every local unit convention as described above shall be entitled to at least one delegate. No one individual person may cast more than one full vote and partial votes are not allowed. (Rule 8.B)
- b. Kansas’s district-level delegates are apportioned among the districts based on a formula giving equal weight to total population and to the average vote for the Democratic candidates in the 2012 and 2016 presidential elections. This method was chosen and approved by the Kansas Democratic Party Rules & Bylaws Committee. The Rules & Bylaws Committee is comprised of people whose duty it is to make sure that they are inclusive in their decisions (*Rule 8.A, Reg. 4.12, Reg. 4.11 & Appendix A*)
- c. The number of men and the number of women in the state’s total number of district-level delegates will not vary by more than one. In the case of non-binary delegates, they shall not be counted in either the male or female category. (*Rule 6.C.1 & Reg. 4.9*)
- d. The district-level delegates are apportioned to districts as indicated in the following table (including bonus delegates):

District	Delegates			Alternates		
	Males*	Females*	Total	Males*	Females*	Total
#1	3	2	5	0	0	0
#2	4	4	8	0	0	0
#3	4	5	9	0	0	0
#4	3	3	6	0	0	0
Total	14	14	28	0	0	0

**(Assuming no gender non-binary delegates are elected.)*

4. District-Level Delegate Filing Requirements

- a. A district-level delegate candidate may run for election only within the district in which they are registered to vote and only if they are registered as a Democrat according to the Kansas Secretary of State’s voter file. The deadline

for registration is May 2nd. Also, candidates for district-level delegate must be elected delegates to the Congressional District convention(*Rule 13.H*)

- b. An individual can qualify as a candidate for district-level delegate to the 2020 Democratic National Convention by filing a statement of candidacy designating their singular presidential (or uncommitted) preference and a signed pledge of support for the presidential candidate (including uncommitted status) with the Kansas Democratic Party May 12, 2020. A delegate or alternate candidate may modify their singular presidential preference by submitting an updated pledge of support no later than the filing deadline. District-level candidates can also file at their Senate caucus on May 9, 2020 or they can submit an application any date prior to May 12, 2020 at noon. A form will be available on the KDP website to submit their application. In addition forms will be available at the KDP office listed below. The candidate will submit the form in-person on May 9, 2020 or by email or fax by May 12, 2020 at noon. (*Rule 13.B, Rule 15.F & Reg. 4.23*)

State Party Headquarters Information:

Kansas Democratic Party

Mailing Address: P.O. Box 1914 Topeka, KS 66601

Office Address: 501 SE Jefferson St #30, Topeka, KS 66607

Phone: (785) 234-0425

Email: info@kansasdems.org

5. Presidential Candidate Right of Review for District-Level Delegates

- a. The Kansas Democratic Chair shall convey to the presidential candidate, or that candidate's authorized representative(s), not later than May 13, 2020 at noon, a list of all persons who have filed for delegate pledged to that presidential candidate. (*Rule 13.D & Rule 13.F*)
- b. Each presidential candidate, or that candidate's authorized representative(s), must then file with the Kansas Democratic Chair by May 15, 2020 at noon, a list of all such candidates they have approved, provided that approval be given to at least three (3) separate individuals for each position for delegate. (*Rule 13.E.1, Reg. 4.24 & Reg. 4.25*)
- c. Failure to respond will be deemed approval of all delegate and alternate candidates submitted to the presidential candidate unless the presidential candidate, or the authorized representative(s), signifies otherwise in writing to the Kansas Democratic Chair no later than May 15, 2020. Candidates that aren't approved will be notified in writing via email and phone by the presidential candidate's state representative and the KDP Congressional District Chair or designee.

- d. National convention delegate candidates removed from the list of bona fide supporters by a presidential candidate, or that candidate's authorized representative(s), may not be elected as a delegate at that level pledged to that presidential candidate. *(Rule 13.E & Reg. 4.24)*
 - e. The Kansas Democratic Chair shall certify in writing to the Co-Chairs of the DNC Rules and Bylaws Committee whether each presidential candidate has used their best efforts to ensure that their respective district-level delegate candidates meet the affirmative action and outreach and inclusion considerations and goals detailed in the Affirmative Action section of this Plan within three (3) business days of returning the list of approved district-level delegate candidates as indicated in Section III.A.5.b of this Plan. *(Rule 6.I & Reg.4.10.C)*
6. Fair Reflection of Presidential Preference
- a. Party Run Presidential Primary - Proportional Representation Plan *(Rule 14.A, Rule 14.B & Rule 14.D)*

The Kansas Party-Run presidential primary election is a "binding" primary. Accordingly, delegate positions shall be allocated so as to fairly reflect the expressed presidential (or uncommitted) preference of the primary voters in each district. The National Convention delegates selected at the district level shall be allocated in proportion to the percentage of the primary vote won in that district by each preference, except that preferences falling below a 15% threshold shall not be awarded any delegates.
 - b. Within a district, if no presidential preference reaches a 15% threshold, the threshold shall be half the percentage of the vote received in that district by the front-runner. *(Rule 14.F)*
 - c. Congressional District-level delegates to the national convention will be selected by a caucus of persons on May 16, 2020 when selected delegates sign statements of support for the same presidential candidate. *(Rule 13.G)*
7. Equal Division of District-Level Delegates
- a. To ensure the district-level delegates are equally divided between men and women (determined by gender self-identification) the gender of the first binary delegate elected in each district will be designated. At the time of election of delegates in the district the binary gender advantage will alternate as delegate positions are filled and the alternation shall continue across presidential preferences in order of vote-getting preference. In the case of non-binary gender delegates, they shall not be counted in either the male or female category. *(Rule 6.C., Rule 6.C.1 & Reg. 4.10)*

- b. The district-level delegate positions shall be pre-designated so that the gender of the first position to be filled by the winning presidential candidate is predetermined. Once the allocation of district delegates among presidential preference(s) has been calculated, the remaining delegate positions can be assigned to the presidential preference(s), in order of vote won, alternating by gender.
 - c. After the delegates are selected, the alternates will be awarded, using the same process described above.
- 8. The Kansas Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee (DNC) the election of the state's district-level delegates to the Democratic National Convention within 10 days after their election. *(Rule 8.C & Call IV.A)*
- B. Automatic Delegates
 - 1. Automatic Party Leaders and Elected Officials
 - a. The following categories (if applicable) shall constitute the Automatic Party Leaders and Elected Official delegate positions:
 - (1) Members of the Democratic National Committee who legally reside in the state; *(Rule 9.A.1, Call I.F, Call I.J, & Reg. 4.15)*
 - (2) Democratic President and Democratic Vice President (if applicable); *(Rule 9.A.2 & Call I.G)*
 - (3) All of State's Democratic Members of the U.S. House of Representatives and the U.S. Senate; *(Rule 9.A.3, Call I.H & Call I.J)*
 - (4) The Democratic Governor (if applicable); *(Rule 9.A.4, Call I.H & Call I.J)*
 - b. An Automatic delegate may run and be elected as a Pledged delegate. If an Automatic delegate is elected and certified as a Pledged delegate, that individual shall not serve as an Automatic delegate at the 2020 National Convention. *(Call I.J)*
 - c. The certification process for the Automatic Party Leader and Elected Official delegates is as follows:
 - (1) Not later than March 6, 2020, the Secretary of the Democratic National Committee shall officially confirm to the State Democratic Chair the names of the Automatic delegates who legally reside in State. *(Rule 9.A)*

- (2) Official confirmation by the Secretary shall constitute verification of the Automatic delegates from the categories indicated above. *(Call IV.B.1)*
 - (3) The State Democratic Chair shall certify in writing to the Secretary of the DNC the presidential preference of state's Automatic delegates 10 days after the completion of the State's Delegate Selection Process. *(Call IV.C)*
2. For purposes of achieving equal division between delegate men and delegate women within the state's entire convention delegation (determined by gender self-identification), the entire delegation includes all pledged and Automatic delegates, including those who identify as male or female. *(Rule 6.C and Reg. 4.9)*
- C. Pledged Party Leader and Elected Official (PLEO) Delegates
1. Kansas is allotted 4 pledged Party Leader and Elected Official (PLEO) delegates. *(Call I.D, Call I.E & Appendix B)*
 2. Pledged PLEO Delegate Filing Requirements
 - a. Individuals shall be eligible for the pledged Party Leader and Elected Official delegate positions according to the following priority: big city mayors and statewide elected officials (to be given equal consideration); state legislative leaders, state legislators, and other state, county and local elected officials and party leaders. Automatic delegates who choose to run for PLEO delegate will be given equal consideration with big city mayors and statewide elected officials. *(Rule 10.A.1 & Reg. 4.16)*
 - b. An individual can qualify as a candidate for a position as a pledged PLEO delegate by filing a statement of candidacy designating their singular presidential (or uncommitted) preference and a signed pledge of support for the presidential candidate (including uncommitted status) with the Kansas Democratic Party by May 22, 2020. Any candidate may modify their singular presidential preference by submitting an updated pledge of support to the State Chair no later than the filing deadline. The candidate will need to submit one form for each delegate level. These forms can not be submitted at the same time. As the selection process progresses, not-yet-selected delegates are able to apply for the next available selection. Forms will be available on the KDP website as well as in person on May 9. Candidates for PLEO delegates do not have to be elected delegates to the State Convention. *(Rule 10.A.3, Rule 15.G, Reg.4.18 & Reg. 4.17)*

State Party Headquarters Information:

Kansas Democratic Party

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Website: www.kansasdems.org

3. Presidential Candidate Right of Review

- a. The Kansas Democratic Chair shall convey to the presidential candidate, or that candidate's authorized representative(s), on May 27, 2020, a list of all persons who have filed for a Party Leader and Elected Official delegate pledged to that presidential candidate. *(Rule 10.A.3 & Rule 13.D)*
- b. Each presidential candidate, or that candidate's authorized representative(s), must file with the Kansas Democratic Chair, by June 3rd at 12pm central time. a list of all such candidates they have approved, as long as approval is given to at least two (2) names for every position to which the presidential candidate is entitled. *(Rule 13.E.2 & Reg. 4.25)*
- c. Failure to respond will be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate or the authorized representative(s) signifies otherwise in writing to the Kansas Democratic Chair no later than 12pm central time on June 3, 2020. *(Rule 13.D)*
- d. The Kansas Democratic Chair shall certify in writing to the Co-Chairs of the DNC Rules and Bylaws Committee whether each presidential candidate has used their best efforts to ensure that their respective pledged PLEO delegate candidates meet the affirmative action and outreach and inclusion considerations and goals detailed in the Affirmative Action section of this Plan within three (3) business days of returning the list of approved pledged PLEO candidates as indicated in Section III.C.3.b of this Plan. *(Rule 6.I & Reg. 4.10.C)*

4. Selection of Pledged Party Leader and Elected Official Delegates

- a. The pledged PLEO slots shall be allocated among presidential preferences on the same basis as the at-large delegates. *(Rule 10.A.2, Rule 11.C, Rule 14.E & Rule 14.F)*
- b. Selection of the pledged PLEO delegates will occur at 1:30 p.m. on June 6, 2020 at the state convention in a location determined by the Kansas Democratic Party, which is after the election of district-level delegates and alternates and prior to the selection of at-large delegates and alternates. *(Rule 10.A)*
- c. These delegates will be selected by the Kansas Democratic Party State Committee by majority vote alternating by gender. In the case of non-gender binary delegates, they shall not be counted in either the male or female category. *(Rule 10.B)*

5. The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the election of the state's pledged Party Leader and Elected Official delegates to the Democratic National Convention within 10 days after their election. *(Call IV.A & Reg. 5.4.A)*

D. At-Large Delegates and Alternates

1. The state of Kansas is allotted 9 at-large delegates and 3 at-large alternates. *(Rule 8.C, Call I.B, II, Appendix B & Reg. 4.34)*
2. At-Large Delegate and Alternate Filing Requirements
 - a. Persons desiring to seek at-large delegate or alternate positions may file a statement of candidacy designating their singular presidential or uncommitted preference and a signed pledge of support for the presidential candidates (including uncommitted status) with the Kansas Democratic Party. Individuals can file as a PLEO and At-Large delegate at the same time. Forms will be available on the Kansas Democratic Party website by May 9th. A delegate or alternate candidate may modify their singular presidential preference by submitting an updated pledge of support no later than the filing deadline. At-large delegates do not need to be elected delegates to the Kansas Democratic Party State Convention. *(Rule 13.A., Rule 13.B, Rule 15.G, Reg. 4.22, Reg. 4.23, & Reg. 4.31)*

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- b. The statement of candidacy for at-large delegates and for at-large alternates will be the same. After the at-large delegates are elected by the State Convention, those persons not chosen will then be considered candidates for at-large alternate positions unless they specify otherwise when filing. *(Rule 19.A)*
3. Presidential Candidate Right of Review
 - a. The State Democratic Chair shall convey to the presidential candidate, or that candidate's authorized representative(s), not later than 30 minutes after the election of the PLEO delegates on June 6, 2020, a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. *(Rule 13.D) (Reg. 4.24.D & Reg. 4.31.C)*

- b. Each presidential candidate, or that candidate's authorized representative(s), must then file with the State Democratic Chair, by 30 minutes after receipt, a list of all such candidates they have approved, provided that, at a minimum, two (2) names remain for every national convention delegate or alternate position to which the presidential candidate is entitled. *(Rule 13.D.4, Rule 13.E.2 & Reg. 4.25)*
 - c. Failure to respond will be deemed approval of all delegate candidates submitted to the presidential candidate unless the presidential candidate or the authorized representative(s) signifies otherwise in writing to the State Democratic Chair by June 6, 2020.
 - d. The State Democratic Chair shall certify in writing to the Co-Chairs of the DNC Rules and Bylaws Committee whether each presidential candidate has used their best efforts to ensure that their respective at-large delegate candidates and at-large alternate candidates meet the affirmative action and outreach and inclusion considerations and goals detailed in the Affirmative Action and Outreach and Inclusion section of this Plan within three (3) business days of returning the list of approved at-large delegate candidates and at-large alternate candidates as indicated in this Section.
4. Fair Reflection of Presidential Preference
- a. At-large delegates and alternates should be allocated among presidential candidates according to the results of the Party-run primary on May 2. *(Rule 9.B, Rule 11.C & Reg. 4.19)*
 - b. Preferences which have not attained a 15% threshold on a statewide basis shall not be entitled to any at-large delegates. *(Rule 14.E)*
 - c. If no presidential preference reaches a 15% threshold, the threshold shall be half the percentage of the statewide vote received by the front-runner. *(Rule 14.F)*
 - d. If a presidential candidate otherwise entitled to an allocation is no longer a candidate at the time of selection of the at-large delegates, their allocation will be proportionally divided among the other preferences entitled to an allocation. *(Rule 11.C)*
 - e. If a given presidential preference is entitled to one (1) or more delegate positions but would not otherwise be entitled to an alternate position, that preference shall be allotted one (1) at-large alternate position. *(Rule 19.B, Call 1.1 & Reg. 4.33)*

5. Selection of At-Large Delegates and Alternates

- a. The selection of the at-large delegates and alternates will occur at 3:00 pm on June 6, 2020 in a location determined by the State Party, which is after all pledged Party Leader and Elected Official delegates have been selected. (*Call III*)
- b. These delegates and alternates will be selected at the state convention by a majority vote alternating by gender (*Rule 11.B & Rule 11.B*)

d. Priority of Consideration

- (1) In the selection of the at-large delegation priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women, if such priority of consideration is needed to fulfill the affirmative action goals outlined in the state's Delegate Selection Plan. (*Rule 6.A.3*)
- (2) To continue the Democratic Party's ongoing efforts to include groups historically under-represented in the Democratic Party's affairs and to assist in the achievement of full participation by these groups, priority of consideration shall be given other groups by virtue of race, sex, age, color, creed, national origin, religion, ethnic identify, sexual orientation, gender identity and expression, economic status or disability. (*Rule 5.C, Rule 6.A.3, Rule 7 & Reg. 4.8*)
- (3) The election of at-large delegates and alternates shall be used, if necessary, to achieve the equal division of positions between men and women as far as mathematically practicable, and may be used to achieve the representation goals established in the Affirmative Action Plan and Outreach and Inclusion Program section of this Plan. (*Rule 6.A, Rule 6.C and Reg. 4.9*)
- (4) Delegates and alternates are to be considered separate groups for this purpose. (*Rule 6.C.1, Rule 11.A, Reg. 4.9 & Reg. 4.20*)

6. The Kansas Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the election of the state's at-large delegates and alternates to the Democratic National Convention within 10 days after their election. (*Rule 8.C & Call IV.A*)

E. Replacement of Delegates and Alternates

- 1. A pledged delegate or alternate may be replaced according to the following guidelines:

- a. Permanent Replacement of a Delegate: *(Rule 19.D.3)*
 - (1) A permanent replacement occurs when a delegate resigns or dies prior to or during the national convention and the alternate replaces the delegate for the remainder of the National Convention.
 - (2) Any alternate permanently replacing a delegate shall be of the same presidential preference (including uncommitted status) and gender of the delegate they replace, and to the extent possible shall be from the same political subdivision within the state as the delegate.
 - (a) In the case where the presidential candidate has only one (1) alternate, that alternate shall become the certified delegate.
 - (b) If a presidential candidate has only one (1) alternate, and that alternate permanently replaces a delegate of a different gender, thereby causing the delegation to no longer be equally divided, the delegation shall not be considered in violation of Rule 6.C. In such a case, notwithstanding Rule 19.D.2, the State Party Committee shall, at the time of a subsequent permanent replacement, replace a delegate with a person of a different gender, in order to return the delegation to equal division of men and women. *(Reg. 4.36)*
 - (3) If a delegate or alternate candidate who has been elected but not certified to the DNC Secretary resigns, dies, or is no longer eligible to serve, they shall be replaced, after consultation with the State Party, by the authorized representative of the presidential candidate to whom they are pledged. *(Rule 19.D.2)*
- b. Temporary Replacement of a Delegate: *(Rule 19.D.4)*
 - (1) A temporary replacement occurs when a delegate is to be absent for a limited period of time during the convention and an alternate temporarily acts in the delegate's place.
 - (2) Any alternate who temporarily replaces a delegate must be of the same presidential preference (including uncommitted status) as the delegate they replace, and to the extent possible shall be of the same gender and from the same political subdivision within the state as the delegate.
- c. The following system will be used to select permanent and temporary replacements of delegates: The alternate who receives the highest number of votes becomes the delegate. *(Rule 19.D.1)*

- d. Certification of Replacements
 - (1) Any alternate who permanently replaces a delegate shall be certified in writing to the Secretary of the DNC by the Kansas Democratic Chair. (*Rule 19.D.3*)
 - (2) Permanent replacement of a delegate (as specified above) by an alternate and replacement of a vacant alternate position shall be certified in writing by the Kansas Democratic Chair to the Secretary of the Democratic National Committee within three (3) days after the replacement is selected. (*Call IV.D.1*)
 - (3) Certification of permanent replacements will be accepted by the Secretary up to 72 hours before the first official session of the Convention is scheduled to convene. (*Call IV.D.1 & Reg. 4.35*)
 - (4) In the case where a pledged delegate is permanently replaced after 72 hours before the time the first session is scheduled to convene or, in the case where a pledged delegate is not on the floor of the Convention Hall at the time a roll call vote is taken, an alternate may be designated (as specified above) to cast the delegate's vote. In such case, the Delegation Chair shall indicate the name of the alternate casting the respective delegate's vote on the delegation tally sheet. (*Call IX.F.3.e, Call IX.F.3.c & Reg. 5.6*)
 - e. A vacant alternate position shall be filled by the delegation. The replacement shall be of the same presidential preference (or uncommitted status), of the same gender and, to the extent possible, from the same political subdivision as the alternate being replaced. (*Rule 19.E*)
2. Automatic delegates shall not be entitled to a replacement, nor shall the state be entitled to a replacement, except under the following circumstances: (*Call IV.D.2 & Reg. 4.37*)
- a. Members of Congress and the Democratic Governor shall not be entitled to name a replacement. In the event of changes or vacancies in Kansas's Congressional Delegation, following the official confirmation and prior to the commencement of the National Convention, the DNC Secretary shall recognize only such changes as have been officially recognized by the Democratic Caucus of the U.S. House of Representatives or the Democratic Conference of the U.S. Senate. In the event of a change or vacancy in Kansas's office of the Governor, the DNC shall recognize only such changes as have been officially recognized by the Democratic Governors' Association. (*Call IV.D.2.a*)
 - b. Members of the Democratic National Committee shall not be entitled to a replacement, nor shall the state be entitled to a replacement, except in the

case of death of such delegates. In the case where the state's DNC membership changes following the DNC Secretary's official confirmation, but prior to the commencement of the 2020 Democratic National Convention, acknowledgment by the Secretary of the new DNC member certification shall constitute verification of the corresponding change of Automatic delegates. *(Call, IV.D.2.b)*

- c. Automatic distinguished Party Leader delegates allocated to the state pursuant to Rule 9.A.(5), shall not be entitled to name a replacement, nor shall the state be entitled to name a replacement. *(Call IV.D.2.c)*
- d. In no case may an alternate cast a vote for an Automatic delegate. *(Call IX.F.3.e)*

Section IV

Selection of Convention Standing Committee Members

A. Introduction

1. Kansas has been allocated 1 member on each of the three (3) standing committees to serve on the 2020 Democratic National Convention (Credentials, Platform and Rules), for a total of 3 members. *(Call VII.A & Appendix D)*
2. Members of the Convention Standing Committees need not be delegates or alternates to the 2020 Democratic National Convention. *(Call VII.A.3)*
3. These members will be selected in accordance with the procedures indicated below. *(Rule 1.G)*

B. Temporary Standing Committee Members

1. Temporary members for the Convention Platform Standing Committee, will be selected by the *Kansas Democratic Party Executive Committee* following the final congressional district convention on May 16, 2020. Each presidential candidate, or that candidate's authorized representative(s), must submit to the Kansas Democratic Chair, by 3:00 pm on May 6, 2020, a minimum of (1) name for each slot awarded to that candidate for members of Convention Platform Standing Committee. The Executive Committee meeting shall be held in Topeka, KS on the evening of May 16, 2020. The meeting shall be open to the public and well publicized in accordance with this Plan. Members of *Kansas Democratic Party Executive Committee* shall receive timely notice of the meeting, in accordance with State Party rules. *(Call VII.G.2)*
2. Temporary members serve only in the event that the respective standing committee is called to meet prior to completion of the state's delegate selection process and subsequent selection of permanent standing committee members. No temporary

member may continue to serve after the selection of the permanent standing committee members unless they are elected as a permanent member. *(Call VII.G.3)*

3. Temporary members selected after the first determining step has occurred in a state shall reflect the Presidential preferences so established. *(Call VII.G.3)*

4. The State Chair shall certify the temporary standing committee members in writing to the Secretary of the Democratic National Committee within three (3) days after their selection. Substitutions in a state's list of temporary members may only be made up to ten (10) days prior to the time the standing committee meets. Substitute temporary standing committee members will be selected by the state chair in accordance with the provisions outlined above. *(Call VII.B.3 and Call VII.G.4)*

C. Standing Committee Members

1. Selection Meeting

- a. The members of the standing committees shall be elected by a quorum of Kansas's National Convention delegates, at a meeting to be held on June 13, 2020. *(Call VII.B.1)*
- b. All members of the delegation shall receive adequate notice of the time, date and place of the meeting to select the standing committee members. *(Call VII.B.1)*

2. Allocation of Members

- a. The members of the standing committees allocated to Kansas shall proportionately represent the presidential preference of all candidates (including uncommitted status) receiving the threshold percentage used in Kansas's delegation to calculate the at-large apportionment pursuant to Rule 14.E. of the Delegate Selection Rules. *(Call VII.C.1 & Reg. 5.9)*
- b. The presidential preference of each candidate receiving the applicable percentage or more within the delegation shall be multiplied by the total number of standing committee positions allocated to Kansas. If the result of such multiplication does not equal 0.455 or above, the presidential preference in question is not entitled to representation on the standing committee. If the result of such multiplication is 0.455 but less than 1.455, the presidential preference is entitled to one (1) position. Those preferences securing more than 1.455 but less than 2.455 are entitled to two (2) positions, etc. *(Call VII.C.2)*
- c. Where the application of this formula results in the total allocation exceeding the total number of committee positions, the presidential candidate whose original figure of representation is farthest from its eventual rounded-off total

shall be denied that one (1) additional position. Where the application of this formula results in the total allocation falling short of the total number of committee positions, the presidential candidate whose original figure of representation is closest to the next rounding level shall be allotted an additional committee position. *(Call VII.C.3)*

- d. Standing committee positions allocated to a presidential candidate shall be proportionately allocated, to the extent practicable, to each of the three (3) standing committees. When such allocation results in an unequal distribution of standing committee positions by candidate preference, a drawing shall be conducted to distribute the additional positions. *(Call VII.C.4)*

3. Presidential Candidate Right of Review

- a. Each presidential candidate, or that candidate's authorized representative(s) shall be given adequate notice of the date, time and location of the meeting of Kansas's delegation authorized to elect standing committee members. *(Call VII.D.1)*
- b. Each presidential candidate, or that candidate's authorized representative(s), must submit to the Kansas Democratic Chair, by 3:00 pm on June 10, 2020, a minimum of (1) name for each slot awarded to that candidate for members of each committee. The delegation shall select the standing committee members from among names submitted by the presidential candidates (including uncommitted status). Presidential candidates shall not be required to submit the name of more than one (1) person for each slot awarded to such candidate for members of standing committees. *(Call VII.D.2)*

4. Selection Procedure to Achieve Equal Division

- a. Presidential candidates (including uncommitted status) shall use their best efforts to ensure that their respective delegation of standing committee members shall achieve Kansas's affirmative action, outreach and inclusion goals and that their respective male and female members are equally divided between the men and women determined by gender self-identification. *(Rule 6.1 & Reg. 4.10)*
- b. The first binary gender position on each standing committee shall be assigned by binary gender as self-identified. For example, the first binary position on the Credentials Committee of the presidential candidate with the most standing committee positions shall be designated for a male, and the next binary position, if one occurs, will be designated for a female, and the remaining binary positions, to the extent they occur, shall be designated in like fashion, alternating between males and females, where applicable. For avoidance of doubt: there is no requirement that positions be assigned to gender non-binaries but the described alternation of binary genders may not be used to

exclude a gender non-binary from consideration for a committee position. Positions for presidential candidates on each committee shall be ranked according to the total number of standing positions allocated to each such candidate. After positions on the Credentials Committee are designated by gender, the designation shall continue with the Platform Committee, then the Rules Committee.

- (1) A separate election shall be conducted for membership on each standing committee.
- (2) The male and female membership of the standing committees shall be as equally divided among the men and women as possible under the state allocation; the variance between men and women in any committee or among the three committees in aggregate shall not exceed one. *(Call VII.E.2)*
- (3) Gender non-binary committee members shall not be counted as either a male or female, and the remainder of the delegation shall be equally divided between male gender (men) and female gender (women). *(Call VII.E.1)*
- (4) The positions allocated to each presidential candidate on each committee shall be voted on separately, and the winners shall be the highest vote-getter(s) of the appropriate gender.

5. Certification and Substitution

- a. The Kansas Democratic Chair shall certify the standing committee members in writing to the Secretary of the Democratic National Committee within three (3) days after their selection. *(Call VII.B.3)*
- b. No substitutions will be permitted in the case of standing committee members, except in the case of resignation or death. Substitutions must be made in accordance with the rules and the election procedures specified in this section, and must be certified in writing to the Secretary of the Democratic National Committee within three (3) days after the substitute member is selected but not later than 48 hours before the respective standing committee meets, except in the case of death. *(Call VII.B.4)*

Section V

Delegation Chair and Convention Pages

A. Introduction

Kansas will select one (1) person to serve as Delegation Chair and 2 to serve as Convention Pages. *(Call IV.E, Call IV.F.1 & Appendix C)*

B. Delegation Chair

1. Selection Meeting

- a. The Delegation Chair shall be selected by a quorum of the state's National Convention Delegates, at a meeting to be held on June 13, 2020. *(Call IV.E & Call VII.B.1)*
- b. All members of the delegation shall receive timely notice of the time, date and place of the meeting to select the Delegation Chair. *(Rule 3.C)*

2. The Kansas Democratic Chair shall certify the Delegation Chair in writing to the Secretary of the Democratic National Committee within three (3) days after their selection. *(Call IV.E)*

C. Convention Pages

1. Two (2) individuals will be selected to serve as Kansas's Convention Pages by the State Democratic Chair in consultation with the members of the Democratic National Committee from the state. This selection will take place on June 13, 2020 *(Call IV.F.3, Appendix C & Reg. 5.7)*
2. The Convention Pages shall be as evenly divided between men and women (determined by self-identification) as possible under the state allocation and shall reflect as much as possible, the Affirmative Action and Outreach and Inclusion guidelines in the state plan. In the case of gender non-binary pages, they shall not be counted as either a male or female, and the remainder of the pages shall be equally divided. *(Reg. 5.7.A)*
3. The Kansas Democratic Chair shall certify the individuals to serve as Kansas's Convention Pages in writing to the Secretary of the Democratic National Committee within three (3) days after the selection. *(Call IV.F.3 & Reg. 5.7.B)*

Section VI Presidential Electors

A. Introduction

Kansas will select 6 persons to serve as Presidential Electors for the 2020 Presidential election.

B. Selection of Presidential Electors

The Presidential Electors shall be selected by the Kansas Democratic Party State Committee on June 6, 2020. The state committee shall elect, by a majority vote of its members, six electors. Any registered Democrat in the state of Kansas who is a member of the state committee may be nominated so long as such person is present and accepts said nomination. At least six persons who are present and accept said nomination shall be nominated (three must be males and three must be females). If there are only three males and three females nominated, then voting for said electors shall be by acclamation. If more than three males or females are nominated and accept said nominations, then a vote shall be conducted in which every member of the state committee shall be eligible to vote for up to six persons, three men and three women, to be electors. Each person voting may not vote for more than six persons and may not use more than one of their votes for each elector candidate. The three males and three females receiving the highest number of votes shall be deemed to have been elected as electors, with names submitted to the Kansas Secretary of State pursuant to K.S.A. 25-304. The state chair will present a list of electors, nominations can also be made from the floor, and the state committee will elect the electors on June 6th. The state committee will ensure electors are divided by gender. (Kansas SDC Bylaws XII, *Call VIII*)

C. Affirmation

1. Each candidate for Presidential Elector shall certify in writing that they will vote for the election of the Democratic Presidential and Vice-Presidential nominees. (*Call VIII*)
2. In the selection of the Presidential Electors, the State Party will take the following steps to ensure the persons selected are bona fide Democrats who are faithful to the interests, welfare, and success of the Democratic Party of the United States, who subscribe to the substance, intent and principles of the Charter and the Bylaws of the Democratic Party of the United States: Electors must sign a pledge provided by the Kansas Democratic Party to vote for the candidates nominated by the Democratic Party. (*Call VIII*)

Section VII

General Provisions and Procedural Guarantees

- A. The Kansas Democratic Party reaffirms its commitment to an open party by incorporating the “six basic elements” as listed below. As our Party strives to progress in the fight against discrimination of all kinds, these six basic elements have evolved and grown along with the constant push for more inclusion and empowerment. These provisions demonstrate the intention of the Democratic Party to ensure a full opportunity for all minority group members to participate in the delegate selection process. *(Rule 4.A, Rule 4.B & Rule 4.C)*
1. All public meetings at all levels of the Democratic Party in Kansas should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, economic status or disability (hereinafter collectively referred to as “status”). *(Rule 4.B.1)*
 2. No test for membership in, nor any oaths of loyalty to, the Democratic Party in Kansas should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on “status.” *(Rule 4.B.2)*
 3. The time and place for all public meetings of the Democratic Party in Kansas on all levels should be publicized fully and, in such manner, as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons. *(Rule 4.B.3)*
 4. The Democratic Party in Kansas, on all levels, should support the broadest possible registration without discrimination based on “status.” *(Rule 4.B.4)*
 5. The Democratic Party in Kansas should publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Kansas Democratic Party officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of the Kansas Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Kansas Democratic Party organization. As part of this, the Kansas Democratic Party should develop a strategy to provide education programs directly to voters who continue to experience confusing timelines for registration, changing party affiliation deadlines, or lack of awareness of the process for running for delegate, to ensure all Democratic voters understand the rules and timelines and their impact on voter participation. *(Rule 4.B.5)*
 6. The Democratic Party in Kansas should publicize fully and in such a manner as to assure notice to all interested parties, a complete description of the legal and

practical qualifications of all positions as officers and representatives of the Kansas Democratic Party. Such publication should be done in a timely fashion so that all prospective candidates or applicants for any elected or appointed position within each Kansas Democratic Party will have full and adequate opportunity to compete for office. *(Rule 4.B.6)*

- B. Discrimination on the basis of “status” in the conduct of Democratic Party affairs is prohibited. *(Rule 5.B)*
- C. Kansas’s delegation shall be equally divided between delegate men and delegate women, and alternate men and alternate women, i.e. the number of men and women shall not vary by more than one. Such goal applies to the entire delegation, which includes all pledged delegates and alternates and all automatic delegates. Delegates and alternates shall be considered separate groups for purposes of achieving equal division as determined by gender self-identification. In the case of gender non-binary delegates or alternates, they shall not be counted as either a male or female, and the remainder of the delegation shall be equally divided by gender. *(Rule 6.C)*
- D. All delegate and alternate candidates must be identified as to presidential preference or uncommitted status at all levels which determine presidential preference. *(Rule 13.A)*
- E. No delegate at any level of the delegate selection process shall be mandated by law or Party rules to vote contrary to that person’s presidential choice as expressed at the time the delegate is elected. *(Rule 13.I)*
- F. Delegates elected to the national convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them. *(Rule 13.J)*
- G. Each delegate, alternate and standing committee member must be a bona fide Democrat, who is faithful to the interests, welfare and success of the Democratic Party of the United States, who subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith. *(Rule 13.H, Call VII.A.4 & Reg. 4.26)*
- H. 40% of the members of any Party body above the first level of the delegate selection process shall constitute a quorum for any business pertaining to the selection of National Convention delegates, alternates, standing committee members, and other official Convention participants. *(Rule 16)*
- I. Voting by proxy in the presidential delegate selection process is prohibited. *(Rule 17 & Reg. 4.32)*
- J. The unit rule, or any rule or practice whereby all members of a Party unit or delegation may be required to cast their votes in accordance with the will of a majority of the body, shall not be used at any stage of the delegate selection process. *(Rule 18.A)*

- K. Any individual or group of Democrats may sponsor or endorse a slate of candidates for convention delegates. But no slate may, by virtue of such endorsement, receive a preferential place on a delegate selection ballot or be publicly identified on the ballot as the official Democratic Party organization slate, and all slates must meet identical qualifying requirements for appearing on a ballot at all levels of the delegate selection process. *(Rule 18.B)*

- L. All steps in the delegate selection process, including the filing of presidential candidates, must take place within the calendar year of the Democratic National Convention, except with respect to the implementation of the Affirmative Action Plan and Outreach and Inclusion Programs. *(Rule 1.F & Rule 12.B)*

- M. In electing and certifying delegates and alternates to the 2020 Democratic National Convention, the Kansas Democratic Party hereby undertakes to assure all Democratic voters in Kansas, a full, timely and equal opportunity to participate in the delegate selection process and in all Party affairs and to implement affirmative action and outreach and inclusion plans toward that end; that the delegates and alternates to the Convention shall be selected in accordance with the Delegate Selection Rules for the 2020 Democratic National Convention; and that the delegates certified will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention. *(Call II.B)*

Section VIII

Affirmative Action Plan and Outreach and Inclusion Program

- A. Statement of Purpose and Organization
 - 1. Purpose and Objectives
 - a. To make sure that the Democratic Party at all levels be an open Party which includes rather than excludes people from participation, a program of effective affirmative action is hereby adopted by Kansas. *(Rule 5.A)*

 - b. Discrimination on the basis of “status” in the conduct of Democratic Party affairs is prohibited. *(Rule 5.B)*

 - c. All public meetings at all levels of the Democratic Party in Kansas should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, economic status or disability (hereinafter collectively referred to as “status”). *(Rule 4.B.1)*

 - d. Consistent with the Democratic Party’s commitment to including groups historically under-represented in the Democratic Party’s affairs, by virtue of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual

orientation, gender identity and expression, or disability, Kansas has established goals for these groups. *(Rule 5.C & Reg. 4.8)*

- e. To encourage full participation by all Democrats in the delegate selection process and in all Party affairs, the Kansas Democratic Party has adopted and will implement programs with specific goals and timetables for African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women. To further encourage full participation in the process, the Kansas Democratic Party has established goals and timetables for other underrepresented groups, including the LGBTQ+ community, people with disabilities, and youth. *(Rule 6.A & Rule 7)*
 - (1) The goal of the program shall be to encourage participation in the delegate selection process and in Party organizations at all levels by the aforementioned groups as indicated by their presence in the Democratic electorate. *(Rule 6.A.1)*
 - (2) For the delegate selection process, “Youth” is defined as any participant younger than 36 years old at the time of election. *(Reg. 5.3.A)*
 - (3) For the delegate selection process, individuals identifying as Native Americans should provide their tribal affiliation and indicate if they are enrolled in a tribe. *(Reg. 5.3.B)*
 - (4) These goals shall not be accomplished either directly or indirectly by the Party’s imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs. *(Rule 6.A.2)*

2. Organizational Structure

- a. An Affirmative Action Committee shall be appointed by the State Democratic Chair on March 1, 2019. *(Rule 6.F)*
- b. The Kansas Democratic Chair shall certify in writing to the Rules and Bylaws Committee of the Democratic National Committee the compliance of the Kansas’s Affirmative Action Committee with Rules 5.C, 6.A and 7, and submit the names, demographic data and contact information of the members no later than 15 days after their appointment. *(Reg. 2.2.J)*
- c. The Committee shall consist of members who are regionally diverse and represent the Democratic constituency groups set forth in the Introduction to the Affirmative Action Plan and Outreach and Inclusion Program. (See Attachments for list of the Affirmative Action Committee with each member’s relevant demographic “status” information.)
- d. The Affirmative Action Committee shall be responsible for:

- (1) Helping develop and design the proposed Affirmative Action Plan and Outreach and Inclusion Program and making recommendations to the State Democratic Chair. *(Rule 6.F)*
 - (2) Directing the implementation of all requirements of the Affirmative Action Plan and Outreach and Inclusion Program section of this Plan.
 - (3) Implementing a specific outreach and financial assistance program for persons of low and moderate income to encourage their participation and representation in the national convention delegation. *(Rule 6.G)*
 - (4) Ensuring, on behalf of the Kansas Democratic Party Committee, that district lines used in the delegate selection process are not gerrymandered to discriminate against African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders and women. *(Rule 6.E)*
- e. Financial and staff support for the Affirmative Action Committee shall be provided by the Kansas Democratic Party Committee to the greatest extent feasible, including, but not limited to, making available on a priority basis, the Kansas Democratic Party staff and volunteers, and covering all reasonable costs incurred in carrying out this Plan.
3. Implementation of the Affirmative Action Plan and Outreach and Inclusion Program shall begin on September 13, 2019, with the distribution of the press kits, and will continue through the end of the delegate selection process. *(Rule 1.F)*
- B. Representation Goals
1. In cooperation with the National Committee, the Kansas Democratic Party has determined the demographic composition of African Americans, Hispanics, Native Americans, and Asian Americans and Pacific Islanders in the state's Democratic electorate. These constituency percentages shall be established as goals for representation in the state's convention delegation. *(Rule 6.A)*
 2. In cooperation with the National Committee, the Kansas Democratic Party has determined the demographic composition of members of the LGBTQ+ community, people with disabilities, and youth in the state's Democratic electorate. The Kansas Democratic Party has chosen to establish these percentages as goals for representation in the state's convention delegation. *(Rule 7 & Reg. 4.8.C.iii)*
 3. Based on the report from the DNC Data and Analytics Team of February 15, 2019, the following table gives the best estimates of the percentage of Democratic supporters in Kansas who fall into each of the listed demographic categories

	African Americans	Hispanics	Native Americans	Asian Americans and Pacific Islanders	LGBTQ+ Americans	People with Disabilities	Youth
Percent in Democratic Electorate	12%	13%	1%	3%	7%	16%	36%
Numeric Goals for Delegation	5	5	1	1	3	7	15

4. When selecting the at-large portion of the delegation, the demographic composition of the other delegates (district-level, pledged PLEO, and Automatic) shall be compared with the Kansas Democratic Party’s representation goals to achieve an at-large selection process that helps to bring about a representative balance. *(Rule 11.A)*
5. Although the selection of the at-large delegation may be used to fulfill the affirmative action goals established by this Plan, the Kansas Democratic Party will conduct outreach and inclusion activities such as recruitment, education and training at all levels of the delegate selection process. *(Rule 6.A.3)*

C. Efforts to Educate on the Delegate Selection Process

1. Well-publicized educational workshops will be conducted in each of the delegate districts beginning in September 2019. These workshops will be designed to encourage participation in the delegate selection process, including apprising potential delegate and alternate candidates of the availability of financial assistance. These workshops will be held in places that are easily accessible to persons with disabilities. The times, dates, places and rules for the conduct of all education workshops, meetings and other events involved in the delegate selection process shall be effectively publicized by the party organization and include mailings to various organizations representative of the Democratic voting electorate. *(Rule 3.A, Rule 3.C & Rule 3.D)*
2. A speaker’s bureau of volunteers from the Kansas Democratic Party, including the Affirmative Action Committee, shall be comprised of individuals who are fully familiar with the process, will be organized to appear before groups, as needed, to provide information concerning the process.
3. The Kansas Democratic Party’s education efforts will include outreach to community leaders within the Democratic Party’s constituencies and making sure that information about the delegate selection process is available to Democratic clubs and Party caucuses representing specific constituencies.
4. The Kansas Democratic Party will publish and make available at no cost: a clear and concise explanation of how Democratic voters can participate in the delegate selection process. As well, the Kansas Democratic Party shall also make available

copies of the Kansas Democratic Party Rules, the Delegate Selection Plan (and its attachments), the Affirmative Action Plan and Outreach and Inclusion Program, and relevant state statutes at no cost. Copies of documents related to the state's delegate selection process will be prepared and the State Party and Affirmative Action Committee will distribute them in the various delegate districts not later than January 10, 2020. *(Rule 1.H)*

5. Participation in the delegate selection process shall be open to all voters who wish to participate as Democrats. Democratic voters shall be those persons who publicly declare their Party preference and have that preference publicly recorded. *(Rule 2.A)*
 6. The Kansas Democratic Party shall take all feasible steps to encourage non-affiliated voters and new voters to register or enroll, to provide simple procedures through which they may do so and to eliminate excessively long waiting periods for voters wish to register or to change their party enrollment status. *(Rule 2.C)*
 7. The Affirmative Action Committee will develop a Kansas Democratic Party strategy to be implemented beginning September 13, 2019 that will provide education programs directly to voters who continue to experience confusing timelines for registration, changing party affiliation deadlines, or lack of awareness of the process for running for delegate, to ensure all Democratic voters understand the rules and timelines and their impact on voter participation. *(Rule 4.B.5)*
- D. Efforts to Publicize the Delegate Selection Process
1. The Kansas Democratic Party shall direct special attention to publicizing the delegate selection process in the state. Such publicity shall include information on eligibility to vote and how to become a candidate for delegate, the time and location of each stage of the delegate selection process, and where to get additional information. The foregoing information will also be published in the Kansas Democratic Party communications and on the Kansas Democratic Party's website. The Party organization, official, candidate, or member calling a meeting or scheduling an event, shall effectively publicize the role that such meeting or event plays in the selection of delegates and alternates to the Democratic National Convention. *(Rule 3.C & Rule 3.D)*
 2. The Kansas Democratic Party shall have a Delegate Selection Media Plan for using all available and appropriate resources, such as social media, websites, newspapers, radio and television, to inform the general public how, when and where to participate in the delegate selection process. Specifically, the Delegate Selection Media Plan will provide details as to how to qualify to run as a delegate candidate. Regular updates should be posted/released throughout the state's delegate selection process to ensure broad and timely coverage and awareness about the process to all interested persons. *(Rule 4.B.3 & Rule 6.D)*

3. A priority effort, as described in the Delegate Selection Media Plan, shall be directed at publicity among the Democratic Party's constituencies.
 - a. Information about the delegate selection process will be provided to minority newspapers and radio stations, ethnic press, Native American, Asian Americans and Pacific Islanders, Spanish-speaking and other non-English press, radio stations and publications, and women's organizations, student newspapers, LGBT press, disability press, and any other specialty media in the state that is likely to reach the Democratic constituency groups set forth in the Introduction of this Affirmative Action Plan.
 - b. The Kansas Democratic Party shall be responsible for the implementation of this publicity effort. For purposes of providing adequate notice of the delegate selection process, the times, dates, places and rules for the conduct of meetings and conventions shall be effectively publicized, multilingually where necessary, to encourage the participation of minority groups. *(Rule 6.D)*
 4. Not later than September 13, 2019, the Kansas Democratic Party will make information about the delegate selection process available on its website and publicize the resource through press releases and communications to Party leaders, activists and targeted constituencies. The Kansas Democratic Party will also provide a press kit to each daily and weekly newspaper. Information will include:
 - a summary of all pertinent rules related to the state's delegate selection process;
 - a map of delegate districts and number of delegates who will be elected within each district along with filing forms or information on how to obtain the filing forms;
 - a summary explaining the operation and importance of the 2020 Convention; and
 - materials designed to encourage participation by prospective delegate candidates.
- E. Obligations of Presidential Candidates to Maximize Participation
1. Presidential candidates shall assist the Kansas Democratic Party in meeting the demographic representation goals reflected in the Affirmative Action Plan and Outreach and Inclusion Program. Kansas may impose reasonable specific affirmative action obligations on presidential candidates consistent with the delegate selection system employed by the Kansas. *(Rule 6.H)*
 2. Each presidential candidate must submit a written statement to the Kansas Democratic Chair by January 10, 2020 which indicates the specific steps they will take to encourage full participation by their supporters in State's delegate selection process, including, but not limited to, procedures by which persons may file as candidates for delegate or alternate pledged to the presidential candidate. *(Rule 6.H.1)*

3. Each presidential candidate must submit demographic information with respect to all candidates for delegate and alternate pledged to them. Such information shall be submitted in conjunction with the list of names approved for consideration as delegate and alternate candidates pledged to the presidential candidate. *(Rule 6.H.2)*
4. Presidential candidates shall use their best effort to ensure that their respective delegates, alternates and standing committee members shall achieve the affirmative action goals reflected in the Affirmative Action Plan and Outreach and Inclusion Program and that the number of men and the number of women in their respective delegations shall not differ by more than one (as determined by gender self-identification). Furthermore, presidential candidates shall use their best efforts at the district level to approve delegate, alternate, and standing committee candidates who meet applicable equal division and affirmative action considerations to promote and achieve the state's affirmative action, outreach and inclusion goals and equal division for their respective delegations. *(Rule 6.C., Rule 6.I & Reg. 4.10)*

F. Outreach and Inclusion Program

1. The Kansas Democratic Party is committed to help achieve full participation of those groups of Americans who have historically been explicitly denied the right to vote or who have been subjected to discriminatory and exclusionary practices that have denied them voting rights and full participation in the delegate selection process and other Party meetings, events and elections, along with other groups of Americans who are also underrepresented in Party affairs.
2. As such, the Kansas Democratic Party has developed outreach and inclusion programs and is committed to fully implementing the programs so that all persons who wish to participate as Democrats understand they are welcome and encouraged to be a part of the delegate selection process and in the Party at the local, state and national levels.
3. The Kansas Democratic Party will make accommodations to facilitate greater participation by people with disabilities.
 - a) The Kansas Democratic Party will allow individuals to request a paper ballot. Any registered Democrat who is on the state's permanent advance ballot list will automatically be mailed a paper ballot. This will allow greater participation by persons with disabilities.
 - b) All voting and convention sites at all levels must be held in places accessible to all Party members and large enough to accommodate all interested persons.

- c) All correspondence regarding the party-run primary or delegate selection process will include information on how to petition the Kansas Democratic Party Chair to request accommodation. All requests must be made by April 1, 2020 and will be reviewed by the Affirmative Action Committee.

Section IX Challenges

A. Jurisdiction & Standing

1. Challenges related to the delegate selection process are governed by the *Regulations of the DNC Rules and Bylaws Committee for the 2020 Democratic National Convention (Reg. Sec. 3)*, and the “Rules of Procedure of the Credentials Committee of the 2020 Democratic National Convention.” (*Call Appendix A*)
2. Under Rule 21.B. of the *2020 Delegate Selection Rules*, the DNC Rules and Bylaws Committee has jurisdiction over challenges pertaining to the submission, non-implementation and violation of state Delegate Selection and Affirmative Action Plan and Outreach and Inclusion Program. (*Rule 21.B & Call Appendix A*)
3. The Rules and Bylaws Committee has jurisdiction to hear and decide any challenge provided it is initiated before the 56th day preceding the date of the commencement of the 2020 Democratic National Convention. (*Call Appendix A & Reg. 3.1*)
4. Challenges to the credentials of delegates and alternates to the 2020 Democratic National Convention initiated on or after the 56th day preceding the date of commencement of the Democratic National Convention shall be processed in accordance with the “Rules of Procedure of the Credentials Committee of the 2020 Democratic National Convention.” (*Call Appendix A*)
5. Any challenge to the credentials of a standing committee member shall be considered and resolved by the affected standing committee in accordance with Appendix A of the *Call for the 2020 Democratic National Convention*. The Rules and Bylaws Committee shall have jurisdiction over challenges brought before the 56th day preceding the date of the commencement of the Democratic National Convention. (*Call VII.B.5*)
6. Copies of the Regulations of the Rules and Bylaws Committee and/or the Call for the 2020 Democratic National Convention, including the Rules of Procedure of the Credentials Committee (*Appendix A*), shall be made available by the State Party upon reasonable request.

7. Any group of 15 Democrats with standing to challenge as defined in Reg. 3.2 or the Call (*Appendix A, Sec. 2.A*), may bring a challenge to this Plan or to the implementation of this Plan, including its Affirmative Action provisions.
- B. Challenges to the Status of the State Party and Challenges to the Plan
1. A challenge to the status of the Kansas Democratic Party Committee as the body entitled to sponsor a delegation from that state shall be filed with the Rules and Bylaws Committee not later than 30 calendar days prior to the initiation of the state's delegate selection process. (*Rule 21.A & Reg. 3.4.A*)
 2. A challenge to the state's Delegate Selection Plan shall be filed with the Chair of the Kansas Democratic Party and the Co-Chairs of the Rules and Bylaws Committee within 15 calendar days after the adoption of the Plan by the State Party. (*Reg. 3.4.B*)
 3. A challenge to a Plan must be brought in conformity with the Rules and the RBC Regulations, which should be consulted for a detailed explanation of challenge procedures.
- C. Challenges to Implementation
1. A challenge may be brought alleging that a specific requirement of an approved Plan has not been properly implemented. Jurisdiction over all challenges initiated in a timely fashion shall reside with either the Rules and Bylaws Committee or the Credentials Committee of the National Convention (See Section VII.A. above). However, the Rules and Bylaws Committee may provide advice, assistance or interpretations of the Delegate Selection Rules at any stage of the delegate selection process. (*Reg. 3.1.C*)
 2. An implementation challenge brought before the Rules and Bylaws Committee is initiated by filing a written challenge with the Kansas Democratic Party Committee and with the Rules and Bylaws Committee not later than 15 days after the alleged violation occurred. The Kansas Democratic Party has 21 days to render a decision. Within 10 days of the decision, any party to the challenge may appeal it to the Rules and Bylaws Committee. If in fact, the Kansas Democratic Party renders no decision, any party to the challenge may request the Rules and Bylaws Committee to process it. The request must be made within 10 days after expiration of the above 21-day period. (*Reg. 3.4.C, Reg. 3.4.E & Reg. 3.4.H*)
 3. Performance under an approved Affirmative Action Plan and Outreach and Inclusion Program and composition of the convention delegation shall be considered relevant evidence in the challenge to any state delegation. If a Kansas Democratic Party has adopted and implemented an approved affirmative action program, the Kansas Democratic Party shall not be subject to challenge based solely on delegation composition or primary results. (Rule 6.B) The procedures are the same for

challenges alleging failure to properly implement the Affirmative Action Plan and Outreach and Inclusion Programs of a Plan, except that such challenges must be filed no later than 30 days prior to the initiation of the state’s delegate selection process. (Reg. 3.4.C)

4. Depending on the appropriate jurisdiction (see Section VIII.A. above), implementation challenges must be brought in conformity with the Regulations of the Rules and Bylaws Committee or the Rules of Procedure of the Credentials Committee, which should be consulted for a detailed explanation of challenge procedures.

Section X Summary of Plan

A. Selection of Delegates and Alternates

Kansas will use a proportional representation system based on the results of the formula giving equal weight to total population and to the average vote for the Democratic candidates in the 2012 and 2016 presidential elections apportioning its delegates to the 2020 Democratic National Convention.

The “first determining step” of State’s delegate selection process will occur from 10:00 AM to 4:00 PM on May 2, 2020, with a Party-Run Primary. Delegates and alternates will be selected as summarized on the following chart:

Type	Delegates	Alternates	Date of Selection	Selecting Body
				Filing Requirements and Deadlines
District-Level Delegates District-Level Alternates	28	0	5/16/2020	Selecting Body: Congressional District Convention
				May run for election only within the district in which they are registered to vote and only if they are registered as a Democrat according to the Kansas Secretary of State’s voter file. Filing Deadline: May 12, 2020
Automatic Party Leader and Elected Official Delegates*	6	n/a	n/a	Automatic by virtue of respective public or Party office as provided in Rule 9.A. of the 2020 Delegate Selection Rules.
Pledged Party Leaders and Elected Officials (PLEOs)	4	**	6/6/2020	Selecting Body: Kansas Democratic Party State Committee
				May run by filing a statement of candidacy designating their singular presidential (or uncommitted) preference and a signed pledge of support for the presidential candidate (including

				uncommitted status). Filing Deadline: May 22, 2020
At-Large Delegates At-Large Alternates	9	3	6/6/2020	Selecting Body: Kansas Democratic Party State Committee
				May run by filing a statement of candidacy designating their singular presidential or uncommitted preference and a signed pledge of support for the presidential candidates (including uncommitted status) Filing Deadline: May 22, 2020
TOTAL Delegates and Alternates	47	3		

* Automatic Party Leader and Elected Official (PLEO) delegates includes the following categories, if applicable, who legally reside in the state: the Democratic National Committee Members, the Democratic President, the Democratic Vice President, all Democratic members of the U.S. House of Representatives and the U.S. Senate, the Democratic Governor, and any other Distinguished Party Leader as specified in Rule 9.A. of the *2020 Delegate Selection Rules*. The exact number of Automatic PLEO Delegates is subject to change due to possible deaths, resignations, elections or special elections.

B. Selection of Standing and Temporary Committee Members (For the Credentials, Platform and Rules Committees)

Standing committee members will be selected by the state’s National Convention delegates as summarized below:

Type	Members Per Committee	Total Members	Selection Date	Filing Requirements and Deadlines
Temporary	1	1	05/16/2020	Presidential candidates submit names to the state party by May 6, 2020. The Kansas Democratic Party Executive Committee will choose a temporary committee member for the Platform Committee.
Standing	1	3	6/13/2020	Presidential candidates submit names to the Kansas Democratic Chair by 3:00 pm on June 10, 2020. Members of the Convention Standing Committees need not be delegates or alternates to the 2020 Democratic National Convention.

C. Selection of Delegation Chair and Convention Pages

The Delegation Chair will be selected by the National Convention Delegates on June 13, 2020.

2 Convention Pages will be selected by the State Democratic Chair on June 13, 2020.

D. Selection of Presidential Electors

6 Presidential Electors will be selected by the Kansas Democratic Party State Committee on June 6, 2020.

E. Presidential Candidate Filing Deadline

Presidential Candidate Filing Deadline: February 17, 2020. *(Rule 11.B & Rule 14.E)*

Presidential candidates must certify the name of their authorized representative(s) to the State Democratic Chair and pay the filing fee by February 17, 2020.

A presidential candidate gains access to the party run presidential preference primary ballot by paying the necessary filing fee of \$2,500 to the Kansas Democratic Party, along with a Presidential Statement of Candidacy Form filed with the Kansas Democratic Party Chair. The Statement of Candidacy form will be available by contacting the Kansas Democratic Party office on or after February 1, 2020. “Uncommitted” shall automatically appear on the ballot. Write-ins are not allowed.

F. **Timetable**
(Reg. 2.2.B)

Date	Activity
2019	
March 1	Delegate Selection Affirmative Action Committee members are appointed by the State Chair.
March 13	List of Affirmative Action Committee members submitted to DNC Rules and Bylaws Committee.
April 7	Affirmative Action Committee meets to draft proposed Delegate Selection and Affirmative Action Plans.
April 30	Proposed Delegate Selection and Affirmative Action Plan and Outreach and Inclusion Program is tentatively approved for public comment by State Party Committee.
May 2	Public comments are solicited on the proposed Delegate Selection and Affirmative Action Plan and Outreach and Inclusion Program. Press releases are mailed announcing the public comment period.
May 31	Period for public comment on State Plan is concluded. Responses are compiled for review by the State Party Committee.
June 1	State Party Committee reviews public comments and adopts revised Delegate Selection and Affirmative Action Plan and Outreach and Inclusion Program for submission to DNC Rules and Bylaws Committee. Press releases are mailed announcing the approval of the Plan.
June 3	Delegate Selection and Affirmative Action Plan and Outreach and Inclusion Program is forwarded to the DNC Rules and Bylaws Committee.
September 13	State Party begins implementation of the Affirmative Action Plan and Outreach and Inclusion Program. Press kits, as described in the Affirmative Action Plan and Outreach and Inclusion Program, are sent to all state media.
2020	
January 10	Deadline for each announced presidential candidate to submit a statement specifying steps the candidate will take to encourage full participation in the delegate selection process. (Individuals who announce their candidacy after this date must provide this full participation statement to the State Party not later than 30 days after their announcement.)

February 1	Presidential candidate petition forms are available from the Kansas Democratic Party Committee Headquarters.
February 1	Delegate and alternate candidates may obtain the statement of candidacy and pledge of support forms and filing instructions from Kansas Democratic Party Committee Headquarters, in person, by mail, or from Kansas Democratic Party's web site at www.kansasdems.org
February 17	Presidential candidate deadline for certifying the name(s) of their authorized representative(s) to the State Party.
February 17	Presidential candidate deadline for filing the petition of candidacy with the State Party including the \$2,500 fee.
March 9	Mail information to registered active Democrats explaining each way a voter may cast a ballot in the 2020 Party-Run process.
March 30	First date on which vote-by-mail ballots are mailed to voters.
April 24	Date vote-by-mail ballots must be postmarked for return.
May 2	Presidential preference Party-Run Primary.
ASAP	Posting of results of Party-Run Primary
May 9	Senate District Convention held in each of Kansas's 40 Senate Districts to elect delegates representing the Senate District at the Congressional District Convention.
May 12	Deadline to file for District-Level Delegate.
May 13	State Party provides list of district-level delegate and alternate candidates to the respective Presidential candidates.
May 16	Congressional District Convention held in each of Kansas's 4 Congressional Districts to elect District-level delegates. Deadline for filing the statement of candidacy and pledge of support forms with State Party.
May 16	Kansas Democratic Party Executive Committee will meet in the evening to elect one member to the Temporary Platform Standing Committee.
May 22	Pledged PLEO and At-large delegate and Alternate candidate deadline for filing the statement of candidacy and pledge of support forms with State Party.
May 25	Presidential candidates provide list of approved district-level delegate and alternate candidates to State Party.
May 26	State Party certifies elected district-level delegates to the Secretary of the Democratic National Committee.
May 27	State Party provides list of PLEO and at-large delegate and alternate candidates to the respective Presidential candidates. Presidential candidates provide approved list of pledged PLEO delegate candidates to State Party.
June 6	Presidential candidates provide list of approved PLEO and at-large delegates and alternate candidates to State Party.
June 6	State Convention convenes. Pledged PLEO delegates selected. Following selection of PLEO delegates, presidential candidates provide approved list of at-large delegate and alternate candidates to State Party. State Convention selects at-large delegates and alternates. Presidential candidates submit lists of candidates for standing committee members to State Party.
June 6	State Party meets and elects the Presidential Electors.
June 13	National Convention delegation meeting. Delegates select National Convention Standing Committee Members and Delegation Chair. State Chair names convention pages.
June 16	State Party certifies remainder of elected delegates and alternates (PLEOs and at-large), along with standing committee members, delegation chair, and convention pages.
June 16	State Chair certifies in writing to the Secretary of the DNC the State's Delegation Chair, Convention Pages and Standing Committee Members.
June 16	State Party certifies in writing to the Secretary of the DNC the presidential preference of Pledged PLEOs and At-Large Delegates and Alternates.
June 16	State Party certifies in writing to the Secretary of the DNC the presidential preference (including uncommitted) of the state's Automatic Delegates.

Section XI Attachments

1. Statement from Chairwoman Vicki Hiatt
2. Press Release: Announcement of Adoption of Plan
3. Public Comments
4. 2020 DNC Delegate Application - Kansas
5. Kansas Affirmative Action Committee
6. Statement from Teresa Krusor and Rehan Reza, Co-Chairs of the Kansas Affirmative Action Committee
7. Kansas Delegate Selection Media & Outreach Plan
8. 2019 Kansas Election Standards
9. Kansas State Statutes for Voter Identification
10. 2020 Presidential Candidate Filing Form

James Roosevelt and Lorraine Miller
Democratic National Committee
Rules and Bylaws Committee
430 South Capitol Street SE
Washington, DC 20003

June 3, 2019

Dear Mr. Roosevelt and Ms. Miller,

In compliance with Rule 1.C., the proposed Delegate Selection Plan was published on the Kansas Democratic Party's website on May 2, 2019. The 30-day comment period lasted until June 1. Instructions for submitting comments were stated on the website. Further, notice of the proposed plan was sent to county parties and constituency groups.

The numerical goals in the proposed plan, established pursuant to rule 5.C., 6.A., and 7, were calculated primary using 2010 United States Census data and Kansas voter registration data from the Kansas Secretary of State.

The names, demographic data, and contact information of the members of the Affirmative Action Committee were submitted to the Rules and Bylaws Committee on March 13, 2019.

The Kansas Democratic Party's Delegate Selection Plan, as submitted to the Rules and Bylaws Committee, was approved by the KDP State Executive Committee on May 30, 2019.

Thank you,

Vicki Hiatt, Chair
Kansas Democratic Party

Public Comment on 2020 Party-Run Presidential Primary Proposal Concludes

Party committed to making the 2020 nominating process most accessible, transparent, and open in party history.



Topeka, KS – Following the Kansas Democratic Party’s ambitious May 2 proposal to allocate delegates in the state’s Democratic presidential nominating process through a party-run primary election, 87 people submitted feedback in a 30-day public comment period.

Conducted from May 2, 2019, to June 1, 2019, response was almost unanimously positive.

A concern raised in the public comment form and through other mediums was with Kansas’ relevancy in the primary process later in the calendar year. However, due to the unprecedented number of candidates and the more front-loaded 2020 Democratic primary calendar – notably, 13 states and territories, including California and Texas, are tentatively contesting 35% of all delegates in the Super Tuesday elections on March 3, 2020 (compared to 21% in 2016) – we believe Kansas will be pivotal in the final scramble for a delegate majority.

More information about polling locations and explanations of the ranked-choice voting system will be provided in the months to come at KansasDems.org/2020Primary.

PUBLIC COMMENT ON 2020 PARTY-RUN PRESIDENTIAL PRIMARY PROPOSAL CONCLUDES JUNE 3, 2019

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transparent, and open in party history.*

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June 5, 2019

KDP Modifies 2020 Party-Run Presidential Primary Proposal Following Feedback
Primary Day voting expanded to 10:00 a.m. to 4:00 p.m., announcement of results pushed back to 1:00 p.m. on March 3, 2020.



Topeka, KS – The Kansas Democratic Party expanded Election Day voting hours and delayed same-day results for the 2020 Presidential Party-Run Primary in response to public comments and requests from the party’s executive committee.

A mailing explaining how to vote by advance ballot or in-person will be sent to every registered Democrat in Kansas on March 9, 2020. The same day, registered Democrats can begin requesting ballots via the state party website or by contacting the Topeka office until 5:00 p.m. on April 17. Starting March 30, the KDP will mail requested advance ballots with a postmark deadline of April 24.

Primary Day in-person voting centers will open in all 40 state Senate districts from 10:00 a.m. to 4:00 p.m. on May 2. Exact locations will be detailed in the March 9 mailing. Election results for the presidential primary, which were originally estimated to be posted by 11:00 p.m. on May 2, will instead be released at 1:00 p.m. on May 3.

Following the Kansas Democratic Party’s ambitious 2019 proposal to allocate delegates in the state’s Democratic presidential nominating process through a party-run primary election, 87 people submitted feedback in a 30-day public comment period.

Conducted from May 2, 2019, to June 1, 2019, response was almost unanimously positive.

A concern raised in the public comment form and through other mediums was with Kansas’ relevancy in the primary process later in the calendar year. However, due to the

unprecedented number of candidates and the more front-loaded 2020 Democratic primary calendar – notably, 13 states and territories, including California and Texas, are tentatively contesting 35% of all delegates in the Super Tuesday elections on March 3, 2020 (compared to 21% in 2016) – we believe Kansas will be pivotal in the final scramble for a delegate majority.

Voters will rank every presidential candidate on their ballots. If a candidate receives fewer than a minimum 15 percent of all first-choice votes, votes will be reallocated to the next preferred viable candidate until all candidate remaining receive at least 15 percent.

The revised proposal has been submitted for initial review by the Democratic National Committee. An updated summary of the proposal is available at [KansasDems.org/2020](https://kansasdems.org/2020).

Public Comments: conducted on from May 2, 2019, to June 1, 2019
Form for feedback was available at: <https://kansasdems.org/2020primary/>
(Emails of commentors redacted.)

Timestamp	Comments, questions, or suggestions? Let us know!
5/2/2019 14:03:31	Love having a real Primary!!! Staff the registration tables and drive new registrations!!! Can't wait.
5/2/2019 14:05:49	Given how badly the 2016 caucus went, I welcome the change to a primary.
5/2/2019 14:22:49	Sounds good, much better than caucus.
5/2/2019 14:29:40	This is a fantastic idea and terrific news! We live in Manhattan, Kansas (Pottawatomie County) and previously had to drive over 1.5 hours to caucus in Atchison, Kansas. This proposed change allows us to more easily participate to have our voices heard in this important process without worrying about schedules, weather, or the expense of traveling this distance. Well done!
5/2/2019 14:35:25	This is an absolutely positive step in the right direction! Thank you for making the process not only more accessible, but also more representative of the voters.
5/2/2019 15:11:16	I'm concerned that the primary might be over by then. Are you sure that we don't want to weigh in sooner?
5/2/2019 15:21:02	Yes! Please have a primary instead of a caucus!
5/2/2019 15:53:25	I am in favor of this concept. Never cared for the caucus process, thought it was chaotic to say the least. I am in favor direct vote, by paper ballot, for apportionment of delegates to represent members of the Kansas Democratic Party.
5/2/2019 16:00:24	This is the BEST idea for presidential voting in Kansas since I've lived here (35 years)! The caucuses disenfranchised too many people. This will get Democrats energized early on. Not sure if you can get all the results by 11 pm on the day-of-primary though since paper ballots, even though polls close at 2 pm. Instead state "Goal is to have results by 11 pm May 2nd" so you are covered. I like that there is advance voting by mail as well as paper ballots.
5/2/2019 16:30:38	Let's test out Ranked Choice voting! I'm excited to see that ranked choice voting will be used in the primary! I'm curious to know how it will work in practice. Will local conventions use it to select their delegates? I think that is a good option since it should lead to rather proportional representation of the candidates at the district level.
5/2/2019 16:34:23	I also hope that this kind of reform makes its way into other elections in the future. RCV or approval voting would be a big help in other Democratic primary elections with more than two candidates.
5/2/2019 16:52:02	Very pleased with a switch to a primary. I do have reservations about allowing same day registration to participate. I prefer to have the Democratic nominee selected by voters committed to the party.
5/2/2019 16:53:51	More of a question than a comment: Membership on the rules, platform and credentials committees (Section X.B) would seem to say Kansas is entitled to one member on each of the three committees, but only one member in total. How does that work? Thanks, Tom Gleason, Lawrence
5/2/2019 16:54:12	More of a question than a comment: Membership on the rules, platform and credentials committees (Section X.B) would seem to say Kansas is entitled to one member on each of the three committees, but only one member in total. How does that work? Thanks, Tom Gleason, Lawrence
5/2/2019 16:56:30	Ranked choice is great, but May 2nd is awful. We are already a small state and now we will have even less impact as to who the nominee will be than ever before.

I am a college student and I will be studying abroad during the primary. Will there be an option for me to vote through mail outside of the U.S.?

- 5/2/2019 16:59:21 Thank you so much for making these changes, I think they are great!
THANK YOU!! Primary elections are much more accessible and much more democratic than caucuses, and I fully support this change. Bravo! Looking forward to voting on May 2nd, 2020!
- 5/2/2019 16:59:51 I love this plan. This is far more inclusive and democratic than a caucus and will allow for greater participation. This will greatly boost turnout and allow more voters to have a choice.
- 5/2/2019 17:05:08 I received this notice May 2. I did not get a mail in ballot or anything else.
- 5/2/2019 17:05:22 I support adopting the ranked choice system.
- I believe that the hours on the day of in person voting should be expanded, and that 10 AM to 2 PM is insufficient.
- 5/2/2019 17:18:30 Thank you.
I'm excited about ranked choice voting! I've told my family and the enthusiasm I see makes me think being able to show our preferences in candidates will bring out more people to vote. This has my full support!
- 5/2/2019 17:36:06 I say YES to this proposal. I like this better than a caucus.
- 5/2/2019 17:55:52 I fully support this proposed primary change! I've never participated in the Kansas primary because of the inconvenience of a caucus.
- 5/2/2019 18:00:11 This is a great idea, I wish and hope that ranked choice voting becomes commonplace across our country
- 5/2/2019 18:09:15 I love the idea of moving away from a caucus. I have a full time job in the nursing career and it just isn't feasible for me to caucus. Besides, I think a ranking is much more just. Love it, approve it!
- 5/2/2019 19:25:10 YES! I've always thought the caucus primary process was very restrictive and infringes on the average citizen's ability to vote. All Kansas citizens should have the opportunity to vote in a primary, not just those who can afford to take a day off and drive to a far off location.
- 5/2/2019 19:31:07 THANK YOU! THANK YOU! THANK YOU! So glad you've ditched that really inaccessible and undemocratic caucus system. My brother and sister-in-law had to go from North Lawrence to Eudora last election and participate in a multi-hour public spectacle moving from chair to chair to declare their support for a candidate. Now people like me who are homebound can fully participate equally in the primary process.
- 5/2/2019 19:42:33 As a registered democrat in Kansas who has as-of-yet not participated in the primary process due to the inefficiency of a caucus-style event, I am delighted at the proposal to shift towards a ranked-choice primary with a long early-vote period. If this proposal goes through, I will undoubtedly (and enthusiastically!) send in an early voting ballot.
- 5/2/2019 20:05:31 Being a neophyte to the Kansas political system I feel somewhat limited in the value of any comments I may make. In general, I think that anything that will broaden the participation of Democrats in the election process is a positive one and the reasons given for moving from the caucus format to one of a primary vote seem valid.
- 5/2/2019 20:50:49 Big step forward. I'm not finding an explanation of how the ranked voting will occur at party-run primary. I'm assuming that if your #1 choice fails to achieve 15%, then your second choice kicks in. But, I'm not seeing that explained anywhere. It's also unclear how many voting centers will be open in rural senate districts. I'd encourage multiple primary voting centers in rural senate districts to allow for non-registered Democrats to affiliate and vote with minimal travel.
- 5/2/2019 21:16:13

Great idea to switch to a Caucus; gets a lot more people involved. And the delegate selection plan looks good.
Nice work, KDP Team!

5/2/2019 21:21:51

Kathleen Sebelius

5/2/2019 21:29:33

I love the idea of a ranked choice primary replacing the caucus. In general a primary has a much greater participation rate (less time commitment) and allowing ranking is great— particularly with a lot of candidates.

5/2/2019 21:55:16

The idea to hold a primary instead of a caucus is a great idea, and much needed for the state of Kansas and its residents! A caucus is restrictive and inaccessible in comparison and the switch would be a good one. However, the amount of time in-person voting will be open should probably be longer, so more people will be able to get out and vote.

5/2/2019 22:28:51

This sounds like a fantastic idea. However, I would suggest extending the hours. At minimum it should run to 6:00pm for those who do have to work and failed or were unable to vote an advance ballot.

5/2/2019 23:54:34

Thank you for the paper ballots!! I wholeheartedly support that. The rest looks good as well. Thank you.

5/3/2019 0:59:35

Ranked choice voting, please!

5/3/2019 1:00:35

I'm in full support of this!

5/3/2019 1:27:22

Ranked choice voting is great, and perfect for a primary. Far better than the current system. I fully support this plan.

5/3/2019 1:51:50

YES PLEASE!!!! Lets revolutionize the way primary voting happens. Ranked choice makes sense in a historically large candidate pool. Can't wait for Kansas to be the leader on this!

5/3/2019 2:09:43

Is there a way we could use ranked choice voting, or at least test it even if we didn't abide by the results?

5/3/2019 2:19:28

I absolutely love the idea of rank choice voting! That is required for all major races in the country, and this is a great example to set.

The switch to ranked choice voting would be a great improvement! Caucusing was undesirable because 1) the lack of secret voting was a negative, 2) it was physically prohibitive for some (that was a tough afternoon on me and my wife, and we are young), and 3) the singular time available discouraged access. If we did true caucusing, with debates and the like, it would have some virtues, but in all my years we have never done anything even close to actual discussion; it was just standing to publicly vote. Switching to a primary would already be a great improvement. RCV, IRV, or whatever system is chosen would be the cherry on the top - I have been interested in it a democratic reform since 2007, and, if the field of candidates is still large, it could be invaluable in choosing the best candidate and facilitating a decisive and unifying win. Thank you for proposing this!

5/3/2019 2:25:36

Caucasus don't allow most voters to participate.

Rank Choice Voting allows Voters to Elect the candidate with the Majority of Votes.

Electing one or more candidates or one is the voters choice.

5/3/2019 3:07:14

Do this!!!!

5/3/2019 4:29:10

A Democratic primary advances the direct participation and voices of voters. I agree with the proposal.

5/3/2019 5:34:55

I'm happy to see these changes that should increase participation.

5/3/2019 5:56:48

I am in favor of using ranked choice voting!

5/3/2019 12:29:05

I support the move to ranked-choice ballots for selecting our nominees. This change is long overdue and will encourage higher participation.

5/3/2019 12:59:53

Yes to rank choice!!

5/3/2019 14:33:08

I am very much in favor of the proposed plan.

5/3/2019 15:21:37

I approve of the plan to have ranked ballot for 2020 presidential dem. primary

The proposed date is too late in the year. Everything may be over by then. It should be held on Super Tuesday (March 3).

5/3/2019 15:55:17

I love this proposal! The caucus system has never made any sense to me as it disenfranchises every voter who cannot attend. Adding same day registration is also a needed change, along with allowing changing one's party affiliation. I fully support every aspect of this proposal.

5/3/2019 17:42:46

5/3/2019 18:42:05

We need to vote by ballot!!! I attended one caucus and said NEVER again. More people will participate if a ballot is offered.

5/3/2019 19:30:30

5/3/2019 20:05:42

I'm in favor of your proposed ranked choice primary voting for 2020 Democratic Presidential Candidate Primary. I support the general idea proposed, however, I am concerned about the lack of clarity with regards to the vote counting process. It says the primary will be ranked choice, however, there is no mention of how votes will be counted. Will there be elimination of the candidates who fail to reach the quota and redistribution of those ballots? Will there be redistribution if no candidate reaches the quota on the first count or will the quota automatically be lowered based on the DNC rules? The model seems to be based on the largest remainder method, which is used in Ireland and Australia with the Single Transferable Vote system (a ranked-choice system) so I'd assume this primary is to be based on that model, but without the redistribution of overvotes, which I would support, however, this is never explained in any detail in the proposal. This makes me concerned that the KDP has no intention of actually implementing an actual ranked-choice system and only intends to count the first choice votes and ignore the following voters whose first choice candidates fail to reach the threshold, and leaving them unrepresented at the convention. The KDP should clarify the process through which votes will be counted, and I hope that they will commit to honor the ranked-choice system.

Brendan Davison
Precinct Committeeman
Shawnee Ward 1 Precinct 04

5/4/2019 0:36:36

Fully support the choice to have a hybrid primary with multiple avenues to participate. As someone who helped run a caucus in 2008 and sitting for four hours to vote in 2016, this is a tremendous upgrade. People shouldn't feel angry about casting a vote and sadly I've seen it happen time and again at crowded caucuses when even the best planning couldn't deal with exceptional turnout. My only suggestion would be to lengthen the time available to vote on the Saturday from four hours to eight. I understand that may increase costs, need for volunteers and complicate logistics. Great work all around listening to feedback. Keep up the good work!

5/4/2019 2:18:00

My husband, many friends and I are so grateful that the Kansas Democratic Party is finally wanting to change to a primary system of selection rather than a caucus for 2020! The caucus served us well for many years, especially back when the population was smaller and for us the most important change is there are many more older adults than there were in days gone by. When we went to our caucus in 2007, it was snowing and freezing cold. We stood in a line for hours waiting to get in the venue (there was an overflow and the several hundred there that could not get in the primary venue had to walk 2 blocks in the wind and cold to another building who graciously opened their doors for the overflow to come in)

.When we went to our caucus in 2015, it was overwhelming, as well. Many of us, shall we say over the age of 75, had to stand outside in the heat (it was hot that year) for hours as there was no room inside for more, so we were moved outside to the football field. There were hundreds and hundreds at this caucus and it was a real hardship. Several people left as they could not stand any longer.

5/4/2019 15:22:16

So thank you, thank you for starting the process to use a primary rather than a caucus this year!!

I am thrilled that the national and state parties are taking our principles seriously by moving away from undemocratic caucuses and encouraging participation in the presidential primary process. Adopting ranked choice voting (RCV) would be another major improvement and I fully support it. The proposed selection procedures document is too vague concerning RCV – this is particularly problematic on two issues. First, they do not state how many candidates voters will be allowed to rank on the ballots. Given the large field this cycle, this will be an important issue. The party will need to decide, and it should be done in advance. In theory it is better to allow more candidates to be ranked (the only way the design is “strategy proof” is if voters can rank all of the candidates) but the obvious tradeoff is voting complexity.

Second, it does not outline a process of voter education concerning RCV. Maine’s success with RCV has shown that it can be successful and popular. However, Maine’s implementation benefited from its controversial adoption and associated campaign which resulted in more people being familiar with it. The campaign that backed it did a lot of outreach to educate voters on how to use it. The Kansas Democratic Party will need to do the same. In the current document RCV is only barely mentioned and there is no mention of any efforts to help voters learn how to use it. Without this RCV could result in low voter turnout.

I am a political economist at Kansas State University and am happy to talk further about any matter regarding RCV. Since it is a political matter please use my personal email address at rmilton@gmail.com.

5/4/2019 15:56:19

5/5/2019 9:32:07

This is amazing! Ranked choice is a better system and more Democratic.

5/5/2019 12:06:44

It would be great if we could do ranked voting

I love that there will be no racist voter ID laws at our primary. I read through the proposal and couldn't find really anything I disagreed with, but wonder how we're going to ensure everyone voting is a democrat, and that republicans won't come in and fudge the numbers. Thanks!

5/5/2019 18:42:18

Hello,

Thank you for asking for comments for this proposal. It is vital that our process is open and democratic so it is representative of what the voters want. What follows are some things you may want to review.

In section I. B. 2. it says "The same information will be made available via the state party website, Facebook page and via email beginning March 9th." I would recommend changing "Facebook page" to "social media pages." Reaching out on as many platforms as possible to encourage voting is to our benefit.

Section I. C. 1. b. seems like a sentence fragment without a clear purpose.

Section I. C. 2. c. What form of ranked choice voting are we using? This is an important question due to the variety in ranked voting systems. Instant-Runoff Voting works alright for electing one person, but single transferable vote might be better due to the number of districts with multiple delegates.

In Section I. C. 4. d. it is unclear whether people still have to present a photo ID (as defined in Kansas law) to vote in the Party-Run primary, or if we are ignoring that requirement. It is clear that we are not going beyond that requirement.

In Section I. C. 4. e., is it the case that they can vote at any voting center they choose, even if it is outside the senate district they are registered in? This is alright, but unclear and may need clarification.

Section I. C. 5. d. has some italicized text, if that is intentional it's fine, but I wanted to bring it to your attention.

Section I. C. 6. g. says that all ballots will be kept at the KDP Headquarters, but I think that that may take up a lot of space, and I wonder if an alternative secure location exists. If the KDP headquarters is determined to be the best place then that is fine, but I've been in that office and it's not exactly the most spacious place I've been in.

While I appreciate what is said in Section I. C. 6. j., I think we should go further and consider if we will have non-paper electronic voting machines accessible at certain voting centers, especially if that accommodation is requested. In addition, Spanish-language paper ballots should be printed and available on request in the voting centers. You could consider other languages as well.

Section I. C. 7. a. does not lay out parameters for extended voting times, for example in the case of a long line that has not had everyone go through the voting process. I think we should add a commitment that voting centers will stay open if there are people in line who got there before the 2:00pm closing time.

Section I. C. 7. a. talks about "Senate District Leaders," but I do not think those are defined in the document, and it is important that it is clear how they are selected.

Section II . A. is something of an issue. I believe that there should be an alternative method to file instead of paying a \$2,500 fee, such as getting a certain number of signatures from Kansas Democrats on a petition. I think the window of February 1-17, 2020 is a bit narrow, and I wonder if that could be widened.

5/6/2019 1:54:53

In Section III. A. 2. a., the numbers of local unit level delegates going to the congressional level is listed by senate district. Senate I think this is a great idea except only allowing 4 hours to vote will still limit participation and having the primary so late in the primary season will limit the impact.

5/6/2019 9:41:22

I am excited for the change! This will be less time consuming for the constituents/voters and way to get our choices known.

5/6/2019 15:08:41

Thank you!

I personally favor a caucus over a primary but I am aware that such is too late to change and that many believe a primary is better attended. That said, I don't believe that mailing out information about how to participate in the primary is a good use of funds. I believe it will be sufficient to provide info via email to those Dems who have provided us with their address as well as putting on our website, Facebook. I would suggest also sending a copy to each County Election Supervisor. Nor do I like the idea of only having one polling location for each district. Each county should have at least one polling place. And, while requesting of advance/absentee ballots is a good idea, we could also experiment with online voting. As for delegate selection, I don't agree that alternates should be chosen at the State Party Convention. This should be done at the District and then Congressional level.

5/7/2019 2:47:02

Thanks for the great work. This will expand our party engagement and participation on all levels. In addition to the advance / mail in ballots and in person voting let's look at adding an online electronic voting process within the ksvotes.org platform. I know there is a security concern but given all the financial transactions currently taking place online these days this shouldn't be an impossible hurdle to clear. Talk to BAM about it!

5/7/2019 3:53:16

In the summary, there is a reference to "remaining delegates" (Pledged Party Leader and Elected Officials, At-Large, and Alternates). One assumes that each of these people will have a chance to vote in the general primary elections in their own district, giving them one vote, the same as any other Democrat who votes. However, they will then have a chance to go to the national convention and cast their own vote, not representing anyone but themselves. To me, these privileged votes corrupt the whole idea of what "democratic" means. They throw the whole electoral process out of balance. I would compare it to the "superdelegate" phenomenon at the national level. Those superdelegates represent the power of the "Party" to control the nomination process. Instead of the Democratic nominee representing the majority of Democrats, that person represents the wishes of the central committee of the party. This system is wrong! Rank-and-file Democrats work to have their candidates elected to be the party's nominee, but then the DNC, through the superdelegate maneuver, actually controls who gets the nomination. This is complete lack of transparency!

In the same way, the "remaining delegates" at the state level enable party leaders to control the majority of the state's delegates when voting at the national convention. Again, it's a bait-'n'-switch ploy.

If the "remaining delegates" want to attend the national convention, let them. But don't give them the power to vote for the party nominee, unless they also have been elected to be a voting representative. The power to choose the party nominee should rest with the voters, not with an elite few. That's what "democratic" means to me. If that's not what it means to the "Democratic" Party, it should get a new name.

5/7/2019 16:09:27

I am an Olathe, KS resident and party member. I love the idea of using Ranked Choice Voting for the primary! I work with a volunteer group called Better Ballot KC and we are working to bring Ranked Choice Voting to elections in the KC metro area. As you already know, it's a superior system to the plurality system normally used. Using it for the primary will introduce the RCV system to a great number of people and produce better results. Thanks for proposing it, I hope it becomes a reality! -- Eric Barr
You don't explain how exactly rank-choice voting will work but if it means I have to order 20 candidates in order of preference I am not going to be happy.

5/7/2019 17:06:28

5/8/2019 15:07:06

I support a move to a primary. Caucuses impose barriers on those who cannot spend the length of time caucuses require, such as the working class, the elderly and disabled, and parents who do not have access to childcare. Primaries allow greater access to those who wish to participate in the democratic process.

5/11/2019 16:15:05

How do we ensure candidate loyalty at the senate district caucuses on May 9? Will attendees have to sign statements of support or will it be decided based on the ballots from the week before?

The plan seems confused between the State Party Convention and the State Party Committee. Tier 3 for us is a meeting of the Democratic State Committee members. Do they need to sign pledges of support to vote in certain ways?

It would also help to specify in the plan whether our first-step ballots will be secret or signed and how the ranking will work (top 3 or ranking all candidates). I recommend against guaranteeing secret ballots since we're using a mail process and all other ballots in the process will be signed.

Section 1.C.4.d. refers to Kansas law, but the documentary proof of citizenship in K.S.A. 25-2309(I) and K.A.R. 7-23-15 is currently enjoined from enforcement by a federal court in the District of Kansas. *Fish v. Kobach*, 309 F.Supp.3d 1048, 1113-14 (D. Kan. 2018) (appeal pending). It might help to clarify that we will not require documentary proof of citizenship, perhaps something like "... required by Kansas law, excluding any requirements that are enjoined from enforcement by a court of competent jurisdiction."

Section 1.C.6.g should say "re canvass" not "re canvas."

Section 1.C.7.b should say "Senate District Convention locations and times" with "locations" plural.

Section II.A doesn't have a provision for a petition process, which could possibly open us up to litigation, although it's unclear if *Bullock v. Carter* applies to political parties. 405 U.S. 134. It can be a very high number of signatures (e.g. 5,000), but we should probably have a non-monetary way to access the ballot.

Section III.A.1 should not have this sentence in ordinary type, not italics: "Alternates will be allocated at the At-Large Level."

Section III.A.2.a should say "The purpose of the Senate District Conventions" with "purposes" plural.

Section III.A.2.b is incorrect. The Congressional District Conventions elect delegates to the *national* convention, not the state convention. Also it is missing a period at the end.

5/11/2019 19:46:40 Section III.A.2.c makes no sense. I'm unclear about the delegate to the state convention replacement rules, since that's governed by our state party bylaws. There's no such thing as an "alternate with the highest votes."

5/13/2019 2:45:51 So happy the caucus may go away! This will make it so much more convenient for everyone to participate, especially people with disabilities and their family caregivers. Thank you!

5/18/2019 2:43:52 The proposal talks about one voting location per Senate district, which would seem to involve a lot of travel. One per legislative district would probably involve too many volunteers, perhaps especially in western Kansas, but we should at least be able to have one per caucus 2016 location. Since we had enough volunteers to run the caucus back then. That would keep, for example Leavenworth/Lansing people from having to drive to KCK or vice versa.

5/19/2019 3:54:17

Thank you for getting rid of the caucus. Spending three hours in a hot high school gymnasium in Manhattan so they could count people one at a time by hand was not a good use of anybody's time. I've spent numerous hours over the last few weeks reading & re-reading the selection plan. I keep trying to understand it, but I keep finding things that don't make sense. I'm limiting my comments to basic questions that the proposal either is unclear on or does not seem to have any information on.

First, will each county have a single/primary polling station, or will each state senate district have a polling location? If it is the latter, how will districts that encompass large land areas or multiple metropolitan areas assure that all residents of the district have the opportunity to cast a vote in person? As a resident of the 17th district that contains both Emporia (Lyon County) and Junction City (Geary County), I can't see how a single polling location can reasonably serve both. My father lives in the 33a subdivision, an area that encompasses 4662 square miles once all of the counties are accounted for. How can the residents of that area be expected to travel those distances to cast their ballots?

If the polling locations are designed by county, who will be responsible for staffing them? Will county party organizations be expected to provide the election judges? Who will train them? If a county does not have an organized party, who would then be responsible?

5/22/2019 3:04:09

Second, who is going to bear the costs of a presidential primary? I couldn't find any information in the proposal about who will be responsible for paying for the election. Will the state party be responsible, or will the county party organizations bear the cost?

Again, if a county does not have an organized party, who will take the responsibility?

5/27/2019 16:37:29

The local caucuses are confusing and chaotic and disorienting. Handicapped people have difficulty navigating different places to be for the candidate they support. Weather can become a factor, since the last two caucuses I attended, required standing/moving outside to another location in a snow blizzard (08) and in the heat (16) because the caucus locations was too small to accommodate the large number of voters. Thank you for changing to a primary system.

5/27/2019 17:24:37

I support the proposed plan for the Kansas Democratic 2020 Party-Run Primary.

I was wondering if Counties can opt to handle their own May 2 location instead of having their citizens travel to the Senate District location? The "rules" stated people could vote anywhere, and I think we (Dickinson County) would and could make it easier for people to drive to Abilene in that 4 hour time frame for voting.

We already have ONE location that the majority of voters go to. I would want to know - now - how many "official" volunteers would be needed. I've been the county chair long enough now to not be overly intimidated by this big event!

Thanks for considering this option to host our own!

Jo Schwartz

Dk Co Dems Chair

Abilene, KS 785-479-6880

5/28/2019 19:33:35

I STRONGLY encourage the KDP to adopt a mail-in ballot option for all registered Democrats. The absurdity of the 2016 caucus was unreal as people who live in the area of Manhattan that falls in Pottawatomie County had to drive to the opposite end of the District, Atchison, to cast their ballots and people in part of Junction City had to drive to Emporia. This is not encouraging people to be part of the democratic process of electing our party's candidate. If the KDP is going to do a direct mail to all registered Democrats in March to explain the caucus process, include a mail-in ballot for all Democrats can participate, not just those who are fortunate enough to live in a urban center!

5/30/2019 1:43:57 Based on experience at the last two caucuses, I wonder whether the 10am to 2 pm time is long enough. In Riley County we had lots of people registering at the 2016 caucus. If you're doing a mailing to all Democrats in March, why not just mail everybody a ballot? There were many people whose assigned caucus location was miles away from their homes, and mail-in ballots would alleviate that situation. I realize the party can't afford to operate as many voting centers as there are polling places in a regular election, but this can be a real problem.

5/30/2019 5:07:57 The 40 polling sites disenfranchises many voters since the districts are not drawn with geographic locations in mind, only Republican voting blocks. It needs to be easier for everyone to vote so I favor a real push on voting by mail. Sending a ballot to every registered Democrat in the state and asking them to return it before May 2 would be the best way to make sure everyone has an opportunity to vote.

5/30/2019 13:37:21 I love the idea, I love to vote in primaries but it was so hard before. PLEASE let this be the new method. Love the idea and we need all the votes we can in Kansas to beat our current POTUS.

5/30/2019 15:33:29 I support ranked choice voting because reforms which make voters feel as if they are an essential part of the democratic process can energize them for further civic action. When people feel represented, even if their first choice didn't win, they might continue to support those who won on the basis that they know they were not entirely disregarded.

5/30/2019 23:33:20 I read the summary and support the proposals.

5/31/2019 17:35:16 I like the idea of the ranked choice ballot.

6/1/2019 16:14:08 I think this proposal makes great sense, and I look forward to participating. PETE 2020 !!!!

6/1/2019 16:14:49



Kansas Democratic Party

PO Box 1914 | Topeka, KS 66601 | 785.234.0425
www.kansasdems.org

Declaration of Candidacy for Delegate

"I, _____ (print name), of _____, Kansas, hereby declare my candidacy for (please check one below):

_____ District-Level Delegate

_____ At-Large Delegate

_____ Pledged Party Leader and Elected Official (PLEO) Delegate

*****Separate forms must be submitted for each category you wish to apply for.

"I certify that I am a qualified and registered voter in _____ county in the State of Kansas and the _____ Congressional District."

"I further certify that I am a member of the Democratic Party, and I understand that I must participate in the May 2, 2020 Kansas Democratic Presidential Party-Run Primary, be elected at the District Convention as a Delegate or Alternate, or be elected at the State Convention as a Delegate or Alternate to be eligible to be a Delegate to the Democratic National Convention (aka "Convention") to be held for the nomination of candidates for President and Vice-President of the United States."

"I further declare that, if selected as a Delegate, I will attend the Convention unless I shall be prevented by sickness or other occurrence over which I have no control. I also understand that any expenses incurred to attend Convention (e.g. travel, airfare, hotel, etc.) are my responsibility."

Pledge of Support

"I hereby pledge my support for _____, candidate for President of the United States, and, if elected as a Delegate, will cast my vote in good conscience to reflect the sentiments of those who elect me."

Signature: _____ **Date:** _____

Contact Information (Must be completed for consideration):

Name: _____

Street Address: _____

City: _____

State: _____

Zip: _____

Congressional District: _____

Senate District: _____

Email: _____

Phone: _____

Date of Birth: _____

FORM MUST BE MAILED OR EMAILED TO:

KDP c/o Delegate Selection Plan

PO Box 1914, Topeka, KS, 66601

delegateselection@kansasdems.org

DEADLINES FOR APPLICATION:

District- Level Delegates: May 16, 2020, 10:00 a.m.

At-Large Delegates: May 16, 2020, 2:00 p.m.

PLEO Delegates: May 16, 2020, 2:00 p.m.

Paid for by the Kansas Democratic Party, Gina Long, Treasurer.

Optional Self- Identification Questionnaire

The Kansas Democratic Party is committed to having a diverse delegation that is representative of our state for the 2020 Democratic National Convention.

Help us meet our diversity goals by circling any of the fields below that apply to you:

African American	Latino	Native American
Youth (ages 18-34)	Asian or Pacific Islander	Senior
LGBT	Person with Disability	Rural
	Labor	

Ethnicity: _____

Tribal Affiliation: _____

Labor Union Affiliation: _____

Pursuant to Rule 13 Part D. of the 2020 DNC Delegate Selection Rules, the Presidential candidate(s), or their authorized representative (s), have right of refusal for all District-Level, At-Large, PLEO and Alternate delegate candidates.

From Rule 10 Part A.1 & Reg. 4.16. Individuals shall be eligible for the pledged Party Leader and Elected Official (PLEO) delegate positions according to the following priority: big city mayors and state-wide elected officials (to be given equal consideration); state legislative leaders, state legislators, and other state, county and local elected officials and party leaders.

For a complete copy of the Kansas Democratic Party's Delegate Selection Plan, please visit:

www.kansasdems.org

In order to ensure the proper receipt of all 2020 DNC Convention Delegate Selection applications, applicants will receive a mailed or emailed notification from the Kansas Democratic Party to confirm that the application was received. If your confirmation does not arrive within ten days, your application was not processed by the KDP.

KDP OFFICE USE ONLY:

Date/Time Received:

Entered By:

AFFIRMATIVE ACTION COMMITTEE

KANSAS DEMOCRATIC PARTY

Chair: Vicki Hiatt

District	Name and Address	Email	Phone #	Group
4	Teresa Krusor, Co-Chair 7 Braid Hill Dr. Winfield, KS 67156	teresagarciakrusor@gmail.com	620-344-7789	Hispanic
2	Rehan Reza, Co-Chair 3733 SW Cobblestone Pl. Topeka, KS 66610	rehanreza@gmail.com	785-554-0586	Asian Americans and Pacific Islanders
1	Sage TeBeest 4864 Cottonwood Circle Wamego, KS 66547	sagetebeest@gmail.com	785-317-0291	Native American and Disability
1	Alejandro Rangel-Lopez 825 La Salle Dodge City, KS 67801	rangel.alejandro@outlook.com	620-339-6899	Hispanic
1	Christi Graber 101 Cambridge Ct. Garden City, KS 67846	christigraberks@gmail.com	620-805-6176	Women
3	Brandon Woodard 9051 Renner Blvd. #3002 Lenexa, KS 66219	btwood125@gmail.com	785-218-9699	LGBTQ
3	Alyce Edwards 10326 Parkview Ave. Kansas City, KS 66109	alyceedwards@yahoo.com	913-788-8916	African-American
3	Chris Haulmark 600 S. Harrison St. Olathe, KS 66061	chris@haulmarkforkansas.com		Deaf
4	Brandon Johnson 5203 E. 20 th St. N Wichita, KS 67208	brandon@kansasdems.org	316-207-5843	African-American

STATEMENT
KANSAS DEMOCRATIC PARTY
AFFIRMATIVE ACTION COMMITTEE

June 22, 2019

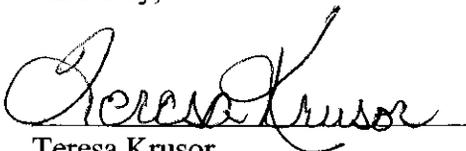
RBC Co-Chairs
Democratic National Committee
430 South Capitol Street S.E.
Washington, D.C. 20003

Dear RBC Co-Chairs:

The Kansas Democratic Party 2020 Affirmation Action Committee certifies compliance with rule 6.F. and Reg. 2.21.

Our 2020 Affirmative Action Committee has met and we certify that we are compliant in our ongoing efforts to include groups historically under-represented in the Democratic Party's affairs, by virtue of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, economic status or disability, each State Party shall develop and submit Party outreach programs, including recruitment, education and training, in order to achieve full participation by such groups and diversity in the delegate selection process and at all levels of Party affairs.

Sincerely,



Teresa Krusor
Co-Chair, KDP 2020 Affirmative Action Committee



Rehan Reza
Co-Chair, KDP 2020 Affirmative Action Committee

Kansas Delegate Selection Media & Outreach Plan

The Executive Director, the Communications Director, and/or Digital Media Director of the Kansas Democratic Party will work closely with the State Chair, Executive Committee, Affirmative Action Committee and the Delegation to the 2020 National Convention (as they are elected) to ensure all opportunities to engage the public at-large – with particular attention towards historically marginalized communities – with the process and elections for Delegate Selection.

On September 13, 2019, the Communications Director and/or Digital Media Director of the Kansas Democratic Party will distribute the press kits to a large media list, curated with effort to include all specialty constituency-based media outlet. The Executive Director has the authority to add outlets throughout the delegate selection process.

******The list of media outlets to be included is listed at the end of this plan******

Beginning in September of 2019 and concluding by November of 2019, each of the Congressional District Chairs will be responsible for holding at least one – and up to two additional events if the district is geographically large – well-publicized educational workshops. These workshops will be designed to encourage participation in the delegate selection process, including apprising potential delegate and alternate candidates of the possible availability of financial assistance. These workshops will be held in places that are easily accessible to persons with disabilities. The times, dates, places, and rules for the conduct of all education workshops, meetings, and other events involved in the delegate selection process shall be effectively publicized by the party organization and include mailings to various organizations representative of the Democratic voting electorate.

These workshops shall be listed on the Kansas Democratic Party website in a prominent location and shared on various social media platforms as well. An email should go out to the general distribution list of the Kansas Democratic Party informing the public of the trainings. The trainings should also be in a press release and sent to the master press list.

A speaker's bureau of volunteers from the Kansas Democratic Party, including the Affirmative Action Committee, shall be comprised of individuals who are fully familiar with the process, will be organized to appear before groups such as the trainings in

district – or in front of any other group that requests their presence, as needed, to provide information concerning the process.

The Kansas Democratic Party's education efforts will include outreach to community leaders within the Democratic Party's constituencies and making sure that information about the delegate selection process is available to Democratic clubs and Party caucuses representing specific constituencies.

The Kansas Democratic Party will publish and make available at no cost: a clear and concise explanation of how Democratic voters can participate in the delegate selection process. As well, the Kansas Democratic Party shall also make available copies of the Kansas Democratic Party Rules, the Delegate Selection Plan (and its attachments), the Affirmative Action Plan and Outreach and Inclusion Program, and relevant state statutes at no cost. Copies of documents related to the state's delegate selection process will be prepared and the Kansas Democratic Party and Affirmative Action Committee will distribute them in the various delegate districts no later than September 30, 2019.

The Kansas Democratic Party shall direct special attention to publicizing the delegate selection process in the state. Such publicity shall include information on eligibility to vote and how to become a candidate for delegate, the time and location of each stage of the delegate selection process, and where to get additional information. The foregoing information will also be published in the Kansas Democratic Party communications in social media, at in-person meetings, on the general distribution list and on the Kansas Democratic Party's website in addition to the press list below. The Party organization, official, candidate, or member calling a meeting or scheduling an event, shall effectively publicize the role that such meeting or event plays in the selection of delegates and alternates to the Democratic National Convention.

The goal of this plan is to increase the participation of people running to be a delegate and to increase the diversity in the pool of candidates. To achieve this, the Communications Director and/or the Digital Director will post and share regular updates about the state's delegate selection process, rules, timeline, and any other pertinent information to ensure broad and timely coverage and awareness about the process to all interested persons.

At any time deemed necessary, the Communications Director and/or Digital Director will work to provide all communications relating to the National Convention and delegate selection in a multitude of languages.

At all times beginning in September 2019 and throughout the delegate selection process all necessary materials, media alerts, press releases, forms, instructions, and notice of meetings and elections will be kept up-to-date and in a prominent place on the Kansas Democratic Party website. Specifically, information to be posted on the website will include:

- a. materials designed to encourage participation and inform prospective delegate candidates;
- b. a summary explaining the role of the 2020 Convention in nominating the Party's Presidential and Vice-Presidential candidates and adopting the National Platform;
- c. a summary of the Kansas Democratic Party's delegate selection process including all pertinent rules, dates, and filing requirements related to the process;
- d. a map of delegate districts and how many delegates will be elected within each district, along with filing forms or information on how to obtain the filing forms.

The Kansas Democratic Party is committed to help achieve full participation of those groups of Americans who have historically been explicitly denied the right to vote or who have been subjected to discriminatory and exclusionary practices that have denied them voting rights and full participation in the delegate selection process and other Party meetings, events and elections, along with other groups of Americans who are also underrepresented in Party affairs. The Communications Department and/or Digital Department are uniquely situated to help move this information to places of transparency.

The Kansas Democratic Party will make accommodations to facilitate greater participation by people with disabilities in collaboration with the Disability Caucus of the Kansas Democratic Party. Efforts will include assistance for the hearing and visually impaired as well as requiring ADA facilities for all public delegate selection trainings and elections.

In addition to the education, publicity and other steps described above, the Kansas Democratic Party will invite each Caucus and Constituency and other groups, listed (but not limited to) those below to invite their memberships and contacts within the general public to a statewide call hosted by the State Chair, Executive Director and Affirmative Action Committee Chair that will both provide an overview of delegate selection rules and regulations as well as a question and answer period. Invitations for this call will go out no later than January 16, 2020 and the call will be completed prior to February 27, 2020.

Groups will include:

- County Chairs' Caucus
- Young Democrats Caucus
- Local Officials Caucus
- Disability Caucus
- Hispanic Caucus
- Asian American and Pacific Islander Caucus
- Veterans and Military Families Caucus
- LGBTQ Caucus
- Labor Caucus
- African American Caucus
- Kansas Federation of Women's Democratic Clubs
- Food & Farm Caucus
- Progressive Caucus
- Native American Caucus
- Rural Caucus
- African-American Democratic Caucus of KS
- Various ally groups including, but not limited to, the NAACP, KNEA, the Blue Valley Education Association, Kansas Appleseed, The Alliance for a Healthy Kansas, Equality Kansas, the Disability Rights Center of Kansas, Planned Parenthood, NARAL

The list of media outlets regularly updated with Delegate Selection information and press includes:

Anderson County Advocate	garnettadvocate@yahoo.com
Atchison Daily Globe	steve.booher@newspressnow.com
KAIR 1470/93.7	kairradio@gmail.com
Ellinwood Leader	theellinwoodleadernews@yahoo.com
Hoisington Dispatch	hdispatch@ruraltel.net
Fort Scott Tribune	jsilvers@fstribune.com
Hiawatha World	steve.booher@newspressnow.com , joeymay@npgco.com
KNZA	knza@rainbowtel.net
Andover Journal-Advocate	aja@andoverjournal.kscoxmail.com
KFXJ 104.5	news@kfdi.com

Galena Sentinel-Times	news@sentineltimes.com, gstimes@kans.com
St. Francis Herald	amiller@nwkansas.com, sf.heraldn@wkansas.com
Clay Center Dispatch	dispatch@claycenter.com, news@claycenter.com
KFRM 550/KCLY 100.9	webmaster@kfrm.com, news@kfrm.com
Glasco Sun/Delphos Republican	sun1republican2@gmail.com
Miltonvale Record	miltonvalerecord@twinvalley.net
Clyde Republican	clyderepublican@hotmail.com
Coffey County Republican	ccrepub@gmail.com, repubclass@gmail.com
Protection Press	propress@unitedwireless.com
Winfield Daily Courier	daseaton@ctnewsonline.com
KACY 102.5	studio@1025theriver.com
KSOK 1280/95.9	ksok@ksokradio.com
KYQQ 106.5	news@kfdi.com
KSEK 1340/99.1	joel@ami-pittsburg.com
KSN	news@ksn.com
Oberlin Herald	oberlin.editor@nwkansas.com
Abilene Reflector Chronicle	editor@abilene-rc.com
Herington Times	editor@heringtontimes.com
Kansas Chief	kschief@carsoncomm.com
Baldwin City Signal	editor@baldwincity.com
KLWN 1320/KLZR 105.9	kim@zrgmail.com
Hays Daily News--daily	nmcqueen@dailynews.net, circulation@dailynews.net
KPRD 88.9	kprd@kprd.org
Ellsworth Co. Independent	indy@eaglecom.net
Garden City Telegram	diane@gctelegram.com
Dodge City Daily Globe	vmarshall@dodgeglobe.com
High Plains Journal	journal@hpi.com
Ottawa Herald	news@ottawaherald.com
KOFO 1220	kofo@kofo.com
Junction City Daily Union	circulation@jcdailyunion.com
KANU/KANV	contact@kansaspublicradio.org
KKQY 101.9	eagletv@eaglecom.net
KULY 1420/KFXX 106.7	sboston@southwindbroadcasting.com

Montezuma Press	montepress@ucom.net
Greeley Co. Republican	newspaper@sunflowertelco.com
Eureka Herald	news@eurekaheald.com
Syracuse Journal	editor@thesyracusejournal.com
Anthony Republican	anthonyrepublican@att.net
Newton Kansan	cfrey@thekansan.com
KMXW 92.3	news@kfdi.com
Holton Record	holtonrecorder@giantcomm.net
Kansas City Business Journal	kansascity@bizjournals.com
Pitch	david@thepitchkc.com
Olathe Daily News	dsimon@olathedailynews.com
Shawnee Dispatch	jbhargava@shawneedispatch.com
Bonner Springs Chieftain	cboyer@theworldco.info
Kansas City Kansan	nick@kansascitykansan.com
KCUR 89.3	news@kcur.org .
KMXV 93.3/KSRC 102.1	kimberlyj@infinitykc.com
KCMO/KCFX	mthroop@susqkc.com; jbell@susqkc.com
KMBZ/KUDL/KRBZ	sparks@entercom.com
KCTV TV 5	newsdesk@kctv5.com
KKHK	fredotainment@yahoo.com
KPRT	myrond@kprs.com
KCPT	mmurphy@kcpt.org
Cunningham Courier	cunninghamcourier@embarqmail.com
Kiowa County Signal	jguy@kiowacountysignal.com
Altamont Journal	info@altamontenterprise.com
Parsons Sun	shanna@chanute.com
Basehor Sentinel	cboyer@theworldco.info, editor@basehorinfo.com
Fort Leavenworth Lamp	editor@ftleavenworthlamp.com
Leavenworth Times	rmconiga@leavenworthtimes.com
Tonganoxie Mirror	slinenberger@tonganoxiemirror.com
Linn County News	jackielcn@ckt.net
Emporia Gazette	news@emporia.com
Frankfort Area News	fan@bluevalley.net

Marysville Advocate	sgray@marysvilleonline.net
McPherson Sentinel	thansen@mcphersonsentinel.com
Meade County News	mcnews@mcnewsonline.com
KJIL 99.1	kjil@kjil.com
Miami County Republic	republic@miconews.com
Independence Daily Reporter	taina@indydailyreporter.com
Seneca Courier-Tribune	ctseneca@nvcs.com
Sabetha Herald	sabethaherald@sabethaherald.com
KMZA 92.1	kmza@bbwi.net
Chanute Tribune	news@chanute.com
Osage County Chronicle	ochcnews@gmail.com
Larned Tiller & Toiler	tiller@star.kscoxmail.com
Phillips Co. Review	news@phillipscountyreview.com
St. Mary's Star	thesmstar@gmail.com
Wamego Times	office@wamegonews.com
Pratt Tribune	jstultz@pratttribune.com
KHMY	khmyfm@gmail.com
Rawlins County Square Deal	squaredeal114@sbcglobal.net
Hutchinson News	jgreen@hutchnews.com
KXKU 106.1	ksku@adastra.kscoxmail.com
KWBW 1450/KHUT 102.9	bwradio.getsresults@eagleradio.net
Belleville Telescope	bellevilletelescope@gmail.com
KREP 92.1	kr-92@nckcn.com
Lyons Daily News	admin@ldn.kscoxmail.com
Monitor-Journal Little River)	themonitor@lrmutual.com
Sterling Bulletin	news@sterlingbulletin.com
Manhattan Mercury daily	felber@themercury.com; dwhitson@themercury.com
Manhattan Free Press	freepress@kansas.net
KSU Collegian	news@kstatecollegian.com
KBLS 102.5	joel.bales@salinamediaigroup.com
KHCA 95.3	angel95fm@hotmail.com
KSDB	newsroom@ksdbfm.org

Plainville Times	pvtimes@ruraltel.net
Stockton Sentinel	stkpaper@ruraltel.net
KFIX 96.9	admin@hayspost.com
KRSL/KCAY	carol@krsl.com
Salina Journal	news@salina.com
Scott County Record	editor@screcord.com
Wichita Times	cmimes@aol.com
Ark Valley News	news@arkvalleynews.com
Community voice	press@tcvpub.com
Derby Weekly Informer	mail@derbyinformer.com
Times-Sentinel	news@tsnews.com
Wichita Business Journal	wichita@bizjournals.com
Wichita Eagle	MRoehrman@wichitaeagle.com
KFDI 1070/101.3	news@kfdi.com
KMUW 89.1	amy@kcur.org
KRZZ/KKRD/KRBB	dickharlow@clearchannel.com
KAKE TV 10	news@kake.com
KSNW TV 3	rasmith@ksn.com
KWCH TV 12	news@kwch.com
Topeka Capital-Journal	tim.bisel@cjonline.com
Topeka Metro News twice weekly	metro@topekametro.com
WIBW 580/94.5	liz.montano@morris.com; ben.beauman@morris.com
KSNT TV 27	KSNTNewsroomList@nexstar.tv
WIBW TV 13	feedback@wibw.com
Hoxie Sentinel	sentinel@sheridansentinel.com
Goodland Star News	star.news@nwkansas.com
KGCR 107.7	kgcr@kgcr.org
Lebanon Times	editor@thelebanontimes.com
St. John News	dsattler@gctelegram.com
Hugoton Hermes	hermesro@pld.com
KFXX 106.7	sboston@southwindbroadcasting.com
Wellington Daily News	acatlin@wellingtondailynews.com
Colby Free Press	colby.editor@nwkansas.com

KXXX/KQLS	kskq@waitradio.com
Western Kansas World	westernkansasworld@yahoo.com
Wabaunsee Co Signal-Enterprise	signal@embarqmail.com
Western Times	editor@TheWesternTimes.com
Washington County News	editor@bluevalley.net
Wilson Co. Citizen	news@wilsoncountycitizen.com
	admin@hayspost.com
	newsroom@dailynews.net
Rod Haxton	editor@screcord.com
Julie McClain Downey	jmclaindowney@emilyslist.org
M Russell	mrussell@iolaradio.com
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	newsroom@gctelegen.com
	dcnews@dodgeglobe.com
	sjnewseditor@embarqmail.com
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	dhogg@gbtribune.com
	anash@morningsun.net
	sabethaherald@sabethaherald.com
	news@ksn.com
	newspaper@sunflowertelco.com
	kbottrell@nwkansas.com
	westerntimes@wbsnet.org
	bladeempire@nckcn.com
	wamegosmokesignal@gmail.com
	27news@kansasfirstnews.com
	downsnews@ruraltel.net
	ckclipper@juno.com
	fan@bluevalley.net
	news@thekansan.com
	ycn@sekansas.com
	eseaton@themercury.com
	news@1350kman.com

	independent@centurylink.net
	thehumboldtunion@yahoo.com
	pvtimes@ruraltel.net
	newsroom@dailynews.net
	news@kake.com
	news@salina.com
	news@wdaftv4.com
	13news@wibw.com
	madnews@madtel.net
	westernkansasworld@yahoo.com
	tribune@chanute.com
	office@chanute.com
	propress@unitedwireless.com
	taylornews@taylornews.org
	politics@hawvernews.com
	editor@thesyracusejournal.com
	staffordcourier@sbcglobal.net
	gerald.hay@jocogov.org
	news@kansasfirstnews.com
	beloitcall@nckcn.com
	apkansascity@ap.org
	pioneer@ruraltel.net
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	spnews@ucom.net
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	editor@screcord.com
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	countian@twinvalley.net
	montepress@ucom.net
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	editor@basehorinfo.com
	smokesig@wamego.net
	ctseneca@nvcs.com
	slinenberger@ljworld.com
	signal@embarqmail.com
	publisher@hometowngirard.com
	chronicle@taylornews.org
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Chapter I. Voter Registration

Revised 07/17/19

In order to vote in official elections in Kansas, a person must possess the constitutional qualifications of an elector and must be registered to vote.

a. Qualifications

The constitutional qualifications to vote in Kansas are: (1) eighteen years of age or older, (2) U.S. citizenship, and (3) residency in Kansas. There is no length of residency requirement in Kansas, other than the 20 days one must be registered before the election. [Kansas Constitution, Article 5, Section 1]

Further, there is a statutory requirement of registration before voting. [KSA 25-2302] A person possessing the constitutional qualifications may apply for registration to the county election officer of the county where the person resides, using an application form approved by the Secretary of State. [KSA 25-2309(a)]

A special provision allows seventeen-year-olds to register to vote if they will be eighteen on or before the next statewide general election. [KSA 25-2306] This does not allow them to vote in the primary or at any other election before attaining the age of eighteen.

b. Disqualifications

A registrant is disqualified from voting by reason of death, federal or state felony conviction, or declaration by a court of competent jurisdiction. [Kansas Constitution, Article 5, Section 2; KSA 25-2316c; KSA 21-6613; KSA 22-3722]

If a registrant moves out of the state, his/her name is removed from the voter list of the county of the registrant's most recent registration. If a registrant moves from one county to another within the state, the registrant's name is removed from the voter list in the county of former residence and added to the voter list in the county of new residence, either by re-registering in the new county or by completing a driver's license change of address form. (See Sections e and h below.)

A registrant may at any time file a written request with the county election officer to have his/her name removed from the voter list. [KSA 25-2316c(f)(2)]

Death Notices

Kansas law requires the cancellation of registrations when voters die. County election officers are to check obituary notices in local newspapers and cancel the registrations of those who are deceased. [KSA 25-2316c(f)(1)] Also, the statewide voter registration system has an interface with the Office of Vital Statistics in the Kansas Department of Health and Environment which provides lists of deceased persons to county election officers electronically. [KSA 25-2316c(f)(4), KSA 65-2422d(f)]

The Secretary of State conducts an annual program of comparing the voter registration list to the Social Security Administration's death master file. Results are provided to county election officers for cancellation of deceased registrants after confirming that the possible matches do, in fact, represent the same individual. [KSA 25-2316c(f)(4)]

Felony Convictions

Conviction of either a state or a federal felony results in the loss of voting rights until the person completes the terms of the sentence. If the person is granted probation or parole, his/her term of sentence is not completed until the probation or parole is finished. The law prohibits a person who has been convicted of a felony from ~~all of~~ the following: registering to vote, voting, holding public office, or serving on a jury. [KSA 21-6702, 21-6604, 21-6613]
Federal convictions--The NVRA directs the U.S. Attorney in each federal judicial district to notify the chief state election officer of federal felony convictions. The chief election officer (in Kansas, this is the Secretary of State) forwards the notice to the appropriate county election officer for cancellation of the felon's voter registration. [NVRA, Section 8(g); KSA 25-2316c(g)]

State convictions—The county election officer (CEO) is required to cancel the voter registration of all persons convicted of state felonies. The voter registration system developed pursuant to HAVA (Help America Vote Act) interfaces with the Department of Corrections' database and provides notices of state felony convictions to CEOs electronically. Upon receipt of such information, the county election officer cancels the registrations. When notified of a felon's discharge, the county election officer allows the person to re-register.

The Kansas Department of Corrections provides a public information web site called KASPER (Kansas Adult Supervised Population Electronic Repository) that election officers may use to obtain additional information or to confirm information provided through the HAVA interface.

Note:

A felon who loses voting rights must re-register to vote after the sentence is completed. The county election officer does not automatically restore the person's name to the registration list. When registering to vote, the felon is not required to submit proof of final discharge. The voter registration application form contains an affidavit above the signature line attesting that the person's rights have been restored. Signing a false affidavit is a felony, which could result in loss of voting rights upon conviction.

Jury Duty Noncitizen Lists

Kansas law requires district courts in Kansas to provide to the Secretary of State the names of prospective jurors who indicated on their jury questionnaires that they are not United States citizens K.S.A. 42-174(a). Noncitizens are exempt from jury duty. The Secretary of State passes the names on to CEOs for review. If they are found to be noncitizens and registered voters, their registrations are canceled, and the individuals could face prosecution for falsely registering to vote.

c. Application

The law requires a person who wants to be a registered voter to complete a voter registration application form and submit it to the county election officer in the county where the person lives. The application must be made on a form approved by the Secretary of State or on the universal form prescribed by the Election Assistance Commission, which may be used in any state. [KSA 25-2309(a)]

The standard Kansas voter registration application form also is used for other purposes in addition to the original registration of a voter. It is used to update the voter's registration records, such as name changes, address changes, or party affiliation changes; and it is used in the process of administering provisional ballots.

The form approved by the Secretary of State is revised from time to time as a result of statutory changes, the addition of a newly recognized political party or a party's loss of recognition. When the form is revised, it is distributed to all county election officers and others required by law to conduct voter registration. The application form is available on the Secretary of State's Internet web site at www.sos.kansas.gov and on some county election officers' sites.

Registration is available at hundreds of places statewide. Some sites are required by law (see NVRA below, Section h) and others may be designated by the county election officer at sites such as banks, grocery stores, libraries, and at public events such as county fairs. These sites offer voter registration opportunities during their normal business hours. NVRA-mandated sites are only *required* to offer voter registration to persons applying for the regular services or benefits provided by the offices. It is optional for these offices to offer registration to persons who are not applying for services or benefits. [KSA 25-2303(b)] Any person wishing to conduct a voter registration drive may obtain and distribute a supply of application forms, but they should be mindful of laws governing distribution of forms and timely transmittal to the election office. They may receive training from the county election officer or the Secretary of State's office as to how to instruct applicants on completing the form and the requirements for returning completed forms to the respective county election offices. The Secretary of State provides a pamphlet outlining the rules for conducting voter registration drives.

Faxing and Emailing Applications

In 2008 the Secretary of State adopted a policy that election officers may accept faxed voter registration applications. Many CEOs have adopted this policy. In practice, this policy has been expanded to allow applicants to transmit via email scanned images of application forms to the election office. This is viewed as another form of electronic transmission, similar to faxing, and is acceptable as long as the images are legible.

Electronic Motor-Voter

Driver's license offices are an important part of the voter registration process due to the National Voter Registration Act of 1993. This is the reason the NVRA is often referred to as "motor-voter." In many areas of the United States, including Kansas, a majority of new applications and changes of address come through motor vehicle offices. From the time of

implementation of the NVRA in Kansas in the mid-1990s until 2008, the motor-voter process was on paper, meaning that even though the driver's license application process was paperless, Division of Motor Vehicles (DMV) offices handed out paper voter registration applications to those individuals who wished to register to vote.

In late 2007 the Secretary of State and the Kansas Department of Revenue, of which the Division of Motor Vehicles is a part, signed a Memorandum of Understanding to develop an electronic, paperless motor-voter system. Beginning in the fall of 2008, DMV offices began to collect and transmit voter registration data electronically. Using the basic information collected for driver's licenses, the driver's license examiners ask several additional questions required for voter registration—citizenship and age questions, party affiliation and phone number—and transmit the information with the digitized signature attached from the driver's license database.

The voter registration data is processed through the statewide voter registration database, sorted by county and sent to each county election office through the Agency Central module.

Also, change of address information is sent the same way, as well as data collected on DMV's change of address Internet web site.

d. Processing Applications

The county election officer has the responsibility of processing each application and determining whether the applicant meets the constitutional and statutory requirements of a qualified elector in Kansas. [KSA 25-2303, 25-2304, 25-2309(g)] Each application must be reviewed for completeness and legibility.

U.S. Citizenship Verification

Citizenship and Age Boxes

The voter registration application form includes check boxes for the applicant to indicate whether he/she is a United States citizen and whether he/she will be at least 18 years old by the next election. If the citizenship box is not checked, the county election officer rejects the application and mails the applicant a notice of incompleteness with instructions on how to complete the application and the period of time during which the application must be submitted in order to be eligible to vote in the next election. [KSA 25-2309(k)]

Verification with the Division of Motor Vehicles

Each applicant is required to provide either the person's driver's license number or the last four digits of the Social Security number on the application. [KSA 25-2309(b)(5)] These numbers are verified using an interface with the Division of Motor Vehicles driver's license database to satisfy the requirements of the Help America Vote Act.

Alternative Forms of Signatures

State law requires the applicant for voter registration to sign the application form. For a person with a disability, the signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature the person intends the signature to be binding. A signature may be made by another person at the applicant's direction if the signature reflects the applicant's intention. See the chart on page II-66.

[KSA 25-2309(a)]

The law also allows a computerized, electronic or digitized transmitted signature, which allows the Division of Motor Vehicles to collect and transmit voter registration data, including the signature, in a paperless format. See Electronic Motor-Voter above.

[KSA 25-2309(a)]

Notices of Disposition

The county election officer sends a notice of disposition to each applicant, notifying the applicant either that:

- the application is sufficient and the applicant's name has been added to the official county voter registration list, or
- the information on the application was incomplete or illegible or the applicant did not meet the requirements for voting.

The notice of disposition requests the applicant to contact the election office to supply the missing information if something was incomplete or illegible. [NVRA Section 8(a)(2), KSA 25-2309(e), KSA 25-2316c(a)]

The reason for the notice of disposition may be that the applicant failed to check the citizenship box. [KSA 25-2309(k)]

If a notice of disposition is returned by the post office as undeliverable, the county election officer must send a confirmation notice. [KSA 25-2309(e); 25-2316c] The NVRA does not permit removal of the registrant's name from the registration list due to the return of the notice of disposition as undeliverable, but these voters may be designated as "inactive," mailed a confirmation notice, and their registrations may be canceled if they do not vote in any election held between the date of the confirmation notice and the second succeeding federal general election. (See FEC Guide, p. 3-7, 3-8.)

Incomplete Records

The CEO creates a record in the ELVIS (Election Voter Information System) voter registration database for any person who submits a voter registration application. A person who submits an incomplete voter registration application is entered into the database but is not given full registration status until they correct whatever deficiency existed with the application. This type of record is referred to as an Incomplete record and given a status of 'Suspense' with a reason code of 'incomplete application' in ELVIS. There are many reasons for Incomplete status: missing name, missing signature, missing birth date,

insufficient or improper address, or illegible handwriting. Upon creation of the Incomplete record, the CEO must mail the person a notice of disposition informing them of the deficiency and how to correct it. In this case, the notice of disposition is referred to as a notice of incompleteness. If the person corrects the deficiency, the Incomplete status is removed and the person is an active registered voter. The applicant must provide the required information within 90 days after the voter registration application was received by the county election office. If the required information is not provided within 90 days, the voter registration application shall be designated as cancelled. A new voter registration application shall be required to become registered to vote. [K.A.R. 7-23-15]

Registration Deadline

The deadline for voter registration before any election is an important date. The law establishes the deadline as the 21st day before the election, so prospective voters may not apply for registration for that election after that date. [KSA 25-2311]

Applications postmarked by the 21st day before the election must be accepted and processed for that election. If the postmark is missing or illegible, the application should be accepted only if received in the election office by the ninth day before the election. [KSA 25-2311(e)]

Applications received during the 20-day period when registration is closed before an election are not valid for that election. Such applications are processed beginning the day after the election. [KSA 25-2309(f)]

The pre-election registration deadlines affect voters' constitutional right to vote. Thus, it is imperative that county election officers promptly forward to each other any applications or changes of address received in the days leading up to the deadline. If one county election officer receives applications by the registration deadline, or applications which are *postmarked* by the deadline, those registrations are valid and must be sent to the appropriate county without delay. A phone call to notify the election officer that the registrations are being forwarded is recommended. Likewise, the Secretary of State's office observes the same deadlines and makes every effort to forward applications to the appropriate counties and to notify election officers that applications are being mailed.

(See also Section I f, Party Affiliation Deadline; II a 3, Primary Elections)

A person who completes an application for voter registration is not considered a registered voter until the county election officer adds the applicant's name to the county's official voter registration list. [KSA 25-2309(g)] In this sense, the person who completes an application is an applicant; if the application is deemed valid, the person is a registrant; when the registrant votes in an election, he/she is considered a voter. In processing applications and adding names to the registration list, it is important to keep in mind one of the provisions in the NVRA that says that once registered, a person's name may not be removed from the list except for specified statutory reasons (death, felony conviction, moving out of the county, etc.). Thus, once a county election officer processes an application, deems it valid, and adds the applicant's name to the official list, the name may not be removed except for reasons specified in KSA 25-2316c(f), (g).

Date of Registration

The date of registration entered into the voter registration file by the county election officer is significant. Not only is this the date the applicant becomes eligible to vote, but it is also when the person is eligible for other political acts such as running for office and signing petitions. In most cases the registration date is the date the election officer finishes reviewing the application and adds the applicant's name to the official voter registration list. However, at certain times, especially before the registration cut-off before an election, there may be too many applications to process and add to the list on the same day they are received. For this reason, the county election officer should adopt a practice of date-stamping applications when they are received in the election office. Then, when the applications have been processed and the qualifications of the applicants have been verified, the date stamped on each application is the date entered on the official list and the date of eligibility of the registrant.

Verification Notices

These are *optional* notices mailed to applicants with the intention of verifying the sufficiency of their addresses. The NVRA and Kansas law neither require nor prohibit them, so they may be used if the county election officer wishes. The notices are mailed before the registrant's name is added to the registration list and before the notice of disposition is mailed. If a verification notice is returned undeliverable, a notice of disposition may then be mailed informing the applicant that the address provided on the voter registration application was inadequate, and the applicant's name has not yet been added to the registration list. If the verification notice is not returned undeliverable by the post office, the notice of disposition must then be mailed informing the applicant of their status as a registered voter.

Residency

County election officers are voter registrars and often receive questions about what is the proper address to use in registering to vote. The term residency arises in four election-related situations: (1) registering to vote, (2) voting, (3) running as a candidate for elective office, and (4) holding office.

Statutes

The key statute defining residency for voter registration purposes is KSA 25-407, which states:

Rule for determining residence of voter.

The judges of election, in determining the residence of a person offering to vote, shall be governed by this section. "Residence" means the place adopted by a person as such person's place of habitation, and to which, whenever such person is absent, such person has the intention of returning.

Another relevant statute is KSA 25-2309, which governs the registration process and the design of the application form. Subsection (b)(2) requires the applicant to provide his/her “place of residence, including specific address or location...”

The applicant identifies his or her residence when registering to vote and the CEO should accept the address provided.

County Election Officer’s Role

The CEO’s role in voter registration is ministerial. The CEO processes registration applications and determines if an address is an actual address in the county, but does not determine if a particular address is the *correct* one for a certain registrant. The CEO cannot add requirements to the voter registration process, such as asking for documents proving residency.

But the CEO must process the applications. KSA 25-2309(g) states that an applicant is not considered a registered voter until the CEO adds the applicant’s name to the county voter registration list.

Another statute to consider here is KSA 25-2322, which states in part:

Mandamus to compel registration

If the county election officer refuses to register any person who makes application therefor as provided in this act, such person may bring an action in mandamus to require such registration in the district court of the district in which the county election officer is located. One may conclude from this statute that the CEO must register each applicant unless there is evidence that the person is not qualified or eligible to vote. If the CEO fails to do so, the applicant has a statutory right to seek relief in court.

Review of Residency in Election-Related Situations

There are procedures outlined in law that may be used if a question arises regarding a person’s residency in each of the four election-related situations.

(1) Registering to vote—

The CEO checks each application for completeness and legibility and verifies that addresses provided are actual addresses. The CEO is not authorized to add other verification procedures in an attempt to determine an applicant’s intent with regard to residency.

(2) Voting—

Poll workers may, and in fact, have a duty to, challenge a voter’s ballot if there is a question about the voter’s qualifications to vote that ballot in that precinct on that election day. KSA 25-414(a) states: “It shall be the duty of each judge of election to challenge any person offering to vote, whom the judge shall know or suspect not to be qualified as an elector.” The act of challenging a ballot raises the residency question and requires the county board of canvassers to decide the issue. The canvassers may seek the advice of the county counselor or county attorney.

(3) Running as a candidate for elective office—

The CEO or, as the case may be, the Secretary of State has the authority to determine the validity of candidate filings pursuant to KSA 25-208a.

A candidate's residency may be questioned through the objection process (KSA 25-308). If the county or state election officer determines a candidate's filing to be valid, another person may file an objection. If the county or state election officer determines a candidate's filing to be invalid, the candidate may file an objection.

Objections are considered and decided by the county or state objection board, which is considered a quasi-judicial body.

(4) Holding office—

If a question arises about the qualifications of an office holder, two methods provided in law for removing the person from office are recall and ouster. Recall is a petition/election process. Ouster is a court proceeding initiated by the county/district attorney or the Attorney General.

Conclusion

When faced with questions about residency, the CEO must keep in mind the ministerial nature of their duties. Members of the public may expect them to do more, but all public officials must act within the limits of their statutory duties. The CEO is encouraged to seek the advice of the county attorney or county counselor.

In several of the procedures outlined above—challenging ballots, objections, and recall—there are officials other than the CEO involved in the process, which increases the likelihood that the correct solution will be reached through the input of multiple officials.

e. List Maintenance

Maintenance of voter registration lists requires constant attention in the election office. It is a cooperative effort between local election officials nationwide and the state election offices. List maintenance includes keeping updated information on all of the following possible changes in each registrant's registration data:

- (1) address change
- (2) name change
- (3) party affiliation change
- (4) active/inactive status
- (5) suspended status
- (6) restricted address status (requiring nondisclosure of residence address)
- (7) disqualification from voting.

The county election officer may *always* act without confirmation on information signed and received directly from the voter, such as:

- (1) a new voter registration application form containing updated information
- (2) a change of address form completed at a driver's license station
- (3) information on a provisional ballot envelope or other information collected from the voter at the polling place
- (4) a written request from a voter.

In updating voter registration records, however, it is important to change the records only if the new information is received on a form designed for that purpose. Information received from a source other than the voter, or information received from the voter on a form designed for a different purpose, must be confirmed before altering the official voter registration records. For instance, if a voter indicates a different address in signing a petition or on the advance ballot application form, it should not be considered a change in voter registration without confirmation. Or, if a registered voter files as a candidate for elective office and indicates on the declaration of intention or petition a residential address different from the address on his/her registration records, the registration records should not be changed on that basis alone. Rather, the candidacy should be declared invalid if the address is outside the election district and if residency in the district is required for that office.

Inactive and Suspended Statuses

Inactive—

An inactive voter is a registered voter who has been mailed a confirmation notice because the voter apparently moved *out of the county* and has not responded to the notice and has not voted in any election or otherwise contacted the election office. [KSA 25-2316c(e)(4)] This designation is a result of the National Voter Registration Act's list maintenance provisions. This includes those who were mailed a confirmation notice because a "forwarding order expired" or "moved-no forwarding address" notice was received from the post office. These individuals are still registered and may reactivate their status by voting or through another contact with the election office. The inactive designation is in most cases a temporary status; either the voter will eventually make some contact with the election office to reactivate his/her status, or the registration will eventually be canceled if the voter fails to vote in any election held in the county between the date the notice was mailed and the date of the second subsequent national/state general election. [KSA 25-2316c(d)(2)] At any rate, inactive voters are registered voters. Their names should be included on poll books sent to the polls on election day.

Suspended—

A suspended voter is a registered voter who has failed to vote at two consecutive national/state general elections. [KSA 25-2304(b)] This is not a designation arising from the National Voter Registration Act; rather, it is a designation required by state law that helps candidates, campaigns and political parties exclude unlikely voters from their mailings and other campaign contacts. These individuals are still registered and may cause their "suspended" designation to be canceled by voting in a national/state general election. Note that because of the statutory definition of the term "suspended voter," a voter's suspended status is not removed by voting in a national/state *primary* election, a city/school primary or general election, or a special question submitted election (although, if the voter is also an *inactive* voter, voting in one of these elections can affect the voter's inactive status). The suspended voter loses his/her suspended designation only by voting in a national/state general election. Suspended status never results in cancellation of the voter's registration. If a suspended voter is canceled it is due to some other reason.

A particular voter may be designated as either inactive or suspended or both. They are separate but similar designations that may sometimes overlap.

“Suspended” should not be confused with “suspense.” In terms of the Kansas statewide voter registration database (ELVIS), suspended is a reason and suspense is a status. Applications representing individuals who are not full-fledged registered voters are designated with the suspense status; for instance, UOCAVA voters and those who have not completed the requirements for registration (failure to sign the application, failure to check a required box concerning citizenship, etc.). Thus, Suspense registrations are more properly referred to as Incomplete. Suspended is a reason defined as registered voters who have not voted in the past two consecutive national/state general elections.

Address Restricted Status

Certain individuals may file a request with the county election officer to have their residential addresses concealed from public records. When a person makes such a request, his/her residential address is not printed on poll books or provided to persons who purchase voter registration data.

Such applicants must specify a “clearly unwarranted invasion of personal privacy or a threat to the voter’s safety”. It is most commonly requested by victims of domestic violence, law enforcement officers and judicial officers.

The Secretary of State has prepared a form, Form RN—Request for Nondisclosure of Residential Address, for this purpose. [KSA 25-2309(i)]

Safe at Home Status

Kansas law provides a program, administered by the Secretary of State and called Safe at Home, that allows victims of domestic violence to participate in a program where all their personal information is removed from public records. Once a person enrolls in the Safe at Home program, all their mail is sent to the Secretary of State’s office and forwarded to them at an undisclosed address.

Safe at Home status extends to voting. Participants may register to vote and apply for mailed advance ballots through the Secretary of State. The administrator of the program in the Secretary of State’s office coordinates with the appropriate county election officers to have ballots mailed, returned and tabulated.

Tracking Address Changes

The most expensive list maintenance activity in terms of time and money spent is tracking address changes. Any time the county election officer receives evidence of a voter’s change of address from any source other than directly from the voter, the change must be confirmed. This is usually done by mailing a forwardable confirmation notice. (See NVRA Guide for County Election Officers, or “Confirmation Mailing Procedure” below.)

Evidence of an address change might be:

- (1) a returned piece of official election mail

- (2) a returned mail ballot or advance voting ballot
- (3) information from the National Change of Address program
- (4) information from the county's own mass or targeted mailings
- (5) information from the interstate voter registration data crosscheck.

If the county election officer has been notified of a voter's address change by any alternative source other than those listed above, such as from an election board worker or a candidate, the election officer may contact the voter by phone, mail or other means in an attempt to determine the correct address. However, the election officer may not change a voter's address without written notice from the voter, nor may the voter's name be included in any category (such as confirmation mailings) that might eventually result in cancellation of the voter's registration.

Note that this is different from the National Change of Address (NCOA) process. The NCOA is recognized in federal and state law as an acceptable means of identifying address changes. The law *requires* the address to be changed on the county registration records and a confirmation notice to be sent when an in-county address change is discovered through NCOA.

If a voter moves to a new address in a different precinct in the same county, the county election officer may choose to send a notice informing the voter of the location of the new polling place.

Confirmation Mailing Procedure

If the county election officer receives indication of a voter's address change from a source other than the voter, the NVRA requires the address change to be confirmed. This is done through the confirmation mailing process. [KSA 25-2316c(d), (e)]

The confirmation notice is a forwardable, return-postage-paid mail piece asking the voter to verify and update his/her address information.

An important distinction affecting the processing of confirmation notices is whether the apparent address change is a move *within* the county or *out of* the county (or state).

1. If the county election officer receives an indication that a voter has moved *within* the county, the election officer must:

- change the voter's registration record to reflect the change,
- send a forwardable confirmation notice to the voter at the new address.

The voter's status remains active.

If the confirmation notice is returned by the voter, the county election officer verifies the information and files the card. If the confirmation notice is not returned, the county election officer does nothing else. The voter's name may not be removed from the registration list.

2. If the county election officer receives an indication that a voter has moved *out of* the county, the election officer must:

- send a forwardable confirmation notice to the voter at the new address,
- change the voter's status to inactive.

The voter's name may not be removed from the registration list yet.

If the confirmation notice is returned by the voter verifying that the voter has moved out of the county, the county election officer removes the voter's name from the registration list and files the card. If the confirmation notice is not returned, or if the post office returns the confirmation notice as "undeliverable" or "moved-no forwarding address," the county election officer does nothing else. Then, if the voter fails to vote in any election from the date of the confirmation notice through the second succeeding federal general election, the county election officer removes the voter's name from the registration list. If the post office returns the notice as undeliverable, the voter is considered inactive and thus may be canceled after the second succeeding federal general election.

The county election officer must maintain records of the dates of all confirmation mailings and returns from voters for statistical reports filed with the Secretary of State. Such records are maintained for two years.

Change of Address Forms

If a previously-registered voter completes a change of address form at a driver's license office, the law requires that the same form also serve to change their address for voter registration purposes unless the voter indicates otherwise on the form. Public assistance offices distribute new registration forms to applicants who change their addresses. If a change of address form indicates that the applicant does not want the address change to affect the voter registration records, the county election officer simply files the form with the voter's original registration card(s) and does nothing else. For all other completed change of address forms, the county election officer makes the required changes on the voters' registration records and files the forms with their original registration cards.

Change of address forms completed at driver's license offices are forwarded to the county election officer both on paper and electronically. Change of address forms received through the driver's license system do not require the county election officer to send confirmation notices. However, it is advisable to send notices to the voters informing them if their precincts and polling places change.

Change of address forms resulting from county-to-county moves result in previously-registered voters' records being transferred from one county to the other. They are not new registrations; they are updates or transfers with the voter history, party affiliation and date of original registration following each voter. Most change of address forms are electronic, sent to the CEO by the Division of Motor Vehicles as a result of either an in-office address change or an online change entered by the voter.

Change of address forms are processed according to the following guidelines:

Change of Address Procedure

Change of address forms are completed at driver's license offices and forwarded to the county election officer on paper or via email. Sometimes a voter submits a new voter registration form indicating a change of address rather than changing his/her address at a driver's license office. These constitute information received directly from the voter and are processed by the CEO without the need for a confirmation notice.

Changes of address fall into three main categories.

1. A voter who *moved into Kansas from outside the state*—

This voter's out-of-state registration does not follow the voter. The county election officer should consider this as a written request for a voter registration form. Send a notice to the person saying they must register in Kansas and enclose a voter registration application form.

2. A voter who *moved within the county*—

The county election officer should make the address change on the voter registration file. The record should maintain the date of the original registration along with the voter history and party affiliation.

3. A voter who *moved from one county to another in Kansas*—

- a. If the voter's *new* residence is in the county election officer's county,

- (1) the CEO enters the data and conducts a duplicate search to identify the county of the voter's previous residence,

- (2) if the previous address is in a Kansas county, select the record. The electronic record and all attached documents (if the county of previous registration imaged the documents) are automatically transferred to the new county.

- (3) if the documents are not imaged, ask the CEO in the county of previous registration to mail the hard copies of the documents relevant to the voter's record.

- (4) if the previous address is not in Kansas, see point 1 above.

- b. If the voter's *previous* address is in the county election officer's county, under normal circumstances the CEO does not need to do anything because the record is automatically transferred to the new county when the CEO in that county processes the change of address.

In the unlikely event that the CEO in the county of the voter's previous address receives notice of the address change before the CEO in the new county, the CEO should cancel the registration.

Emergency 9-1-1 Addressing

Applicants for voter registration are required to provide residential addresses on the application form in order for the county election officer to assign them to the correct precincts, which determines the correct polling places and ballots for the registrants. Some traditional addresses such as rural routes and star routes are not geographically specific,

requiring the county election officer to plot the locations of the voters' residences on a map to determine their precincts.

When a county (or sometimes a jurisdiction within the county) adopts emergency 9-1-1 addressing, every resident is assigned a street address by the post office. This changes each voter's address in postal service records and county records such as tax rolls and appraisal records. Since passage of the National Voter Registration Act of 1993, county election officers in counties adopting 9-1-1 addressing have faced a question whether to require all registered voters to re-register using their newly assigned addresses or to change the voter registration records without further action by the registrants.

The policy of the Secretary of State is that it is permissible to change the addresses without requiring the registrants to re-register. It is recommended that the election officer obtain a copy of the official document that changed the addresses in case questions arise about the process for changing the addresses. Often the official document is a listing from the post office showing the previous addresses and the new ones.

This policy is consistent with the NVRA—that state and county government should take part of the responsibility for tracking voters' address changes. Voters are not required to complete extra paperwork if the information is otherwise available from a reliable source. Section 8(e) of the NVRA requires registered voters to report changes of address and states that “failure to notify the registrar of the change of address” shall not disenfranchise such voters. It is clear that voters should re-register when they move, but there is no requirement to re-register when they have not moved but their addresses change for reasons beyond their control.

Kansas law reflects this federal requirement. K.S.A. 25-2316c(b) requires registrants to re-register when they move but preserves their right to vote provisionally in compliance with the NVRA. State law does not require them to re-register when their addresses are administratively changed to accommodate a program such as 9-1-1 addressing.

The NVRA and state law require a confirmation mailing to give registrants an opportunity to verify routine address changes, but that is not required in the case of 9-1-1 address changes because in such cases the registrants did not physically move. These are merely changes in the way registrants' addresses are listed, and they did not result from any action by the registrants.

Voter History

The county election officer maintains voter history records on each registered voter. Voter history means keeping track of whether the voter cast a ballot at a given election. The voter registration system developed pursuant to HAVA maintains each person's complete voter history in the central database. In that system, voter history is referred to as “voting credit.” Voting credit is not given for participation in unofficial advisory elections, so the CEO conducts advisory elections in the test database rather than the production database to ensure that voting credit is not posted as the result of such voters' participation in advisory elections.

When maintaining voter history records, the county election officer should include anyone who went to the polls and cast a ballot on election day or who cast an advance ballot, even

if the voter’s ballot was challenged/provisional or ultimately declared invalid. The election officer should not include persons who applied for advance ballots but did not return them. The rules on voter history may be summarized as follows:

Type of Ballot	Situation	Include in Voter History as Having Voted?
Ballot cast at poll	Voided ballot	Yes, unless voided because voter voted more than once
Provisional ballot	Any	Yes, even if ballot is invalidated
Advance ballot or Federal services ballot	Applied for, returned	Yes
	Applied for, returned after polls close	Yes
	Applied for, returned, but invalidated	Yes
	Applied for, not returned	No
	Permanent advance ballot sent to voter, not returned	No

Systematic List Maintenance Program

The NVRA requires each state to conduct a systematic program for maintaining an accurate and updated voter registration list. The main thrust of this requirement is to identify registered voters whose addresses have changed and to contact them, usually through the mail, to obtain updated information. According to federal and state law, this may be accomplished in one of two ways. Each county election officer must choose one of the following:

(1) National Change of Address (NCOA) Program

Each year the Secretary of State uses the January statewide voter file (See Central Voter Registration Database below, Section g.) to conduct the NCOA program. The Secretary of State contracts with a private vendor licensed by the U.S. Postal Service to compare the statewide voter file against the Postal Service’s National Change of Address file, which maintains address changes for 36 months. If a registered voter’s record appears more than once, it indicates a possible address change that must be reviewed for possible cancellation of one or more obsolete records. The information the Secretary of State receives from the NCOA program is forwarded to the appropriate county election officers, who mail confirmation notices in an attempt to obtain updated information directly from the voter. See “Confirmation Mailing Procedure” above. [KSA 25-2354(a); NVRA, Section 8(c)]

(2) Mass or targeted mailings

As an alternative to NCOA, the county election officer may choose to conduct his/her own mailings. Either a mass mailing to all registered voters in the county or a series of targeted

mailings may be used. If targeted mailings are used, the series of mailings must eventually reach each registered voter at least once per year. The mailings ask registrants if the information on the county voter file is correct and, if not, to contact the election office to update it. If mail pieces are returned as undeliverable, it constitutes evidence of an address change and the confirmation mailing process must be initiated. See “Confirmation Mailing Procedure” above. [KSA 25-2354(a)]

Duplicate check

Another list maintenance program conducted using the statewide voter file is the duplicate check. This program is not required by law, but it is a useful clean-up tool that has been in effect since 1997. Keying specifically on the name, birth date, and Social Security number or driver’s license number (if they’re available), the program identifies individuals whose records appear more than once in the statewide file.

The statewide voter registration system developed pursuant to HAVA automates the duplicate check. The data entry operator is notified of a possible duplicate upon entering the information from the voter registration application. There is an opportunity to verify the information and delete the duplicate.

Temporary Driver’s License Check

In some years the Secretary of State obtains from the Division of Motor Vehicles the current list of temporary driver’s license holders and compares it to the statewide voter registration database. Temporary license holders are by definition not U.S. citizens and are thus ineligible to register and vote. The CEO should follow up with these individuals and ensure they are non-US citizens. Upon confirmation, they should be canceled and may be referred to law enforcement for investigation and possible prosecution.

Cancellations

Election officers at the state and county levels must continuously and diligently exchange information in order to keep everyone’s records current. Most often this is accomplished through cancellation notices. Any time a registered voter moves out of the jurisdiction of one election officer, whether to a new county within the state or to a new state, and re-registers in the new jurisdiction, the election officer in the new jurisdiction must send a cancellation notice to the election officer in the previous jurisdiction. For in-state moves, the voter registration database executes a transfer of the voter’s record from one county to another. This creates a new registration in the new county.

Any time the lines of communication between election officers break down it means the registration lists are less accurate, containing extraneous and incorrect information.

It is extremely important to use all the tools at the election officer’s disposal to keep voter lists as clean and accurate as possible. In fact, failure to perform some of the essential list maintenance activities is a violation of the law. Inaccurate voter lists are detrimental to the voting public, candidates, campaigns, and the election administration process in general. [Division of Post Audit Report 93PA34]

The tools used in list maintenance include:

- NCOA
- mailings
- duplicate checks
- interstate crosschecks
- cancellations from other jurisdictions
- obituaries and death notices
- felony conviction notices.

f. Party Affiliation

Kansas is one of the states with an official party affiliation list. [KSA 25-3301(b), 25-3304] Voter registration applicants may choose to affiliate with one of the recognized political parties at the time of initial registration or any time after. (See Chapter IV, Section f, Political Parties.) A check-off box is provided on the voter registration application form prescribed by the Secretary of State. Some counties use a separate Change of Party Affiliation Form for use by unaffiliated registered voters who wish to affiliate or for those who wish to change their affiliation. Most counties, however, use the regular voter registration application form for all registration- and affiliation-related purposes.

Registered voters who are unaffiliated may affiliate with either the Democratic or Republican party at the polling place on the day of the partisan primary election (August of even-numbered years) and vote that party's ballot. [KSA 25-3301(c)] However, depending on the party, in some cases they might not be required to affiliate before voting in the primary. Courts have ruled that each party may determine who may vote in its primary. Thus, a party may continue with a closed primary as Kansas law has prescribed since 1908, or it may choose to allow unaffiliated voters or members of other parties vote in its primary. The state cannot pass laws dictating who may vote in a given party's primary.

For the 2018 election, both major parties in Kansas required voters to be affiliated with the parties to vote in their respective primaries. Registered voters who are unaffiliated may affiliate with a party at the polling place on election day, or in the process of obtaining an advance ballot before the primary, and vote that party's primary ballot.

Party Affiliation Deadline

A law passed in 2014 prohibits voters from changing party affiliations during the weeks before and after the August primary election. Beginning with the candidate filing deadline on June 1, no voter may file a document to change party affiliations or to disaffiliate from a party until the results of the primary have been certified by the state board of canvassers. The statutory deadline is September 1. If a person attempts to file such a document during the prohibited period, the county election officer rejects it and instructs the person to re-file the document after the state canvass. [K.S.A. 25-3304(b)] An unaffiliated voter may, however, affiliate with a party during this period or when voting at the primary on election day or when applying for an advance ballot before the primary.

g. Central Voter Registration Database (CVR)

The law requires the Secretary of State to maintain a statewide centralized voter registration database. [KSA 25-2304(b)] Each county election officer builds and maintains the county's database, but all operations are performed in the statewide centralized database implemented pursuant to HAVA. The voter registration/election management system in Kansas is called ELVIS (for **E**lection **V**oter **I**nformation **S**ystem).

Data entered or altered by county users is instantly loaded into the central database, duplicates are identified, and the file is available for conducting all regular election functions.

The Secretary of State never alters a record in the voter file. The county election officer has sole authority and responsibility for adding, deleting and altering voters' registration records. [KSA 25-2303(a)] The central database is merely a collection of all 105 counties' files, and it reflects exactly the data that are submitted by the counties. The results of all list maintenance functions performed by the Secretary of State are always sent to the county election officers for appropriate action, and the subsequent central database reflects the actions taken by the county election officers.

No voter registration data may be used for commercial purposes. The law does not prohibit using the data for campaign purposes, which are specifically not considered commercial. [KSA 25-2320a, KSA 45-220, AGO 94-132, AGO 96-98]

h. National Voter Registration Act of 1993 (NVRA)

At the time of its passage, the National Voter Registration Act of 1993 was the biggest change in U.S. and Kansas election law in several decades. It may be summarized into its three main components: expanding voter registration, maintaining accurate registration lists, and fail-safe voting.

1. Increasing the number of registered voters through expansion of voter registration opportunities

Key Points:

- The NVRA expanded the number of locations and opportunities for voter registration.
- More government offices provide voter registration opportunities.
- Agency-based registration must be active and affirmative, not passive.
- All NVRA-mandated registration agencies except motor vehicle offices must keep records of when individuals decline to register.

(a) Motor-Voter

Voter registration is required in the driver's license application process because more than 90% of Americans have driver's licenses or nondriver identification cards. In Kansas, some surveys show that as many as 98% of Kansans have these types of identification cards.

(b) Public assistance agencies

These agencies are included to ensure that lower socio-economic classes and persons with disabilities are not excluded from the process.

(1) Voter registration is required to be offered at all state agencies administering any of four federal assistance programs:

- Food Stamps (DCF offices in Kansas)
- Medicaid (KDHE and KDADS offices in Kansas)
- Aid to Families with Dependent Children (DCF offices in Kansas)
- Women, Infants and Children (KDHE offices in Kansas)

(2) Voter registration is required to be offered at offices that operate state-funded programs primarily engaged in providing services to persons with disabilities, including services provided in the home.

(c) Armed forces recruitment offices

Registration at these sites is managed and conducted by military personnel who operate the offices.

(d) Other offices designated by the state

In Kansas, the law designates first and second class city clerks' offices.

(e) Mail registration

(1) Anyone may conduct door-to-door voter registration.

(2) Election officers must supply forms free upon request. The Secretary of State and many county election officers have adopted a policy requiring a written justification for large quantities of forms. For instance, the Secretary of State requires a written request for quantities greater than 25 forms. The request must specify who will distribute the forms, the plan for distribution, and the reason for the number of forms being requested. Persons making such requests are asked to return unused forms.

2. Protecting the integrity of the electoral process by ensuring that accurate and current voter registration rolls are maintained.

Key Points:

- Once registered, a voter's name may never be removed from the rolls for simple failure to vote. A voter's registration may be canceled only for reasons specified in law, such as moving out of the county or state, or a felony conviction, but not solely because the person did not vote.
- The government has primary responsibility for keeping voters' records updated.

(a) County election officers must mail notices of disposition by nonforwardable mail to all applicants. The notice of disposition informs the applicant whether he/she has met the registration requirements and is on the registration list, or whether more information is needed in order to process the application. [KSA 25-2309]

(b) County election officers must send confirmation notices to all voters for whom the election officers receive evidence of name changes or address changes, either within the county or outside the county. Evidence of an address change might be information from the National Change of Address data file from the U.S. Postal Service, a returned notice of disposition, or other returned mail marked "undeliverable" or "moved-no forwarding address." When mailing a confirmation notice due to an in-county move, the county election officer changes the registrant's address on the voter file to reflect the new address and sends the confirmation notice to that new address. The confirmation notice is a forwardable, return postage-paid mail piece prescribed by the Secretary of State. (See List Maintenance above, Section e.)

(c) The state must conduct a systematic program for keeping registration lists updated. Under the NVRA and Kansas law there are two options:

- (1) National Change of Address program
- (2) Mass or targeted mailings by the counties

Each county chooses whether to participate in the NCOA program conducted by the Secretary of State or whether to conduct its own mass or targeted mailings. (See List Maintenance, Section e.)

(d) Removal of names is permitted in cases of:

- (1) felony conviction (See Section I b)
- (2) death

- (3) mental capacity, as determined by a court
- (4) written request by the voter
- (5) written confirmation by the voter of an address change outside the county
- (6) failure to respond to a confirmation notice sent because of evidence of an address change *outside the county*, followed by failure to vote in any election held between the date of the confirmation notice and the second subsequent federal/state general election.

3. “Fail-safe” voting procedures to encourage voter turnout and to ensure that an individual’s right to vote prevails over bureaucratic or legal technicalities

Key Point:

- Once registered, a voter remains on the voter list as long as the individual remains eligible to vote in that jurisdiction (county). No purging for nonvoting is allowed.

Basic Rules for Fail-Safe Voting:

- If a registered voter moves within the county and fails to re-register before the election, the voter may vote a provisional ballot at the new precinct or a central location. The central location is designated by the county election officer.
- If a registered voter changes his/her name and fails to re-register before the election, the voter may vote a provisional ballot.

Other Important Concepts in the NVRA

- The U.S. Department of Justice has enforcement authority.
- Each state designates a chief state election official to coordinate responsibilities.
- The NVRA is a voter registration act, not a voting act. It has contributed to an increase in registrants, but no noticeable increase in voters.
- Confidentiality: *Where* a person registers, or *whether* a person registers or declines to register, must be kept confidential.
- Grievances: Individuals may file grievances with the chief state election official if they believe their rights under the NVRA have been violated.
- Purging: The rules for purging ineligible or inactive voters changed, and they are much more limited than before NVRA.
- Provisional voting: Due to fail-safe voting requirements, the number of challenged and provisional ballots is increasing.
- Reporting: The NVRA requires records to be kept regarding the number of registrations received from various sources, the number of cancellations and the number of confirmation notices sent and returned. Counties report to the Secretary of State; the Secretary of State reports biennially to the Election Assistance Commission; the EAC reports to Congress.
- The NVRA prescribes fines and imprisonment up to five years for violations of the provisions of the act. Individuals also may be prosecuted under state law.

Legal References

K.S.A. 25-2309, 25-2316c, 25-3301

K.A.R. 7-23-13

FEC Guide to Implementing the NVRA

Legislative Division of Post Audit Report 93PA34

Chapter II. Election Administration

Revised 7/17/19

With very few exceptions, the county election officer is the person in charge of conducting all official elections in the county. Official elections are those required or authorized by state law. Some of the exceptions are: special elections on the dissolution of cities, election of boards of directors of watershed districts, and election of members of county extension councils. In these and other exceptional cases, local governing bodies are charged with conducting the elections.

a. Types of Elections

The major types of elections are: city/school/community college, national/state/county/township, primary elections, question submitted, mail ballot, recall, and advisory elections, although advisory elections are not official or binding.

1. City/School/Community College Elections

State law sets the general election for city officers, local school board members, and members of the boards of trustees of community colleges on the first Tuesday following the first Monday in November of odd-numbered years. [KSA 25-2010, 25-2107, 71-1413] However, some cities set different schedules by adopting charter ordinances through the exercise of their constitutional home rule powers. [Kansas Constitution Article 12, Section 5; KSA 25-2107]

Each city adopts a specific form of government from the types allowed by law. Adoption of the form of government is done through a charter ordinance. Some of the types of city government are: mayor-council, modified mayor-council, commission, and city manager. In conducting city elections, it is important to know the class of the city (first, second or third class, depending on population), the form of government, and the schedule adopted by the city for electing officers.

School and community college elections are nonpartisan. Candidates run for these offices with no party designation on the ballot. [KSA 25-2009; KSA 71-1419]. City elections are typically nonpartisan, but the governing body decides whether the elections are partisan or nonpartisan. [KSA 25-2113]

A primary election is held on the first Tuesday in August only if the number of candidates who filed for a given office is more than three times the number of positions to be filled. When required, the purpose of the primary is to reduce the number of candidates at the general election to no more than two per position. [KSA 25-2021, 25-2108a, 71-1415]

The candidate filing deadline is at noon on June 1st in odd-numbered years. [KSA 25-2007(c), 25-2109, 71-1414(c)] Candidates are not permitted to withdraw after the filing deadline. [KSA 25-2020(c), 25-2106]

Election laws of a general nature apply to school elections unless they conflict with specific statutes governing school elections. [KSA 25-2009(b)] However, laws which specifically apply to partisan elections do not apply to school elections. [KSA 25-2009(a)]

Many unified school districts are multi-county, meaning they comprise all or parts of more than one adjacent county. Elections in multi-county school districts require close coordination between the county election officers, especially in ballot printing and distribution. The county containing the greatest proportion of the population of the district is the home county. The county election officer in the home county coordinates the election with all other participating counties. [KSA 25-2007(b)(3)]

In conducting school elections, it is crucial to know which of three voting plans is used by the district:

- Voting Plan A: Board members are voted on at large in both the primary and the general elections.
- Voting Plan B: Board members are voted by member districts in the primary and elected at large in the general election, and
- Voting Plan C: Board members are voted on by member district in both the primary and the general elections.

[KSA 25-2005(c), 71-1420, 72-1083]

Legal References

KSA Chapter 25, Article 20 (school elections)

KSA Chapter 25, Article 21 (city elections)

KSA Chapter 71, Article 14 (community college elections)

2. National/State/County/Township Elections

National, state, county and township offices are elected at the same time. The general election is held on the Tuesday following the first Monday in November of even-numbered years. [KSA 25-101, 25-1601] A primary is held on the first Tuesday in August for the nomination of Democratic and Republican candidates. Minor party candidates are nominated for the general election at state party conventions, and independent candidates (candidates running with no party affiliation) file by petition for the general election.

Most national/state/county/township officers take the oath and begin their terms of office on the second Monday in January succeeding the election, but there are exceptions: county treasurer, township offices and precinct committee positions have special statutory rules. For some, the oath-taking occurs on the day the official takes office, and for some it occurs earlier. (See Section VII e and the chart titled “Oaths and Commencement of Terms of Office.”)

National offices are: President and Vice President of the United States, United States Senator, and member of the United States House of Representatives.

State offices are: Governor and Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Commissioner of Insurance, Kansas Senator, member of the Kansas House of Representatives, member of the Kansas State Board of Education,

Justice of the Kansas Supreme Court, Judge of the Kansas Court of Appeals, District Court Judge, District Magistrate Judge, and District Attorney (for those counties designated by law to have a district attorney instead of a county attorney). Currently, six counties have district attorneys: Douglas, Johnson, Reno, Sedgwick, Shawnee and Wyandotte. [KSA 22a-101]

County offices are: county commissioner, county attorney, clerk, treasurer, register of deeds, and sheriff. Each county has an elected county attorney (a county office) unless the law specifically states that the county will have a district attorney (a state office). No county has both. Some counties choose to have a county counselor in addition to the county or district attorney, but counselors are appointed by the county commissioners, not elected.

Township offices are: trustee, clerk and treasurer.

Note:

Precinct committee positions for the Democratic and Republican parties are elected at the national/state/county/township *primary* election. [KSA 25-3801(a)] The law states that one man and one woman shall be elected from each precinct for each of the two parties authorized to participate in the primary. They serve two-year terms, facing re-election at the primary every two years. These are considered political party positions, not government offices. These are the only positions *elected* at the primary; all other offices on the primary ballot are *nominated* to run in the general election. Because they are elected at the primary, precinct committeemen and committeewomen do not appear on the general election ballot.

Elections for national/state/county/township offices are partisan, meaning each recognized political party is allowed to nominate one candidate for each office, and the candidates nominated by the parties run under party names. However, there is no law requiring a candidate seeking a particular party's nomination or representing a party in the general election to be officially affiliated with the party.

The exception to the partisan nature of these elections is the judicial retention offices, including all Supreme Court Justices and Court of Appeals Judges, and District Court Judges and Magistrates in judicial districts where judges are chosen by the merit selection process. The merit selection process means the Governor appoints the judges and they face a Yes/No election by the voters every four years on whether to retain them in office. Seventeen of the 31 judicial districts in the state use this method. The other 14 judicial districts elect their judges in partisan elections. Supreme Court Justices face a Yes/No election every six years, Court of Appeals Judges every four years.

Also, in certain counties there are nonpartisan offices such as the district commissioners in Wyandotte County and nonpartisan county commissioners in Johnson County.

The elections for national/state/county/township offices are divided according to which offices are elected (or retained) in alternating even-numbered years, as follows:

Presidential Year 2020, 2024, 2028, etc.

President/Vice president

One U.S. Senator (except in 2024, 2036, 2048, etc.)

All 4 U.S. House of Representatives members

All 40 Kansas Senators

All 125 Kansas House of Representatives members

State Board of Education Districts 2,4,6,8,10

Retention of some of the 7 Kansas Supreme Court Justices

(which positions depends on the dates their terms began, their ages and retirement)

Retention of some of the 14 Kansas Court of Appeals Judges

(which positions depends on the dates their terms began, their ages and retirement)

District Court Judges

(some elected, some retained, depending on the judicial district)

District Magistrate Judges

(some elected, some retained, depending on the judicial district)

All 6 District Attorneys

(Douglas, Johnson, Reno, Sedgwick, Shawnee and Wyandotte Counties)

Some County Commissioners

(depending on county's system of staggered terms)

County Attorney

County Sheriff

County Clerk

County Treasurer

County Register of Deeds

Township Trustee

Township Treasurer

Gubernatorial Year 2022, 2026, 2030, etc.

Governor/Lieutenant Governor

Secretary of State

Attorney General

State Treasurer

Commissioner of Insurance

One U.S. Senator (except in 2030, 2042, 2058, etc.)

All 4 U.S. House of Representatives members

All 125 Kansas House of Representatives members

State Board of Education Districts 1,3,5,7,9

Retention of some of the seven Kansas Supreme Court Justices

(which positions depends on the dates their terms began, their ages and retirement)

Retention of some of the 14 Kansas Court of Appeals Judges
(which positions depends on the dates their terms began, their ages and retirement)
District Court Judges
(some elected, some retained, depending on the judicial district)
District Magistrate Judges
(some elected, some retained, depending on the judicial district)
Some County Commissioners
(depending on county's system of staggered terms)
Township Clerk

3. Primary Elections

Primary elections are held to reduce the field of candidates for the general election. There are two types.

a. Nonpartisan primaries at city/school elections

On the first Tuesday following the first Monday in November of odd-numbered years, elections are held for city offices, local school board members and community college boards of trustees (in some counties). These positions are all nonpartisan, except that cities can be partisan if the governing body so chooses. On the first Tuesday in August a primary is held if needed to reduce the field of candidates for a given position to one, two or three. Thus, if one, two or three candidates file for a particular position, no primary is held and all the candidates' names are printed on the November general election ballot. But if more than three candidates file, a primary is held to eliminate one or more candidates.

In at-large elections (vote for three or fewer, vote for four or fewer, etc.), a primary is required if more than three times the number of candidates file as there are positions to be filled. [KSA 25-2006(b), KSA 25-2108a(a), KSA 71-1415]

b. Partisan primaries at national/state/county/township elections

In even-numbered years when the general election is held on the Tuesday following the first Monday in November, a partisan primary is held on the first Tuesday in August. [KSA 25-202, 25-203] Each of the two major parties—Democratic and Republican—is authorized by law to nominate one candidate to represent the party in the general election.

Kansas law specifies that in order to vote in a party's primary, a registered voter must (1) be affiliated with the party before the candidate filing deadline, or (2) if unaffiliated, sign a form on primary election day affiliating with the party before receiving the party's ballot. However, federal court cases have determined that states may not pass laws dictating who may vote in parties' primaries, so the two major parties determine who may vote in their respective primaries. *See e.g. Tashjian v. Republican Party of Connecticut*, 479 U.S. 208 (1986). Since 2004, the Republican Party has allowed party affiliates and unaffiliated voters who affiliate with the party to vote in the primary. From 2004 to 2012, the Democratic Party allowed party affiliates and unaffiliated voters to vote, regardless of whether they affiliate with the party. Beginning with the 2014 election, the Democratic Party uses the same rule as the Republican Party, allowing party affiliates and unaffiliated voters who join the party to vote in the Democratic primary.

(See Section I f, Party Affiliation Deadline)

Minor parties do not participate in the primary election; they nominate their candidates at state party conventions. [KSA 25-302]

Independent candidates also do not participate in the primary election. They are nominated by petitions and, if their petitions are determined to be sufficient, they go directly onto the general election ballot. [KSA 25-303]

4. Question Submitted Elections

Sometimes referred to as special elections, these are elections which pose a question to the voters in a specific jurisdiction, hence the name “question submitted elections.” They must be specifically authorized by a state statute. Most of the rules for conducting these elections are contained in the specific statutes which authorize the elections.

Special elections can be brought about three ways:

- (1) a statutory initiative petition is submitted requesting the election,
- (2) the governing body of a jurisdiction calls the election, or
- (3) a protest petition is circulated and filed in opposition to an action taken by a governing body. If a protest petition is deemed sufficient, it requires an election before the action by the governing body may take effect.

Often local jurisdictions will schedule their special elections on the same dates as regular elections to reduce expenses. The jurisdiction must pay all the direct costs of the special election if it is held on a day of its own. If, however, the special election is held on a day when all the voters in the county are eligible to vote in some other election, the jurisdiction is responsible for reimbursing the county only for those expenses which are additional and directly attributable to the special election. [KSA 25-2201, KAR 6-1-1, 6-1-2, AGO 93-107]

The only *statewide* question submitted elections are those which ask the voters’ approval of amendments to the Kansas Constitution.

If a local governing body wishes to conduct an election which is not specifically authorized in law, it is called an advisory election. (See Section 7 below.)

When a special question submitted election is authorized by the governing body in a local jurisdiction or required due to the submission of a valid petition, the following guidelines may be consulted by the county election officer conducting the election.

Guidelines for Special Question Submitted Elections

1. Identify:

- the jurisdiction (county, school district, city, township, hospital district, fire district, library district, watershed district, recreation district, drainage district, etc.)
- the governing body of the jurisdiction (school board, city council or commission, board of directors, etc.)
- the type of election (bond election, mill levy, sales tax, recall, change of form of government, disposal of property, corporate swine production, etc.)

- the voters (all registered voters in the jurisdiction? property owners? taxpayers? residents? etc.)

If the type of election is a mail ballot, the county election officer should call the Secretary of State's office because a written plan will have to be submitted. (See Section 4 below.)

2. Identify the statutes authorizing the election. County election officers are not required or authorized to do people's legal research for them. People seeking to hold elections may hire attorneys, or the county attorney or county counselor might help. The Secretary of State's office might be able to provide statutory citations, too.

If the statutes do not provide specific guidelines on a certain aspect of the election, refer to the general statutes governing that situation. As an example, see the note on petitions under #3 below.

If there is no statute authorizing the type of election being requested, it is an advisory election. This is a special situation. Call the Secretary of State's office. (See Section II a 7.)

3. Determine:

- what qualifications must be met to cause the election (an ordinance passed by a city, a resolution passed by a school board or county commission, a petition submitted to the county election officer or another official, etc.)

Note: If a petition is involved and if the statutes governing the specific type of election do not explain the petition requirements, go to the general petition requirements in KSA 25-3601 et seq.

- who actually calls the election and sets the date of the election (the county election officer or the governing body?)
- who publishes the notice of the election in the newspaper (the county election officer or the governing body?)
- what newspaper(s) should the publication be in? Some might be in the official newspaper of the jurisdiction, others in a newspaper of general circulation.
- who pays the costs of the election (county or governing body?)

[KSA 25-2201, KAR 6-1-1, 6-1-2]

4. Once the date of the election is set, build a calendar, including the following dates.

- publication date(s) of notice of the election [KSA 25-105]
(Usually, the county election officer publishes.)
- publication of notice of close of registration [KSA 25-2310, 25-2311, KAR 7-23-4]
(county election officer publishes)
- publication of change of polling places (if applicable) [KSA 25-2701(a)]
- publication of notice of voting equipment test (if applicable) [KSA 25-4411(b),
[25-4610(b)]
- ballot preparation period (Contact your voting equipment vendor for help.)
- advance voting beginning date [KSA 25-1120]
- appointment of election board workers [KSA 25-2801, 25-2803]

- voter registration deadline [KSA 25-2311]
- identify, finalize polling places [KSA 25-2703]
- advance voting ballot application deadlines [KSA 25-1122]
- period for training election board workers [KSA 25-2806]
- test of voting equipment (if applicable) [KSA 25-4411(b), 25-4610(b)]
- preparation of poll books, other polling place supplies [KSA 25-2704 to 25-2710]
- election day
- canvass day (canvassers are county commissioners) [KSA 25-3104]
- recount request deadline [KSA 25-3107(b)]
- contest filing deadline [KSA 25-1434 et seq.]
- publication of results or reporting to SOS or governing body(ies)
(not always required)

5. Follow the calendar.

5. Mail Ballot Elections

Kansas law has allowed local governing bodies to conduct special question submitted elections by all-mail balloting since 1983.

Mail ballot elections may not be used to elect officers; only for question submitted elections. [KSA 25-432] Additionally, the photographic voter identification provisions in Kansas law do not apply in mail ballot elections.

The governing body has the authority to decide whether to conduct a special election by mail ballot. Once it is decided to conduct an election by mail ballot, the date of the election is set by mutual agreement between the governing body and the county election officer.

The county election officer must submit a written plan for the mail ballot election to the Secretary of State, who must grant written approval of the plan before the election is conducted. Specific guidelines for the plan and examples of past plans are available to use as models. Also, it is helpful to consult the section titled “Guidelines for Special Question Submitted Elections” above.

Once a plan has been approved, the county election officer conducts the election according to the plan.

Generally, it takes at least 90 days for the process—developing a written plan, securing approval, preparing for the election, and tabulating and canvassing the results.

Photo ID in Mail Ballot Elections

The photo ID requirements in Kansas voting laws do not apply to voters participating in mail ballot elections, except in cases where voters apply for advance ballots. The law specifically applies the photo ID rule to advance voting but does not also apply it to mail ballot elections. Thus, in the case of mail ballot elections, only voters who apply for advance ballots because they will be absent from their regular addresses during the mail ballot election period are required to comply with the photo ID requirement.

Ballot Return Envelopes

The voter must complete and sign the statement on the return envelope when voting in a mail ballot election in order to be counted, and the CEO must verify the signature on the envelope with the voter's signature on file in the voter registration records. [KSA 25-433(e)] The ballot should not be invalidated if the voter fails to provide his/her residence address in the space provided on the ballot envelope. This is considered a technical error that does not invalidate the ballot. [AGO 2012-26; SOS legal memorandum dated April 10, 2013] See Section II c 2 for information on regular advance ballot envelopes.

Costs of mail ballot elections—The *direct* costs of conducting the mail ballot election are billed to the jurisdiction that called the election. The administrative regulation dealing with costs of special elections, KAR 6-1-1, says direct expenses are “those which would not have been incurred but for the conduct of such election.” Direct costs include postage. The mail ballot act requires the payment of outgoing and return postage for ballots. Voters are not required to pay for the postage to return their ballots. This is different from advance voting ballots in a regular election because advance voting is an option, whereas in a mail ballot election this is the only way for a voter to receive his/her ballot. The postage costs may be billed to the jurisdiction for reimbursement to the county. Ballots are not mailed to “inactive” voters in a mail ballot election. [KSA 25-433(a)] “Inactive” is defined in the National Voter Registration Act and Kansas law as a person who the US Post Office says has moved out of the county and who has been mailed a confirmation notice. The person's registration may be canceled after the second succeeding federal general election following the mailing of the confirmation notice. Inactive voters are designated as such on the statewide voter registration database.

Legal References

KSA 25-431 through 25-440

6. Presidential Preference Primary

Kansas has conducted presidential preference primaries twice--in 1980 and 1992. Current statutes do not provide for a presidential preference primary election.

Legal References

K.S.A. 25-604(b)

K.S.A. 25-4501 – 25-4508

Attorney General Opinion 92-25

U.S. Supreme Court *Eu v. San Francisco Democratic Committee*, 489 U.S. 214 (1989)

7. Recall Elections

Recall is one of the statutorily-authorized methods of removing an elected official from office before the end of the term of office. Other methods provided in state law are ouster and quo warranto, but neither of these involves an election. Ouster is a court action which

must be initiated by the Attorney General or the county or district attorney. [KSA 60-1201 through -1206] A quo warranto proceeding is also a court action, but it may be brought by an individual with a claim of specific injury. [KSA 60-1203]

All elected state and local officers except judges are subject to recall. [KSA 25-4301] Because judges are not subject to recall, they may be removed from office only at regular elections by either not being re-elected or not being retained. National officers (President/Vice President, U.S. Senator, U.S. Representative) are not subject to state recall laws. Federal laws provide for their removal through the process of impeachment.

There are separate statutes governing the process for recalling state officers and local officers. [KSA 25-4305 through -4317; KSA 25-4318 through -4331]

Limitations on recall

If a person being recalled is a member of a governing body, only a total of one less than a majority of the governing body may be subject to recall at a time. An officer may not be subjected to recall twice during the same term of office, nor during the first 120 days nor the last 180 days of the term. [KSA 25-4323]

Grounds for recall

The grounds for recall are: (1) conviction of a felony, (2) misconduct in office, and (3) failure to perform duties prescribed by law. “Misconduct in office” is defined as a violation of law by the officer that impacts the officer’s ability to perform the official duties of the office.

The petition for recall must specify one or more of the grounds as justification for the recall effort. [KSA 25-4306, 25-4320.]

Statements of officers

The officer sought to be recalled may file a statement of 200 words or less in justification of the officer’s conduct in office. This statement is filed with the Secretary of State in cases of recalls of state officers and with the county election officer in cases of recalls of local officers. The Secretary of State sends a copy of any such statement received to the county election officers involved in the state recall.

These statements and the grounds for recall as specified in the recall petition are maintained on file in the county election office for public inspection. [KSA 25-4315, 25-4329]

Procedure for recall of state officers

There are three steps in the process of recalling a state officer:

- (1) application
- (2) petition
- (3) election.

The filing is done with the Secretary of State, who coordinates with county election officers to verify signatures on the application and petition and to conduct the election. The recall

of the Secretary of State is done by filing a petition with the lieutenant governor who performs the duty of the Secretary of State for that recall election. [KSA 25-4305]

(1) Application

A recall committee of three qualified electors of the election district (for statewide offices the district is the entire state) files an application containing (a) a statement of the grounds for recall, (b) a \$100 deposit, [KSA 25-4305] (c) a list of 100 sponsors who will circulate the petition, and (d) signatures of registered voters equal to 10% of the votes cast for all candidates at the last election at which the person was elected to the office. [KSA 25-4306]

(2) Petition

The Secretary of State reviews the content and format of the application and determines whether the facts of the situation support the grounds for recall as stated in the application. If the Secretary of State determines the application is sufficient, the Secretary of State prepares a petition form and delivers it to the recall committee. The recall committee then has 90 days to circulate and file the petition. To require a recall election, a petition must contain signatures equal to 40% of the votes cast for all candidates at the last election at which the person was elected to the office. If the person being recalled was appointed to the office to fill a vacancy, the signature requirement is computed using the election at which the officer's predecessor was elected. [KSA 25-4308 to 25-4311]

(3) Election

If the petition is sufficient, the Secretary of State calls a special election within 60 to 90 days and informs the affected county election officers. [KSA 25-4312 and -4314] County election officers conduct the election, county boards of canvassers conduct the intermediate canvass in their respective counties at the time specified by law, and the county election officer certifies the results to the Secretary of State. The Secretary of State convenes the state election board to conduct the final canvass.

If the results indicate the recall effort has been successful, the office is considered vacant on the day after the certification. [KSA 25-4317] The vacancy is filled according to the normal procedure for filling a vacancy in that office.

Procedure for recall of local officers

There are two steps in the process of recalling a local officer:

- (1) petition
- (2) election.

The filing is done with the county election officer.

(1) Petition

A recall committee of three qualified electors of the election district files a blank petition form with the county election officer. If the petition is to recall an elected county election officer, the petition is filed with the county attorney who performs the duties of the county election officer for that election. [KSA 25-4318] The petition must state the grounds for the recall effort, and the grounds must be consistent with those listed in statute:

conviction of a felony, misconduct in office, or failure to perform duties prescribed by law. [KSA 25-4302, 25-4320(a)] The county election officer transmits a copy of the petition to the county/district attorney, who reviews the petition and issues an opinion on whether the content and format are sufficient and whether the facts of the situation support the grounds for recall as stated in the petition. The attorney is allowed five days in which to issue the

opinion. The attorney is required to notify the recall committee, the county election officer and the person who is sought to be recalled of the attorney's opinion regarding the validity of the petition form. [KSA 25-4322(b)] If the petition is to recall the county attorney, a judge appoints an attorney to handle this responsibility. [KSA 25-4322(c)]

The recall committee files with the county election officer a list of sponsors who will circulate the petition. [KSA 25-4322] Sponsors must collect signatures of currently-registered voters in the election district equal to 40% of the total votes cast for all candidates at the last election at which the person was elected to the current term of the office. If the person being recalled was appointed to the office to fill a vacancy, the signature requirement is computed using the election at which the officer's predecessor was elected. [KSA 25-4325]

The petition is filed with the county election officer. It must be filed within 90 days from the date the recall committee receives notice that the county or district attorney approved the grounds for recall. [KSA 25-4324] The county election officer has 30 days to verify signatures and determine whether the petition is sufficient to require a recall election. [KSA 25-4326]

Court actions to compel or prohibit action in the recall must be filed within 30 days of determination of the sufficiency of the petition. [KSA 25-4308, 25-4322]

Recall petitions impact fundamental rights and the CEO should check with the county attorney when interpreting the rules governing petition verification. *See* Kan. Atty. Gen. Op. No. 99-38 (See Section V d.).

(2) Election

If the petition is sufficient, an election is scheduled by the county election officer. The election is conducted as a question submitted election because no candidate is being elected to office. The ballot asks the voters to vote Yes or No on whether the subject of the recall effort should be removed from office. [KSA 25-4328]

The county board of canvassers meets as required by law following the election and certifies the results of the recall election. If there are more Yes votes than No votes, a vacancy is declared the day after the election results are canvassed and certified. The vacancy is filled according to the normal statutory procedures for filling vacancies in that office.

There are no special statutes providing for payment of the expenses of recall elections. They are generally paid by the county and the direct expenses may be reimbursed to the county by the local jurisdiction the same as other question submitted elections.

Legal References

KSA 25-4301 through 25-4331

8. Advisory Elections

An advisory election is an election at which the views of a particular electorate are solicited through the balloting process with respect to a specific issue or question, and the expression of such views has no binding effect upon the governing body soliciting such opinion. [*Blevin v. Board of Douglas County Commissioners*, 251 Kan. 374, 383 (1992), quoted in Attorney General Opinion 94-106]

Legal Basis

Citizens do not possess any inherent right to hold an official election whenever they want on whatever issue they want. Elections must be created by law. Advisory elections are not specifically authorized by law so they are not official elections. The existence of advisory elections is acknowledged in the election crime statutes, which indirectly recognize their existence by setting legal limits on their conduct. [See *e.g.* KSA 25-2413(e)(2)]

Cities may call and hold advisory elections pursuant to their home rule power granted in the Kansas Constitution [Article 12, Section 5] and counties may call and hold advisory elections pursuant to home rule power granted in statutory law. [K.S.A. 19-101a]

Purpose

The advisory election must be for a public purpose and not an unauthorized delegation of legislative authority. [AGO 83-177] Generally, they are called by local governing bodies to elicit the opinions of voters to guide the governing body in consideration of a pending action.

Disorderly election conduct

The crime of disorderly election conduct, defined in K.S.A. 25-2413, includes:

- (1) willfully conducting an advisory election,
- (2) within 250 feet of the entrance of a polling place during the hours the polls are open on election day,
- (3) UNLESS the advisory election is specifically authorized by law or home rule power AND conducted by the county election officer.

County Election Officer's Role

County election officers are only empowered to conduct elections that are authorized by statute. Governing bodies that authorize an advisory election cannot require CEOs to conduct the election. A CEO has discretion in deciding whether to conduct an advisory election for the governing body.

Voter Registration Database

The conduct of advisory elections has implications for the statewide voter registration database. The CEO should conduct an advisory election in the test database rather than the production database; otherwise voting credit would be posted on voters' official registration records.

Timed with Regular Election

Although an advisory election authorized by law or home rule power and conducted by the county election officer can be held at the same time as a regular election, separate

polling places and ballots must be maintained and election judges and clerks may not distribute, collect or count ballots for an advisory election. [AGO 94-106]

County election officers who receive requests for advisory elections are advised to contact the Secretary of State for the latest information on the legal status of advisory elections and for procedures to use in conducting the elections.

b. Preparing for an Election

The county election officer conducts nearly all official elections; that is, any elections authorized by law. There are a few types of elections that are conducted by local governmental units. Also, it should be said that the county election officer conducts *only* official elections, with the possible exception of the advisory election. In some circumstances the county election officer may conduct advisory elections or assist governmental units in conducting them. (See previous section.)

In preparing for any election, the specific statutes authorizing and governing the election should be reviewed and followed. However, the specific statutes governing a particular election might not answer all procedural questions. There is a general process to go through in preparing for an election that is applicable to nearly all types of elections.

1. Alternative Languages

Some counties are required to provide voting materials in languages other than English. The county election officers in such counties must keep this factor in mind throughout the preparations for each election. Providing materials in alternative languages is optional for other counties.

(a) Which counties?

According to the United States Census Bureau, five counties are currently included: Finney, Ford, Grant, Haskell and Seward counties are required to produce voting materials in Spanish.

(b) What are the criteria?

According to Section 203 of the Voting Rights Act of 1965, a jurisdiction is required to produce alternative language voting materials if, based on federal census information, it meets one of the following criteria: (1) more than 5% of the voting age citizens are members of a single-language minority group who do not speak or understand English adequately to participate in the electoral process, or (2) the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have completed the fifth grade. (Completion of the fifth grade is the benchmark for literacy.)

The U.S. Department of Justice uses the census data to identify the jurisdictions that meet the criteria and publishes a list of those jurisdictions in a federal regulation. The Justice Department also notifies the jurisdictions and the chief state election officer by letter.

(c) What languages?

Currently, only Spanish is required anywhere in Kansas. In other areas of the United States, jurisdictions provide assistance in Chinese, Vietnamese, Japanese, Korean, various American Indian dialects (Pueblo, Sioux, Navajo, Apache, Chickasaw, Tohono O'odham, Yaqui, Yuiman, Ute, Seminole Paiute, Shoshone and Choctaw), various dialects spoken in Alaska (Aleut, Eskimo and Athabaskan), and Filipino (Tagalog).

(d) What is required?

Alternative language assistance is in the form of printed materials and oral language assistance. Community outreach and public relations programs must be conducted to notify the public of the assistance available and to identify translators and poll workers.

Printed materials include ballots, voter instructions, voter registration application forms, ballot application forms, Voter's Rights and Responsibilities posters, voter outreach materials, newspaper publications, candidate filing forms, petitions, confirmation notices, and notices of disposition. Other materials are added as they become available.

Oral language assistance includes interpreters at polling places, interpreters in the election office to process voter registration and ballot applications and other materials, and language assistance at voter registration agencies.

(e) What resources are available?

The Secretary of State coordinates with the Kansas Hispanic and Latino American Affairs Commission to translate most printed materials into Spanish. The Commission can assist the county election officer in recruiting interpreters, poll workers and local translators and can provide training in election procedures and sensitivity training. The Commission's office in Topeka may be reached at (785) 296-3465.

The county election officer may find the local media to be of assistance in publicizing the program.

Local Hispanic groups, colleges, churches and civic organizations may be contacted to assist in recruiting poll workers and translators.

The U.S. Department of Justice has enforcement authority and offers guidance to the state and localities on the scope of the requirements and acceptable methods of addressing the needs of the non-English proficient voting public.

The Secretary of State offers the Spanish voting materials to any county election officer who wishes to use them.

2. Calendar

Once the date of the election has been set, it is helpful to build a calendar backward from that date. All the important dates should be entered on the calendar so that it becomes the road map for conducting the election. Working backward in time from the date of the election, four events provide the key dates around which the calendar is built: voter registration deadline, the beginning of advance voting, ballot preparation, and the date of publication of notice of the election.

The Secretary of State prepares a calendar for national/state/county/township elections and distributes it to county election officers during the fall of the year preceding the election. The SOS also prepares a calendar for city and school elections held in odd-numbered years. Each county election officer must prepare his/her own calendar for special elections, also referred to as question submitted elections. (See Section II a 4.)

3. Publications

There are several types of publications that may need to be printed in local newspapers before an election. The major types are:

(a) Notice of election--Public notice of an election is nearly always given by publication in a newspaper in the jurisdiction affected by the election. The dates and frequency of the publication are often contained in the specific statutes governing the election, but if not, K.S.A. 25-105 contains general rules for all regularly scheduled general elections and special question submitted elections.

In some elections, the laws governing the elections specify which newspaper the notices should be published in. For instance, the law might specify that the notice should be published in the official newspaper of the jurisdiction in which the election is to be held. If it is not specified, or if the requirement is simply to publish in a “newspaper of general circulation,” the county election officer decides which paper in which to publish. However, many election officers choose to use the official newspaper, which is designated by the governing body of the jurisdiction. The designation of “official” might be rotated to different newspapers each year.

The format of publications is usually not specified in law. Often county election officers adapt previously-published notices to fit the current situation and submit the publication to the newspapers.

(b) Notice of close of registration--Voter registration is always closed for the 20 days leading up to an election and on election day. The county election officer must publish notice of the close of registration by the tenth day before registration closes. The format of this publication is contained in an administrative regulation. [KSA 25-2310, KAR 7-23-4] The Secretary of State sends an official notice of the close of registration to each county election officer prior to the 60th day before any primary or general election. Receipt of the notice constitutes a directive for the county election officer to publish the notice according to the regulation. [KSA 25-2311(c)]

(c) Division of township into precincts--If a county election officer divides a township into one or more precincts, a publication must be made once each week for three consecutive weeks to notify the voting public of the change.

Occasionally a county election officer will reassign voters in a given precinct to a different polling place. No publication is required by law, but because changing polling places can be confusing to voters, some county election officers choose to publish a notice, and some also mail a notice to each affected voter in addition to making the publication. [KSA 25-2702]

Note: A separate statute directs county election commissioners (not election officers who are county clerks) to publish changes of ward and precinct boundaries once at least 30 days before any election. [KSA 19-3426]

The following chart contains general provisions for legal publications for elections.

Legal Publications Schedule

Even-Numbered Years

Primary Election

Notice of primary	KSA 25-204	After April 2, once weekly for three weeks in the official county paper
Registration closing	KSA 25-2310 KAR 7-23-4	In June or July, once at least 10 days before registration books close, in a paper having general circulation
Candidates	KSA 25-209	In June and July, after receiving names from SOS, publish 3 consecutive weeks in the official paper

General Election

Notice of election	KSA 25-105	In October, once at least 15 days before election in a paper having circulation in county
Registration closing	KSA 25-2310 KAR 7-23-4	In September or October, once at least 10 days before registration books close, in a paper having general circulation

Odd-Numbered Years

Primary Election

Notice of city primary	KSA 25-2112	(not required)
School election	KSA 25-2018(b)	On or before June 10, once in a paper having general circulation
Registration closing	KSA 25-2310 KAR 7-23-4	In June or July, once at least 10 days before registration books close, in a paper having general circulation
Notice of school	KSA 25-2018(d)	On or before June 10, in a paper having general circulation

General Election

Notice of city general	KSA 25-2112	(not required)
Registration closing	KSA 25-2310 KAR 7-23-4	In September or October, once at least 10 days before registration books close, in a paper having general circulation
Notice of school	KSA 25-2018(e)	On or before September 1, in a paper having general circulation

Other Publications

Special Elections

Notice of election	KSA 25-105	Once, at least 10 days before election, in a paper having circulation in the county. Includes notice of voting areas and polling places if not already published
Notice of bond election	KSA 10-120	Once a week for 2 consecutive weeks, the first at least 21 days before the election, in a paper having general circulation
Special school election	KSA 25-2018(f)	Same as bond election in KSA 10-120

Voting Equipment Test

Notice of equipment test	KSA 25-4410(b) KSA 25-4411(b)	In counties using voting equipment, once at least 48 hours before test, in a paper having general circulation
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City Annexations

Notice of annexation	KSA 12-523	When annexation is effective. Must be at least 60 days before election to be effective that election. (Published by city)
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Division of Township into Precincts

Declaration of precinct change	KSA 25-2702	Once each week for 3 consecutive weeks, beginning 90 days before election, in a paper having general circulation in township
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Change of Ward and Precinct Boundaries

Proclamation of ward and precinct boundary changes	KSA 19-3426	Once at least 30 days before any election, in the official county paper (election commissioners only)
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4. Printing Ballots

The county election officer chooses a printer to prepare ballots. Some use a local newspaper or other publisher, some use a vendor that supplies voting equipment and election supplies, and some that use hand-counted paper ballots print their own ballots on computer printers and photocopy them as needed. Also, some counties use ballot on demand printers, especially for in-person advance voting. Ballot on demand printers allow the correct ballot to be printed for each voter as needed, which reduces waste and simplifies the process of accounting for the number of ballots produced.

In candidate elections, ballot preparation begins as soon as possible after the candidate filing deadline has passed and the required period for determining the validity of filings has elapsed. The main factor in the timing of ballot preparation is the beginning of advance voting, which occurs twenty days before the election. The county election officer must receive ballots from the printer at least five days before the election to allow time for inspection by candidates and their agents. [KSA 25-604(c)] As a practical matter, though, the ballots must be printed before the beginning of advance voting twenty days before the election. The format for advance voting ballots and regular ballots is the same.

A general rule is to allow at least three weeks for ballot preparation. The deadline for distribution of federal services ballots, 45 days before the election, sometimes requires a separate ballot prepared on a computer and photocopied as needed. County election officers must comply with the 45-day deadline, so the creation of a paper ballot is directed if ballots are not ready by the deadline. (See Section II c 3.) [KSA 25-1220]

(a) Write-in lines

Write-in lines are required to be printed on ballots for each race *except* in:

- national/state/county/township primaries where 1 or more candidates are on the ballot,
- city/school/community college primaries, and
- question submitted elections.

Note:

An exception to these rules for write-in lines is the election of precinct committee persons in the Democratic and Republican parties at state primary elections. Write-in lines are always included for these positions because they are *elected* at the primary, not nominated. When write-in lines are required, the number of lines equals the number of positions being elected or nominated.

[KSA 25-213, 25-2021(d), 25-2116, 25-4503, 71-1415]

(b) Ballot Rotation

Kansas is one of the states that require ballot rotation. This is an important consideration in ballot preparation because of the additional cost and complexity. The fundamental rule of rotation is that each candidate's name must appear at the top of the list of candidates for that office on an equal number of ballots throughout the election district. This requirement is based on the assumption that there is an advantage to having one's name appear at the top of the list. The assumption is that voters are more likely to vote for the first name listed than for names farther down the list, and rotation equalizes opportunities among the candidates.

Rotation produces many different ballot styles, each of which causes a different setup by the printer. [KSA 25-212, 25-610]

(1) Rotation by the Secretary of State

For each of the statewide federal offices, statewide state offices, congressional, state legislative, state board of education and some judicial offices, the Secretary of State rotates the candidates' names using *entire counties* as the building blocks according to the following procedure:

- List the counties in the district in alphabetical order.
- Include the number of registered voters in each county beside the county's name. In primary elections, list the number of registered Democrats or Republicans, as the case may be, for each party's rotation schedule.
- Group the counties into as many segments as there are candidates. Each group of counties must have approximately the same number of registered voters as the others. The policy of the Secretary of State is to allow no more than a 0.5% deviation from the ideal number.
- If an equitable breakdown cannot be made because of disparities in the number of registered voters (or party affiliates, in the case of a primary), the Secretary of State issues an "order to rotate" to the counties involved. The counties then rotate the names on a precinct basis.

Note:

Counties using DRE voting systems must rotate by precinct regardless of the Secretary of State's rotation.

(2) Rotation by the County Election Officer

For each local office except precinct committee positions, and for each state or national office for which the Secretary of State has issued an order to rotate, the county election officer rotates the candidates' names using *entire precincts* as the building blocks according to the following procedure:

- List the precincts in the district in alphabetical or numerical order.
- Include the number of registered voters in each precinct beside the precinct's name. In primary elections, list the number of registered Democrats or Republicans, as the case may be, for each party's rotation schedule.
- Group the precincts into as many segments as there are candidates. Each group of precincts must have approximately the same number of registered voters as the others.
- If an equitable breakdown cannot be made because of disparities in the number of registered voters (or party affiliates, in the case of a primary), some county election officers choose to adjust the order of precincts to achieve a more equitable breakdown. However, others do not adjust the order of precincts. Their ballots are rotated with the most equal distribution possible using the precincts listed in the regular alphabetical or numerical order.

Note:

County election officers design their own rotation schemes for 1st and 2nd class city elections. Due to the irregular shape of many school districts and the member districts within school districts and community college districts, precincts are not required to be used for rotation in school and community college elections. [KSA 25-2014]

Ballots for 3rd class city elections are not required to be rotated. [KSA 25-2115]

5. Advance Voting

Initial preparations for an election must be completed in time for advance voting to begin twenty days before the election. The two major ways to vote in advance are by mail and in person. Advance voting *by mail* must begin in every county twenty days before the election. The county election officer has the option of beginning *in-person* advance voting twenty days before the election or any time after that until the week before the election. In-person advance voting must begin in every county no later than the Tuesday before the election.

A form of in-person advance voting allowed in all counties is satellite advance voting. Under satellite advance voting, the county election officer may establish in-person advance voting sites at locations other than the county election office to make voting more convenient for voters. [KSA 25-1122(g)]

(For more on advance voting, see Section II c 2.)

6. Voter Registration Deadline

One of the important dates during the weeks leading up to the election is the voter registration deadline. This deadline occurs on the 21st day before the election. According to state law, voter registration is closed for the 20 days leading up to the election and on election day in the district where the election is to be held. Therefore, the 21st day before the election is the last day to register to vote in that election. Registration re-opens the day after the election. The county election officer must accept applications for that election if

they are postmarked by the 21st day before the election, or, if the postmark is missing or illegible, they must be accepted if received by the 9th day before the election. [KSA 25-2311(e)]

Other applications for voter registration received during the closed period are not processed and no names are added to the list until after the election. [KSA 25-2309(f)] Likewise, driver's license offices and other intake points for applications will continue to collect them and forward them to the county election officer, but the applications are not valid for that election.

All county election officers must diligently forward applications and changes of address that are intended for other counties. If applications are received by the registration deadline or are postmarked by the deadline, the applicants are eligible for the upcoming election, assuming all other qualifications are met. Failure to send applications to the appropriate counties can result in a person being unable to vote, which is a serious matter that can be avoided with the constant and timely exchange of information.

In an even-year partisan primary election, June 1st is the deadline to change one's party affiliation from one party to another. The voter registration deadline on the 21st day prior to the primary election is the deadline for all other changes (or for new registrations). If a person is registered before the deadline but not affiliated with a party, the law allows them to affiliate with a party at the polling place on election day (or when applying for an advance ballot) and vote that party's ballot. Depending on the rules adopted by the parties, unaffiliated voters may also be allowed to vote in the respective parties' primaries without affiliating. However, an affiliated voter may not *change* affiliations on primary election day. If a voter affiliates with a party on primary election day, the affiliation remains until the voter changes it by completing a new voter registration application or party affiliation card. [KSA 25-3304]

(See also Chapter I, Section d.)

7. Election Boards

The county election officer is responsible for appointing, training and equipping members of the election board in each precinct or voting area.

(a) Composition of Election Boards

Each election board is usually composed of three or more members with one supervising judge, one or more judges, and the rest clerks. [KSA 25-2803] The board may be as small as two members in a precinct of fewer than fifty registered voters with a polling place more than ten miles from the nearest polling place. [KSA 25-2808(b)] The members of the board, excluding the supervising judge, are required to represent a mix of political parties, but this requirement may be relaxed if it is impossible to obtain an adequate number of board members of different political affiliations. [KSA 25-2802]

The county election officer determines "the area to be served by each voting place at every election" and may designate more than one precinct to vote at the same polling place. [KSA 25-2701(a)] In such cases, separate ballots must be maintained for each precinct. The law is unclear regarding whether one board may serve multiple precincts voting at the same polling place, but the Secretary of State recommends a separate board for each precinct to reduce the possibility of ballot distribution errors. When board workers are asked to

distribute different ballot styles to different voters, the chance of errors increases. Ultimately, however, the decision whether one board may serve multiple precincts is up to the county election officer. In such cases the Secretary of State strongly recommends adoption of a system where at least one check is made to ensure each voter receives the correct ballot. For instance, if one board worker is assigned to hand the ballot to each voter, at least one other board worker checks to see that each voter received the correct ballot.

Teenage Election Board Workers

The county election officer is authorized to appoint persons who are at least 16 years of age to work on each election board. Any such teenage board workers must possess the other qualifications of being registered voters except age and have a letter of recommendation from a school teacher, counselor, or administrator. No more than 1/3 of the persons appointed to each election board may be under the age of 18. It is recommended that teenage board workers be appointed based on an informal agreement between the county election officer and school officials, ensuring that the teenage volunteers are in good academic standing at school. Some schools have allowed students to receive credit on classroom projects for their work on election day. Each county decides whether or not to pay the students. [KSA 25-2804(b)]

Split Shifts

The CEO has the option of splitting shifts for board workers to shorten their hours worked and to make it easier to recruit poll workers. In the past some potential board workers have declined to serve because of the 14-hour work period on election day. If some board workers are allowed to work for, say, half the day, the supervising judge and at least one other board worker must be present throughout the entire day. If split shifts are used, only those board workers on duty when the polls closed are required to certify the results.

It is important, especially in partisan elections, to have at least one board member from each of the major political parties present at all times, to the extent practicable.

The Secretary of State adopted an administrative regulation, KAR 7-45-1, to govern the process of using split shifts.

(b) Qualifications

Election board workers must have the qualifications of electors (U.S. citizenship, eighteen years of age, residence). [KSA 25-2804(a), (b)] They must be residents of the voting areas in which they serve unless it becomes necessary for the county election officer to appoint them in another precinct due to a shortage. [KSA 25-2804(c)] In such cases they are allowed to vote advance ballots due to their absence from their precincts on election day. [KSA 25-2804(d)]

Board workers may not be candidates on the ballot in the election at which they work, except at the national/state/county/township primary they may be candidates for precinct committeemen and committeewomen of their parties. [KSA 25-2804(b)] They are not prohibited from serving on the board if their spouse, family member or other relative is a candidate on the ballot.

(c) Pay

Pay of election judges and clerks is set by a resolution adopted by the board of county commissioners. It may not be less than \$40 per day in counties using voting machines nor less than \$3 per hour in counties not using machines. Most counties pay at least the federal minimum wage. Supervising judges are entitled to receive additional pay, and they receive mileage expenses at the state rate. [KSA 25-2811(c), KSA 75-3203a]

Through a combination of federal and state laws, the first \$1,000 of each election board worker's pay each year is exempt from withholding for unemployment compensation, workers compensation, FICA and federal income tax. Annual wages up to \$1,300 are not required to be reported to the Internal Revenue Service.

Poll Workers and I-9 Forms

In most counties poll workers are considered temporary, intermittent county employees. Because they are county employees, they are appointed and processed much the same as other employees, including completion of all the standard paperwork. However, the Internal Revenue Service ruled in 1988 that poll workers are not required to have I-9 forms on file. The I-9 is required by the Immigration Reform and Control Act of 1986 to verify that a prospective employee is a U.S. citizen or authorized to work in the U.S. Because poll workers are registered voters and thus are sworn to be U.S. citizens, the IRS made the 1988 ruling exempting them from the filing of I-9 forms.

(d) Recruitment and Appointment of Election Boards

County chairs of the two major political parties are directed by law to furnish names of board workers to the county election officer. The county election officer is required to appoint these nominees to the election boards in their respective precincts of residence, "if such persons can qualify and if such recommendations are timely." [KSA 25-2803]

In case the number of recommendations from the county party chairs is insufficient to fill all the positions, or if one or more of the recommendations is unqualified or incapable of performing the duties required, the county election officer maintains a pool of trained board workers for appointment as needed. [KSA 25-2804(c)]

According to law, election board workers are to be appointed at least ten days before the election, but often withdrawals and additions occur until election day. Before assuming their duties, they are required to take an oath or affirmation on Form EO, prescribed by the Secretary of State. Oaths/affirmations are filed with the county election officer. [KSA 25-2807]

Screening Felon Board Workers

Election board workers often work in situations at schools, churches, senior centers and other facilities where they are surrounded by vulnerable people including the elderly and young children. Also, many schools in recent years have adopted security policies that restrict who may enter school buildings. Such policies may affect the ability of CEOs to use schools for polling places.

The SOS recommends CEOs adopt simple procedures to prevent situations that are dangerous or that may expose the electoral process to criticism. Three procedures are suggested.

1. Employment Application—Use an application form for board workers which asks if the applicant has ever been convicted of a crime that is incompatible with the duties of an election board worker. Individuals currently under felony convictions are ineligible

to register to vote and thus are not in the pool of board workers, but if their sentences have been served they may be registered voters. The CEO should review the applications on a case-by-case basis to determine if any information is disclosed that would prevent the person from being appointed as a poll worker or that would affect the polling place to which the person is assigned. A blanket rejection of anyone with a criminal conviction is not recommended because applying such a litmus test could lead to a violation of Title VII of the Civil Rights Act, which prohibits the use of criminal information as the one determining factor in awarding employment. Also, some felonies might not be relevant to board worker duties, such as DUIs. On the other hand, theft and battery or sexual battery are not felonies and such crimes may be relevant.

2. Sex offender registry—Use information supplied by the SOS resulting from a comparison of board workers against the KBI sex offender registry. The SOS will conduct a comparison before each election cycle and provide the information to each CEO. The ELVIS voter registration system already checks voter registration applications against the current felon list.

3. Security policies—Work with administrators of schools and other facilities used as polling places to become aware of their security requirements and make sure your procedures abide by their policies. Try to make county election procedures and policies compatible.

(e) Training Election Boards

County election officers are required by state law to provide instruction for election board workers. The county election officer may “provide instruction” by handing supervising judges and clerks printed materials, or by conducting classroom-style training sessions. The nature of the training is up to the county election officer, as well as such questions as whether to pay election workers for the hours spent in training, whether the training of supervising judges is different than the training of clerks, and other issues.

The Help America Vote Act of 2002 (HAVA) created large-scale changes in the training of election board workers, including state guidelines for training, the providing of training materials, and requirements as to the number of hours board workers spend in training. The training focuses on new laws governing the election process, voting equipment, ballots, and prescribed procedures for the voting place. [KSA 25-2806]

The Secretary of State is directed by law to provide county election officers with information as to the form and content of instructions to election boards. The training curriculum is contained in a notebook titled “County Election Officer Training Manual.” The notebook also contains the election board worker curriculum designed by the Secretary of State. County election officers use the curriculum as the basis for their training programs for election board workers.

Each county election officer should provide written instructions, usually in the form of a manual, to each election board. The instructions can be used as a reference when board workers are faced with an unusual situation or if they simply cannot remember the instructions given at the training session. One of the central points to cover in written instructions is the handling of ballots. [Post Audit Report 93PA34]

(f) Authority of Election Boards

Election boards are required to comply with all statutes and regulations governing the voting procedure. At the same time, they are required to *enforce* the rules for voting in their polling place and within a 250-foot radius of the entrance. The county election officer and the supervising judge have control over the polling place and may restrict activities if they hinder or impede the voting process. This may include activities of authorized poll agents, members of the press, exit pollsters, candidates, or voters not immediately involved in the act of voting. In setting the rules for the polling place, the main concern is to preserve the ability of voters to receive their ballots and cast them in secrecy. To that end, they must prevent unauthorized access to ballots and prevent electioneering. [KSA 25-2810, 25-2413, 25-2415, 25-2430, KS AG Op. 2018-15.]

(g) Accessibility for Election Board Workers with Disabilities

Election board workers with disabilities must be provided accessible facilities according to their needs, including rest rooms. They may be assigned to polling places in precincts other than where they live if needed.

8. Testing Voting Equipment

If a county uses voting equipment, it is required that the equipment be tested using a prepared stack of test ballots in a public meeting before the election. In Kansas, the term “voting equipment” means optical scan systems or electronic voting machines. (See Chapter VI, Voting Systems.) The test is to occur “within five days prior to the election,” and a notice of the test is to be published in the newspaper at least 48 hours before the test. Also, the same test is required to be conducted after the canvass. [KSA 25-4411(b), 25-4610(b)]

9. Supplies for Polling Places

The county election officer is responsible for equipping and supplying each polling place. This includes furnishing a reasonably comfortable, lighted space with private voting booths, ballot boxes, and tables and chairs as needed. Often, voting machines are delivered to the polling places during the days preceding the election. The day before the election, supervising judges pick up their other materials from the county election office, including ballots, ballot sacks, marking pens or pencils, poll books listing the names of all registered voters eligible to vote at that polling place, challenged/provisional ballot envelopes, and a supply of voter registration application forms for provisional voting. Other materials that may be included but which are not required are U.S. and Kansas flags, “I Voted” lapel stickers, and telephones. [KSA 25-2703, 25-2707]

Each polling place is supplied with sample ballots and Voter’s Rights and Responsibilities posters to be displayed on the wall of the polling place during voting hours.

The supplies and equipment provided to a given polling place often include products such as signs, parking cones and ramps to make the site fully accessible according to the Americans with Disabilities Act. See “Polling Place Accessibility” below.

Concealed Weapons

A 2013 law called the Personal and Family Protection Act allows concealed carry of weapons in certain public places by individuals with concealed carry permits. A municipal building cannot prohibit concealed carry unless it has “adequate security measures,” meaning electronic metal detection equipment and personnel at public entrances to detect and restrict the carrying of weapons into the building. If the facility does not have adequate security measures, weapons cannot be restricted and any signage prohibiting weapons must be removed. The Act applies to facilities owned or leased by local governments, including sites used as polling places.

The Secretary of State requested an Attorney General opinion to determine the scope of the Act as it relates to polling places. County election officers should assess the facilities they use as polling places and consult their county counselors with regard to the applicability of the Act, keeping in mind the following points from Attorney General Opinion 2013-20:

- Except as described herein, the use of real property as a polling place does not transform the nature of that property for the purposes of the PFPA. Any concealed carry requirements that applied to that property immediately before its temporary use as a polling place continue to apply during its use as a polling place and thereafter.
- The Personal and Family Protection Act (PFPA) authorizes concealed carry licensees to carry a concealed handgun into a polling place to the extent that concealed handguns are permitted to be carried into the building in which the polling place is located.
- The provisions of K.S.A. 2013 Supp. 75-7c20 apply only to buildings that are owned or leased in their entirety by the state or a municipality. If the PFPA requires concealed carry to be permitted in a state or municipal building, then concealed carry licensees must be permitted to carry a concealed handgun in *all* parts of the building, including areas used as polling places, with the exception of courtrooms, ancillary courtrooms, and secure areas of correctional facilities, jails and law enforcement agencies.
- The governing body or chief administrative officer, if no governing body exists, of a state or municipal building may exempt the building from the provisions of K.S.A. 2013 Supp. 75-7c20 for a set period of time. If a state or municipal building is so exempted, concealed carry may be prohibited by posting the building in accordance with K.S.A. 2013 Supp. 75-7c10.
- If the governing body or chief administrative officer of a state or municipal building does not exempt a building from the provisions of K.S.A. 2013 Supp. 75-7c20, then concealed carry licensees must be permitted to carry a concealed handgun inside the building unless adequate security measures are provided and the building is posted as prohibiting concealed carry.
- Concealed carry is not required to be permitted in a polling place located inside a privately-owned building unless the county has leased the entire privately-owned building.
- Concealed carry is not required to be permitted in polling places located inside public school district buildings because a public school district is not a municipality for the purposes of the PFPA.

- An equal protection claim against a county based upon the varying ability of concealed carry licensees to carry a concealed handgun into a polling place would be subject to the rational basis test.

10. Emergencies

Part of the preparation for any election should be the development of emergency procedures. The term “emergency” as used here means any event or situation that disrupts, or threatens to disrupt, the normal voting procedure on election day or during advance voting. Emergencies might include fires, floods, tornadoes, loss of electrical power, equipment malfunction, loss of ballots or other election supplies, misprinted ballots, bomb scares or terrorist acts, failure of election boards to report for duty, or disruptions by voters or poll agents.

The principal goal of any emergency voting plan is to allow each registered voter qualified to vote at that election an opportunity to vote the correct ballot during regular voting hours. Neither the Secretary of State nor the county election officer has the authority to cancel an election or postpone it until a later date in the event of an emergency. A court might order a new election if a contest is filed and the court determines that voters were not given a reasonable opportunity to vote or that the results of the election are incomplete or invalid for some reason.

However, “The secretary of state may designate temporary alternative methods for the distribution of ballots in cases of war, natural or man-made disasters, equipment failures or other emergency conditions or circumstances which make it impossible for voters in a voting area to obtain ballots as provided by law.” [KSA 25-622]

Emergencies might require the county election officer to coordinate with various other entities, including local law enforcement agencies and state agencies that have authority in emergencies. For instance, in 1998 many counties in the eastern part of Kansas experienced flooding that made normal ballot distribution impossible in certain areas. Some polling places were isolated by rising waters, while voters in some areas were unable to leave home to vote. County election officers in several counties contacted the Secretary of State, and a plan was devised to deliver ballots to voting places using emergency vehicles, including boats, and in some cases to take voters to the polling places. In such cases the Secretary of State may request the Governor to declare an emergency and direct the National Guard to assist in the election, although this is rare. Usually the situation is handled by local officials such as the sheriff or other law enforcement personnel acting at the direction of the county attorney in coordination with the county election officer.

An emergency plan should include the following items:

1. Identify the specific precincts or voting areas affected by the emergency, and the number of voters affected.
2. Determine the proposed action that would be most effective in responding to the emergency, such as alternative transportation, moving polling places, alteration of ballots, contacting voters, or issuing special instructions to precinct election board workers.
3. Contact the Secretary of State’s office at 785-296-4561 to discuss the emergency and a plan of action.

4. Notify voters and the public at large as quickly as possible. Request the assistance of local media outlets, especially radio stations, to distribute information about how voting procedures are being altered.
5. If necessary, post notices at polling places of the changes in voting procedures. Election officers should notify election board workers, especially supervising judges, as quickly as possible. They might consider contacting individual voters if the number is small enough.
6. Implement the alternative voting plan quickly within normal voting hours if possible. Respond to inquiries from the media and voters as quickly and factually as possible.
7. At the county canvass, inform the board of canvassers and the county attorney/counselor of the nature of the emergency and the actions taken. If needed, update the Secretary of State on the impact the emergency had on the election.

11. Polling Place Accessibility

Polling places are required to be accessible to all voters, including voters with disabilities. Accessibility should be viewed from two perspectives: access to the physical structure of the polling place, and access to the ballot or voting equipment. KSA 25-2710 establishes standards of accessibility, and because they are public accommodations, polling places also must meet the requirements of the federal Americans with Disabilities Act (ADA). This includes ramps and handrails, voting booths at wheelchair height, and doorways wide enough for wheelchairs.

Temporary accommodations may be used to make polling places accessible for election day. The equipment may include portable ramps, thresholds, rubber cones for parking spaces, parking signs, doorbells and doorstops. These accessibility products become part of the regular supplies and equipment furnished for a given polling place each election.

[KSA 25-2710]

Guidelines for assessing compliance of existing facilities with the ADA are provided by the National Institute on Disability and Rehabilitation Research. The guidelines and a helpful checklist, called “The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal,” is available by calling 1-800-949-4ADA. The checklist questions are reproduced in the following chart in a condensed format.

1. Accessible Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

Route of Travel	
Is there a route of travel that does not require the use of stairs?	
Is the route of travel stable, firm and slip-resistant?	
Is the route at least 36 inches wide?	
Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane? In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.	
Do curbs on the route have curb cuts at drives, parking, and drop-offs?	

<p>Ramps Are the slopes of ramps no greater than 1:12? Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.</p>											
Do all ramps longer than 6 feet have railings on both sides?											
Are railings sturdy, and between 34 and 38 inches high?											
Is the width between railings or curbs at least 36 inches?											
Are ramps non-slip?											
Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?											
Does the ramp rise no more than 30 inches between landings?											
<p>Parking and Drop-Off Areas Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot access aisle)? For guidance in determining the appropriate number to designate, the table below gives the ADAAG requirements for new construction and alterations (for lots with more than 100 spaces, refer to ADAAG):</p> <table border="1"> <thead> <tr> <th>Total Spaces</th> <th>Accessible</th> </tr> </thead> <tbody> <tr> <td>1 to 25</td> <td>1 space</td> </tr> <tr> <td>26 to 50</td> <td>2 spaces</td> </tr> <tr> <td>51 to 75</td> <td>3 spaces</td> </tr> <tr> <td>76 to 100</td> <td>4 spaces</td> </tr> </tbody> </table>	Total Spaces	Accessible	1 to 25	1 space	26 to 50	2 spaces	51 to 75	3 spaces	76 to 100	4 spaces	
Total Spaces	Accessible										
1 to 25	1 space										
26 to 50	2 spaces										
51 to 75	3 spaces										
76 to 100	4 spaces										
Are 8-foot-wide spaces, with minimum 8-foot-wide access aisles, and 98 inches of vertical clearance, available for lift-equipped vans? At least one of every 8 accessible spaces must be van-accessible (with a minimum of one van-accessible space in all cases).											
Are the access aisles parts of the accessible route to the accessible entrance?											
Are the accessible spaces closest to the accessible entrance?											
Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces?											
Is there an enforcement procedure to ensure that accessible parking is used only by those who need it?											
<p>Entrance If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance? Do not use a service entrance as the accessible entrance unless there is no other option.</p>											
Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance?											
Can the alternate accessible entrance be used independently?											
Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)?											
Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle? A person using a wheelchair or crutches needs this space to get close enough to open the door.											
Is the threshold edge ¼-inch high or less, or if beveled edge, no more than ¾-inch high?											
If provided, are carpeting or mats a maximum of ½-inch high?											
Are edges securely installed to minimize tripping hazards?											
Is the door handle no higher than 48 inches and operable with a closed fist? The "closed fist" test for handles and controls: Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his/her hands.											
Can doors be opened without too much force (exterior doors reserved; maximum is 5 lbf for interior doors)? You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.											
If the door has a closer, does it take at least 3 seconds to close?											

2. Access to Goods and Services

Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance.

<p>Horizontal Circulation Does the accessible entrance provide direct access to the main floor, lobby, or elevator?</p>	
Are all public spaces on an accessible route of travel?	
Is the accessible route to all public spaces at least 36 inches wide?	
Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction?	
<p>Doors Do doors into public spaces have at least a 32-inch clear-opening?</p>	
On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door?	
Can doors be opened without too much force (5lbf maximum for interior doors)?	
Are door handles 48 inches high or less and operable with a closed fist?	
Are all threshold edges ¼-inch high or less, or if beveled edge, no more than ¾-inch high?	
<p>Rooms and Spaces Are all aisles and pathways to materials and services at least 36 inches wide?</p>	

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Is there a 5-foot circle or T-shaped space for turning a wheelchair completely?	
Is carpeting low-pile, tightly woven, and securely attached along edges?	
In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)?	
Emergency Egress If emergency systems are provided, do they have both flashing lights and audible signals?	
Signage for Goods and Services Different requirements apply to different types of signs. If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage? <ul style="list-style-type: none"> • Signs mounted with centerline 60 inches from floor. • Mounted on wall adjacent to latch side of door, or as close as possible. • Raised characters, sized between 5/8 and 2 inches high, with high contrast (for room numbers, rest rooms, exits). • Brailled text of the same information. • If pictogram is used, it must be accompanied by raised characters and Braille. 	
Directional and Informational Signage The following questions apply to directional and informational signs that fall under Priority 2. If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish?	
Do directional and informational signs comply with legibility requirements? (Building directories or temporary signs need not comply.)	
Controls Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height? Reach ranges: The maximum height for a side reach is 54 inches, for a forward reach 48 inches. The minimum reachable height is 15 inches for a front approach and 9 inches for a side approach.	
Are they operable with a closed fist?	
Seats, Tables, and Counters Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide?	
Are the spaces for wheelchair seating distributed throughout?	
Are the tops of tables or counters between 28 and 34 inches high?	
Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep?	
At each type of cashier counter, is there a portion of the main counter that is no more than 36 inches high?	
Is there a portion of food-ordering counters that is no more than 36 inches high, or is there space at the side for passing items to customers who have difficulty reaching over a high counter?	
Vertical Circulation Are there ramps, lifts, or elevators to all public levels?	
On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route?	
Stairs The following questions apply to stairs connecting levels <i>not</i> serviced by an elevator, ramp, or lift. Do treads have a non-slip surface?	
Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs?	
Elevators Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?	
Are the call buttons in the hallway no higher than 42 inches?	
Do the controls inside the cab have raised and Braille lettering?	
Is there a sign on both door jambs at every floor identifying the floor in raised and Braille letters?	
If an emergency intercom is provided, is it usable without voice communication?	
Is the emergency intercom identified by Braille and raised letters?	
Lifts Can the lift be used without assistance? If not, is a call button provided?	
Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift?	
Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)?	

Note: If rest rooms, drinking fountains and telephones are not provided at the polling place for use by the voting public, they are not required to be accessible according to ADA guidelines. If, however, such facilities are provided at the polling place, they must be accessible. In such cases the following checklist may be used to determine if they meet ADA guidelines.

3. Usability of Rest Rooms

When rest rooms are open to the public, they should be accessible to people with disabilities.

Getting to the Rest Room If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible?	
Are there signs at inaccessible rest rooms that give directions to accessible ones?	
Doorways and Passages Is there tactile signage identifying rest rooms? Mount signs on the wall , on the latch side of the door, complying with the requirements for permanent signage. Avoid using ambiguous symbols in place of text to identify rest rooms.	
Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and Braille included below them?	
Is the doorway at least 32 inches clear?	
Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less?	
Can doors be opened easily (5lbf maximum force)?	
Does the entry configuration provide adequate maneuvering space for a person using a wheelchair? A person in a wheelchair needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.	
Is there a 36-inch-wide path to all fixtures?	
Stalls Is the stall door operable with a closed fist, inside and out?	
Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)?	
In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet?	
Is the toilet seat 17 to 19 inches high?	
Lavatories Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front? A maximum of 19 inches of the required depth may be under the lavatory.	
Is the lavatory rim no higher than 34 inches?	
Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)?	
Can the faucet be operated with one closed fist?	
Are soap and other dispensers and hand dryers within reach ranges and usable with one closed fist?	
Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower?	

4. Additional Spaces

Note that this priority is for items not required for basic access in the first three priorities.

When amenities such as drinking fountains and public telephones are provided, they should also be accessible to people with disabilities.

Drinking Fountains Is there at least one fountain with clear floor space of at least 30 by 48 inches in front?	
Is there one fountain with its spout no higher than 36 inches from the ground, and another with a standard height spout (or a single “hi-lo” fountain)?	
Are controls mounted on the front or on the side near the front edge, and operable with one closed fist?	
Is each water fountain cane-detectable (located within 27 inches of the floor or protruding into the circulation spaces less than 4 inches from the wall)?	
Telephones If pay or public use phones are provided, is there clear floor space of at least 30 by 48 inches in front of at least one?	
Is the highest operable part of the phone no higher than 48 inches (up to 54 inches if a side approach is possible)?	
Does the phone protrude no more than 4 inches into the circulation space?	
Does the phone have push-button controls?	
Is the phone hearing-aid compatible?	
Is the phone adapted with volume control?	
Is the phone with volume control identified with appropriate signage?	
If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)?	
Is the location of the text telephone identified by accessible signage bearing the International TDD Symbol?	

Legal References

- K.S.A. 25-105, 25-2710, 25-2801 through 25-2811, 25-4411, 25-4610
- Americans with Disabilities Act Accessibility Guidelines (developed by the U.S. Architectural and Transportation Barriers Compliance Board)

Kansas Election Standards

Help America Vote Act of 2002
Post Audit Report 93PA34

c. Voting

1. Election Day

Most voting in official elections in Kansas is done at the polling places on election day, although a small percentage of votes are cast by federal services voters (See Section II c 3.), and a significant percentage are cast through the advance voting system. The voting procedure is prescribed in law, with some variations allowed based on the type of voting system used.

Procedure by Voter

After entering the polling place, the voter:

1. States his/her name to the election board workers.
2. Is asked to provide his/her residence address.
3. Provides a qualifying photo identification document.
4. Signs his/her name next to the printed name in the poll book. (This process is slightly different in situations where electronic poll books are used.) [KSA 25-2908(b)]
5. Receives the ballot(s) and enters an unoccupied voting booth.
6. Marks the ballot(s) or enters votes on the machine in counties where DRE equipment is used. The voter may be limited to ten minutes in the voting booth if other voters are waiting. [KSA 25-2901] If the voter tears, defaces, mismarks or in any way spoils the ballot, the voter may request a replacement ballot up to two times, for a total of no more than three ballots issued to the same voter. [KSA 25-2902]
7. Returns the voted ballot to the election board. [KSA 25-2905]

Alternative forms of signatures—A voter may sign the poll book by applying a mark, initials, typed or printed name, stamped signature, symbol or in any other manner if by placing the signature on the poll book the voter intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention. The law also allows an election board worker to sign for a person who is unable to sign. [KSA 25-2908(b)]

Voters must refrain from all illegal activities such as electioneering, voter intimidation and disorderly election conduct. Anyone exhibiting improper or unruly behavior is subject to control exerted by the county election officer or the supervising judge and may be reported to law enforcement officials.

If a voter has been sent an advance ballot before the election but has not returned it to the election office and wishes to vote at the precinct on election day, the voter may return the advance ballot to the polling place and vote a provisional ballot. The election board voids the advance ballot. The voter should be allowed to vote a provisional ballot even if the voter fails to return the advance ballot. If the county election officer determines after the election that the voter did not vote another ballot at that election, the provisional ballot should be counted unless there is another reason for not counting it. [KSA 25-2908(f)]

A voter requiring assistance due to a disability may receive:

1. assistance from a person of the voter's choice,
2. assistance from two election board workers of different political parties,
3. ballots outside the polling place within 250 feet of the entrance or at the curb outside the polling place. [KSA 25-2909]

Procedure by Election Board

After a voter enters the polling place and announces his/her name to the election board, the board members follow this procedure:

1. "Announce the name in a loud and distinct tone of voice." If the voter's name is in the registration books, the member of the election board having the book shall repeat the name. [KSA 25-2908(c)(1)]
2. Request the voter's signature on the registration or poll book. A board member or a person of the voter's choice may sign the poll book at the voter's direction for a voter who is physically unable to sign. (In situations where electronic poll books are used, signatures may be captured using an electronic signature pad. or provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of temporary illness or disability, or lack of proficiency in reading the English language [KSA 25-2908(b), (c)(2), (3)])
3. Ask the voter for a qualifying photographic identification document. If satisfied that the voter is the person depicted in the photo ID, write the election worker's initials in the space provided in the poll book. [KSA 25-2908(c)(4)]
4. Determine the appropriate ballot(s) and hand it to the voter (except in counties using DRE equipment) [KSA 25-2908(c)(5)].
5. Mark the voter's name in the registration book and party affiliation list. [KSA 25-2908(c)(6)]
6. If necessary, administer a challenged or provisional ballot (See Section II d).
7. Instruct the voter on how to cast the ballot, including the operation of voting equipment (if appropriate), special questions on the ballot, races and questions printed on the back of the ballot, etc. Board workers should never provide information to voters about specific candidates or inform voters about write-in candidates.
8. Direct the voter to an unoccupied voting booth.
9. Receive the marked ballot from the voter and clip the number from the corner of the ballot (in counties using hand-counted paper ballots). [KSA 25-2905]
10. Make notations on the poll book as needed for voters requiring assistance. [KSA 25-2908(b)]
11. Keep track of void, objected to, and challenged/provisional ballots.
12. Conduct the original canvass of ballots (in counties using hand-counted paper ballots).
13. Return all voted and unvoted ballots and all equipment and supplies to the county election office.

Photographic Identification

The Secure and Fair Elections (SAFE) Act requires each voter to provide photo ID each time they vote.

Following are the types of valid ID documents, as long as they contain the voter's name and photograph and are not expired:

- A driver's license issued by Kansas or by another state or district of the United States
- A state identification card issued by Kansas or by another state or district of the United States
- A concealed carry of handgun license issued by Kansas or a concealed carry of handgun or weapon license issued by another state or district of the United States
- A United States passport
- An employee badge or identification document issued by a municipal, county, state, or federal government office
- A military identification document issued by the United States
- A student identification card issued by an accredited postsecondary institution of education in the state of Kansas
- A public assistance identification card issued by a municipal, county, state, or federal government office
- An identification card issued by a recognized Indian tribe

Free Photo IDs

A person who does not possess any of the approved documents that may be used for voting has two options:

1. Free nondriver's ID card from DMV

A registered voter who does not have a qualifying photo ID for voting purposes may obtain a fee-waived nondriver identification card from the Division of Motor Vehicles. The person must (1) swear under oath that the person does not possess any of the acceptable photo ID documents, and (2) produce evidence that the person is registered to vote. The person still must meet the requirements to obtain the ID card, including proving U.S. citizenship or lawful presence and residency. [KSA 8-1324(g)]

A person applying for a fee-waived nondriver ID card from DMV who does not possess the documentation required for the card may obtain a fee-waived certified copy of the person's birth certificate from the Office of Vital Statistics in the Kansas Department of Health and Environment. The Office of Vital Statistics only has birth certificates for persons born in Kansas. [KSA 65-2418(a)(3)]

2. Free state voter ID document

The Secretary of State's office offers a state photo ID document for use only in voting. This document is "an identification document issued by a ... state...agency" as prescribed in KSA 25-2908(h)(1)(H).

There are two types: one for persons born *outside Kansas* and one for persons born *in Kansas*.

a. A person born outside Kansas

A person may qualify if he/she:

- is a registered voter in Kansas,
- does not possess a valid photographic identification document for voting purposes, as defined in K.S.A. 25-2908(h),
- does not possess any of the documents required by the Kansas Division of Motor Vehicles to obtain a free nondriver's identification card, and
- was born outside Kansas and therefore would be required to pay a fee to obtain a birth certificate or other qualifying document from another state, district or territory.

This person must submit Form SID-NK (State Identification Document-Non Kansas) according to the procedure outlined below.

b. A person born in Kansas

- is a registered voter in Kansas,
- does not possess a valid photographic identification document for voting purposes, as defined in K.S.A. 25-2908(h),
- does not possess any of the documents required by the Kansas Division of Motor Vehicles to obtain a free nondriver's identification card, and
- was born in Kansas but the Office of Vital Statistics has no record of the person's birth. The person must have applied for a certified copy of his/her birth certificate and must provide a copy of a "No Certificate Found" letter from the Office of Vital Statistics stating that the birth certificate could not be provided.

This person must submit Form SID-K (State Identification Document-Kansas) according to the procedure outlined below.

Procedure for Voter

1. Contact the county election office or the Secretary of State's office for information about the procedure.
2. Visit the county election office or the Secretary of State's office to
 - (a) complete Form SID-NK or Form SID-K, whichever is appropriate,
 - (b) have a photograph taken,
 - (c) submit documentation verifying the person's address.

Documentation cited in (c) above may be: a utility bill, telephone bill, paycheck stub, bank statement, or government document indicating the person's name and address.

(d) Form SID-K also requires the applicant to submit a copy of a letter from the Office of Vital Statistics stating that the Office was unable to comply with the applicant's request for a copy of a birth certificate.

3. If application is made in the county election office, the election office shall forward the completed Form SID-NK or Form SID-K, all documentation submitted and the person's photograph to the Secretary of State's office.

4. Upon receipt of the application and other information, the Secretary of State shall assess the validity of the application and shall either
 - (a) issue a state ID document to be used only for the purpose of voting, or
 - (b) issue a notice stating that the person's application was rejected, and the reason for the rejection.

Procedure for County Election Officer

1. If voters contact the election office about the procedure for applying for a free state ID document, assist them in completing the process by (a) providing Form SID-NK or Form SID-K, (b) taking digital photos, (c) collecting copies of any documents submitted by the voter, and (d) faxing or emailing the form, photo and documents to the SOS office. The email address is election@sos.ks.gov.
3. Accept and file state ID documents or rejection notices from the SOS office. Present copies of such documents or notices to the county board of canvassers along with the provisional ballots for determination of the validity of the corresponding provisional ballots.

Exemptions from the ID requirement

1. Any person whose religious beliefs prohibit photographic identification may be exempted from the photo ID requirement. Any such person must complete and sign a declaration Form DRO, the Declaration of Religious Objection, is designed for this purpose. These voters may submit Form DRO to the Secretary of State's office or the county election office before election day, or they may sign the form at the polling place on election day.
2. Any voter 65 years or older may use an expired photo ID document. [KSA 25-2908(h)(1)]

The following two exemptions do not apply to voters at the polling place on election day.

3. Permanent advance voters
4. Military personnel and nonmilitary overseas U.S. citizens who vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). [KSA 25-2908(i), KAR 7-46-3]

Further Guidelines on Assessing Photo ID Document

If the photograph on the ID document does not match the voter, the election board must issue a provisional ballot.

If the board member is uncertain whether the ID document belongs to the voter:

- Ask the voter to state his/her date of birth to determine if the ID document is valid.
- Ask the voter for a second ID document.
- Use personal knowledge or the knowledge of another poll worker. If a board member is acquainted with the voter and has no reason to suspect the ID document is not valid, they may allow the person to vote. This does not exempt the voter from providing an ID document.

If the name on the ID document does not match the poll book, issue a provisional ballot.

The address on the ID document does not have to match the poll book. Ask the voter for his/her address, and then use the poll book to verify the voter's address. The ID document should not be used to verify the voter's address

Election Board Authority

Election boards are responsible for all activities that occur at the polling place. The supervising judge, acting under the direction of the county election officer, enforces laws

and county policies regarding voting procedures. One important component of this duty is to prevent illegal activities such as electioneering. This sometimes requires coordination with local law enforcement officials. [KSA 25-2810]

Some CEOs have adopted policies prohibiting cell phones, cameras, video cameras or Bluetooth devices in polling places. These items may be prohibited to protect voters' ability to vote without intimidation or distraction, to prevent discussions about ballot measures, and to prevent wireless communications which may allegedly interfere with the operation of electronic voting equipment. Some CEOs also have adopted policies prohibiting the distribution of printed materials at the polling place or within 250 feet of the entrance. Even if the printed materials are not related to any candidate or issue on the ballot, their distribution may be prohibited to avoid situations that may be nuisances or distractions for voters. Examples include the distribution of religious pamphlets at polling places held in churches.

Pursuant to statute, "each election board shall have the control of its voting place and election procedure under the sole supervision of the secretary of state, county election officer, deputy county election officer and the supervising judge." [KSA 25-2810(a)] The Secretary of State's Office encourages the county election officials to read a 2018 Attorney General's Opinion in training election boards. [KS AG Op. 2018-15]

Concealed Weapons

Before 2013, guns were prohibited in polling places by KSA 75-7c10(a), which specifically excluded the carrying of concealed firearms in polling places on the day of an election and from any school, attendance center, administrative office, community college or university or public library operated by the state, or any church. In 2013, the Personal and Family Protection Act was passed by the Kansas Legislature. This law allows persons with concealed carry permits to carry weapons into public places, including facilities owned or leased by municipalities, except under certain defined circumstances. Many election-day polling places are located in these types of facilities, so counties must take the new law into account when organizing their polling places. Several questions arose regarding how the law applies to polling places, and Attorney General Opinion 2013-20 provides some guidance on this matter. (See Section b 9.)

2. Advance Voting

Background

Kansas is one of a growing number of states that have adopted early voting systems to encourage higher voter turnout and to make voting more convenient and accessible. The law, adopted in 1995, refers to early voting in Kansas as advance voting. The plan for advance voting was developed as a “no-excuse absentee” system, meaning the existing absentee voting system was simply expanded to allow any registered voter to choose to vote before election day, whereas under the old absentee voting system they had to specify a reason for voting early: absence from the county on election day, sickness or disability, or religious belief or practice. [KSA 25-1119(a)]

Advance voting is in effect for all official elections conducted by the county election officer.

There are two principal methods of casting an advance ballot: by mail or in person. The voter may choose which method he/she prefers to use. [KSA 25-1122]

Satellite Advance Voting

Counties to conduct satellite advance voting. [KSA 25-1122(g)]

The county election officer designates the places, dates and times for satellite advance voting. It is recommended that a notice be published in the newspaper and other media such as feature stories and radio spots be used to promote it. Any registered voter may appear at a satellite location during the specified hours and vote an in-person advance ballot the same as if the voter were in the county election office.

The CEO may choose one of two types of satellite advance voting: sequential or simultaneous. Sequential means the sites are open one at a time on different days; at no time are more than one site open. Simultaneous means there are more than one site operating at the same time.

There are security considerations in conducting satellite advance voting. Unauthorized access to voting equipment and to the statewide voter registration system must be prevented. If the CEO is conducting satellite advance voting with a live feed to the voter registration database, it must be done using secure connections on the county’s network.

Another important consideration for the CEO in conducting satellite voting is to prevent any voter from voting more than once. This may be done either through a live connection to the voter registration database where voter history is instantly updated, or, in a sequential satellite setting, through the use of paper poll books which are updated after each day’s voting before the next site opens.

The Secretary of State developed a County Election Officer Guide for Satellite Advance Voting in coordination with a task force of county election officers. The Guide should be consulted by any CEO contemplating the adoption of satellite advance voting.

Periods of Advance Voting

The county election officer is required to begin transmitting *mailed* advance ballots on the twentieth day before the election, but no earlier. [KSA 25-1123(a)] For *in-person* advance voting in the election office, the election officer must begin the process on Tuesday one week before election day, but may begin it earlier, any time up to twenty days before the election. (See the Advance Voting Timetable at the end of this section.) [KSA 25-1122(g)]

The advance voting process may be divided into four phases:

- a. applying for ballots,
- b. transmitting ballots,
- c. casting ballots, and
- d. canvassing.

(a) Applying for Ballots

No advance ballot may be issued to any voter unless the voter has signed an application for a ballot. This may be done through the mail, electronic mail, by fax, or in person. There are no restrictions on who may distribute blank applications, but the law requires the voter to personally sign the ballot application unless the voter is physically unable to do so due to a disability. [KSA 25-1128(d)] Individuals, groups, political parties and candidates may distribute applications through the mail or door to door but they may not sign for the voters. If such private individuals or groups collect signed applications and submit them to the county election office for the voters, the applications must be transmitted to the election office within two business days of signing. [KSA 25-1128(b)]

For in-person advance voting in the election office, many county election officers have devised a log book with the required language of the application at the top of each page with lines for voters' signatures below. This reduces the amount of paper in the files. Some counties use electronic poll books, which may allow the voter to sign an electronic signature pad instead of a paper form or poll book.

The beginning of the application period for mailed advance ballots varies by the type of election, but the period is open at least 90 days in all cases. [KSA 25-1122(f)(1)-(5)] Applications filed before the opening of the application period should be held by the county election officer and processed when ballots are ready for distribution. [KSA 25-1122(f)] The end of the application period for mailed advance ballots is always the Tuesday [one week] before the election, although in many situations the applications need to be submitted earlier to allow sufficient time for mailing the ballots and returning them. The deadline for applying for and casting in-person advance ballots is noon the day before the election. Advance voters with illnesses or disabilities are exceptions to this deadline. (See Special Situations below.) [KSA 25-1122]

For in-person advance voting, the application period is the same as the voting period, which may begin as early as twenty days and as late as seven days before the election. [KSA 25-1122(g)] In-person advance voting ends at noon the day before the election. The in-person advance voter signs the application at the advance voting site and receives the ballot.

The application form for regular advance ballots is prescribed in law. Form AV1, developed by the Secretary of State, is widely used and has been produced in several formats, some of them designed for postcard mailings or envelope mailings. Forms are available on request from any election office, on the Secretary of State's Internet web site at www.sos.kansas.gov, and at some county election officers' sites. [KSA 25-1122d(a)]

Voter Identification

Advance voters are subject to the photo identification requirements the same as other voters.

Voters who vote advance ballots *in person* meet the identification requirement the same as a voter at the polling place on election day, by showing the board worker or election office employee their driver's licenses or other acceptable forms of photographic identification. Those who vote *by mail* may provide their driver's license or nondriver's identification card numbers on their ballot applications or they may send a photocopy of identification with their ballot applications. The county election officer checks the numbers against the voter registration data verified by the Division of Motor Vehicles. If the numbers are verified, nothing further is required and a regular advance ballot is issued. If the numbers are not verified, the county election officer asks the voters to provide valid driver's license numbers or copies of identification documents. Otherwise the ballots are provisional and are not counted unless the voters provide valid identification before the county canvass. For qualifying documents that do not contain numbers that can be verified with DMV, the photo ID document should be verified with the information on the poll book to ensure consistency.

Faxing and Electronically Transmitting Applications

A voter is authorized by law to electronically transmit the signed application form to the election office by facsimile. Thus, the blank application may be faxed to the voter and the signed application may be faxed back to the election office. However, this does not permit the faxing of *ballots*, either blank or marked. [KSA 25-1122(a)]

County election officers also accept ballot applications and photo ID documents electronically via email attachment. This type of transmission is often easier for voters than faxing, and many times the quality and legibility of the emailed document is better than a fax.

Special Situations: Permanent and Assisted Advance Voting

The laws provide two special application procedures for voters with temporary or permanent sicknesses and disabilities.

Permanent Advance Voting Status

(1) A person with a permanent illness or disability may apply at any time to the county election officer for permanent advance voting status. Once a voter obtains permanent status, the county election officer automatically sends the voter an advance ballot every election without the voter having to renew the application each time. The law authorizes the Secretary of State to prescribe the application form, which is Form AV2, “Application for Permanent Advance Voting Status.” [KSA 25-1122d(h)] It requires the voter to specify the nature of the permanent physical disability or illness that makes it difficult or impossible for the voter to go to the regular polling place to cast a ballot. A permanent advance voting applicant is not required to furnish a physician’s records or signature, but the voter must sign an affirmation on the form. The applicant should be specific as to the nature of the sickness or disability; using “age” or “failing health” is not adequate. [Post Audit Report 98PA34]

The county election officer is required by law to maintain a separate list of permanent advance voters for public inspection. [KSA 25-1122(i)]

Note: Permanent advance voters are exempt from the photographic identification requirements. [KSA 25-2908(i)(1)]

Removal from Permanent Advance Voting List—Sometimes permanent advance voters whose physical conditions worsen over time fail to return their ballots. A law passed in 2001 allows the county election officer to send cancellation notices to permanent advance voters who have failed to return their ballots for two consecutive national/state general elections. The notice tells the voters that their names will be removed from the permanent list unless they renew their application for permanent status within thirty days after the date the notice was mailed. Any such permanent advance voters who reapply for permanent status are reinstated; those who do not are removed from the list of permanent advance voters. Loss of permanent status *does not* affect voter registration; such persons remain registered voters in the county and precinct where registered unless canceled for a separate reason.

Form AV3, “Notice of Cancellation of Permanent Advance Voting Status,” is used in this process to notify voters. [KSA 25-1122(j)]

Assisted Advance Voting

(2) A voter who has a temporary illness or disability or who is not proficient in reading the English language may receive assistance in applying for, marking and returning their advance ballot. This might apply to persons on the permanent list or to persons who are temporarily sick or disabled, such as hospitalized persons. If the voter requests the assistance of another person, the person rendering assistance must file a statement with the county election officer stating that they assisted the ill/disabled voter and that they did not exercise undue influence on the ill/disabled voter’s decisions. Form AV5, “Affidavit of Assistance,” was prescribed by the Secretary of State for this purpose. The affidavit may be filed with the county election officer before the ballot application process or it may be returned with the application and ballot. It is important that the affidavit of assistance provide the name of the voter who is receiving the assistance. If one person is assisting more than one voter in an adult care home, for instance, it is not enough to file a single

affidavit with the words “residents of Valley Manor Care Home” in the blank where the voter’s name should appear. The specific name(s) of the voter(s) must be included on the affidavit. [Post Audit Report 93PA34] The affidavit does not replace the application for the advance ballot; the ill/disabled voter is still required to sign an application form, but the person rendering assistance is authorized to assist the voter in the application process, carry the ballot to the voter, assist the voter in marking the ballot if needed, and mail the ballot or deliver it to the election office. [KSA 25-1124(c), (e)]

Advance voters with illnesses or disabilities or who are not proficient in reading the English language have a special application deadline. They may apply for ballots any time during the regular application period through election day until the hour the polls close. This provision is in the law to accommodate voters who have unforeseen illnesses, accidents or hospitalizations on election day. [KSA 25-1122(g)]

Power of Attorney

Although a person may assist a sick or disabled voter in applying for, marking and returning a ballot, the act of voting itself may *not* be done by power of attorney. The power of attorney held by one person for another does not extend to the voting process. There is no law specifically authorizing or prohibiting it, but the Attorney General issued an informal opinion to the Secretary of State on September 16, 1997 stating that the power of attorney does not authorize a person to vote for another. The person with power of attorney may fill in information on application forms and may assist in other ways but may not sign applications for the voter and may not mark and cast the ballot in place of the voter. (See chart on p. II-67.) [Attorney General letter to Secretary of State, September 16, 1997]

Replacement Advance Ballots

If a voter has applied for an advance ballot and the ballot is destroyed, spoiled, lost or not received by the voter, the voter may apply for a replacement ballot. Any such replacement ballot issued by the county election officer must be a provisional ballot. The regular advance ballot application deadlines apply in all such instances. Although the law does not specifically require a *written* request in such cases, the Secretary of State developed Form AV6, called the “Request for Replacement Advance Voting Ballot,” for this purpose. [KSA 25-1122f]

Mobile Election Boards at Nursing Homes

Kansas law provides for a special voting procedure at nursing homes, assisted living facilities and hospital-based long-term care facilities. [KSA 25-2812]

The program has two main benefits: (1) It expands voting opportunities for a segment of the voting population that often finds it difficult to vote or to obtain information about voting, and (2) it increases the number of advance ballots cast in a controlled setting, thereby reducing opportunities for intimidation or coercion of voters.

Key features of the program are:

- It is limited to nursing homes, assisted living facilities and hospital-based long-term care facilities as defined in state law.
- It is limited to residents and staff members at qualifying facilities that choose to participate. It is not a satellite advance voting site where any registered voter in the county may vote.
- The program is optional at all levels: optional for the county election officer to conduct it, optional for each qualifying facility to participate, and optional for each resident or staff member at a participating facility to vote with the mobile election board.
- It applies to all official elections except mail ballot elections.
- It follows advance voting procedures as closely as possible.
- Residents maintain their traditional voting options—at the polling place on election day, by advance ballot or permanent advance voting.

Procedure for CEO:

1. The CEO contacts each facility and asks the administrator if the facility will participate in the mobile election board program.
2. For each participating facility, the CEO obtains a list of residents and compares it to the voter registration list to determine (1) which residents need to register to vote, (2) which registrants are already on the permanent advance voting list, and (3) which ballot style each resident will need.
3. The CEO consults with the administrator at each participating facility to agree upon a date and time for voting at each facility.
4. The CEO appoints, trains and equips one or more mobile election board.
5. The CEO receives ballots, supplies and equipment from the election board when voting is completed.

Voting Procedure:

1. The election board asks each resident if he/she wishes to vote.
2. The board asks each voter to complete an advance ballot application (Form AV1) unless the voter is on the permanent advance voting list.
3. The board provides the appropriate ballot to the voter and remains present while the voter completes the ballot, ensuring the voter's privacy from board members and other persons.
4. If a voter requests assistance, it may be provided by either two board members or a person of the voter's choice.
5. Instruct the voter to either enclose the ballot in an envelope and sign the envelope, or deposit the ballot in a ballot box, if provided by the CEO. Board members may complete the information on the envelope for a voter except the signature.
6. Make a notation on the resident list (or poll book, if provided by the CEO) that the voter has voted. It is important to report this information to the CEO so voter history can be updated to prevent multiple votes by the same voter.

NOTE: If DREs are provided by the CEO, the voting procedure will need to be revised accordingly.

Rules for Mobile Election Boards

- Individuals with power of attorney, including mobile poll workers, are prohibited from casting ballots for voters.
- Don't change the addresses of voters unless asked to do so.
- Don't force any voter to participate.
- Don't vote for anyone.
- Take all necessary steps to ensure the privacy and secrecy of each person's vote.
- Do not inspect ballots or tally votes.
- Never leave one individual alone in the presence of a voter or in possession of any ballot or ballots.

The Secretary of State's office provides a "Guide for Mobile Election Boards" which was developed in coordination with a task force of county election officers appointed for this purpose. The Secretary of State also obtains from the Kansas Department of Health and Environment a list of qualifying facilities in each county and furnishes it to each CEO.

(b) Transmitting Mailed Advance Ballots

If signed applications are received in the election office before the twenty-day advance voting period, the county election officer holds them until advance voting begins. When applications are received during the advance voting period, the county election officer must send the ballots within two business days of receipt of properly completed and signed applications.

Before mailing an advance ballot, the county election officer must (1) verify the driver's license number or other ID document provided by the voter on/with the ballot application and (2) verify the voter's signature. Verification is done using the ELVIS statewide voter registration database or, for driver's license numbers that cannot be verified using ELVIS, a web-based lookup function provided by the Division of Motor Vehicles. If the number and signature are verified, the election officer sends a regular advance ballot. If not, the election officer must attempt to contact the voter to obtain a new signature or the necessary identification. If election day is near, a provisional ballot should be sent so as not to disenfranchise the voter. The voter may provide any necessary documentation with the returned ballot or before the county canvass in order to have the provisional ballot count. [KSA 25-1122(d), (e)]

Advance ballots are mailed with voting instructions and a return envelope. Outgoing postage is paid by the county, but counties are not required to pay return postage, although some have chosen to do so as a voting incentive. Some counties using optical scan ballots enclose pencils with the ballots to discourage voters from using other writing utensils that might produce markings that are undetectable by the scanning equipment. However, some local postal officials will not allow pencils to be enclosed in the outgoing ballot envelopes because they cause difficulties with automated postal equipment. [KSA 25-1123]

(c) Casting Advance Ballots

Mailed Advance Ballots

Upon receipt of a *mailed* advance ballot, the voter marks it and personally encloses it in the return envelope. The voter must sign the statement on the outside of the envelope saying that they personally marked the ballot and enclosed it in the envelope and that they have not voted another ballot at that election. [KSA 25-1120, 25-1124(a); 25-2434]

Security Procedures for Mailed Ballots

An advance voter may mail or deliver the ballot to the election office. If the voter wishes to have another person mail or deliver the ballot, the voter must designate the delivery person in writing.

The person designated to mail or deliver the ballot must sign a statement saying that he/she (1) did not exercise undue influence on the decisions of the voter, and (2) mailed or delivered the ballot as instructed by the voter.

In some counties the required statements appear on the ballot return envelope; in others the statements are on a separate form enclosed with the ballot. [KSA 25-1128(g)]

In-Person Advance Ballots

The voter who wishes to vote *in person* in the election office or at a satellite location must first sign the application, provide photographic identification in the same manner as voters casting a ballot at the polling place on election day, then mark the ballot and deposit it in the ballot box. Some optical scan systems allow the voter to insert the ballot into the scanner. No matter what type of ballot is used (except electronic voting), as a guarantee of secrecy the voter has a right to request an envelope to seal the ballot in before depositing it in the ballot box. In such cases, the envelope used is a regular return envelope used by a voter to mail back an advance ballot. It has the required statement and signature line printed on it. [KSA 25-1123(a)]

All advance ballots must either: [1] be received in the county election office, or at a polling place within the county, by close of polls on election day; or [2] be postmarked, or otherwise indicated by the United States postal service to have been mailed on or before the close of polls on election day. The deadline for the receipt of ballots with a postmark or other indication is the third day following the election. [KSA 25-1132]

If a voter has received an advance ballot but decides to vote at the regular polling place, the voter may return the unvoted advance ballot to the election board at the voter's regular polling place and vote a provisional ballot. The election board voids the advance ballot. [KSA 25-2908(f)]

Advance Voting Lists

The county election officer is required to maintain a list of all voters who have applied for and returned advance ballots. [KSA 25-1122(i)] The list is available for public inspection, which is often requested by candidates, campaigns and political parties. If a registered voter asks to view the list, the county election officer must first require the person to provide the

person's name, address, signature, date and time of inspection on a log book. Also, the person requesting must show a driver's license or other reliable identification to the county election officer. The county election officer may charge a reasonable fee for copies of records, according to the Kansas Open Records Act.

A list for each precinct is sent to the polling place on election day to enable the election board workers to prevent voters from casting a second ballot at the polling place after having already voted in advance. [KSA 25-1126] Having accurate, up to date advance voting lists at the polls is one of the principal tools for preventing multiple ballots being cast by the same individuals. [Post Audit Report 93PA34] If a voter who has already been issued an advance ballot goes to the polling place to vote, the voter must vote a provisional ballot.

(d) Canvassing Advance Ballots

The county election officer appoints a special election board to count advance ballots. [KSA 25-1133, 25-1135] The special board conducts the original canvass of advance ballots. The county election officer delivers the ballots to the election board after the ballots have been collected. Ballots that have been received on or before election day shall be counted. In addition, ballots that are postmarked or otherwise indicated by the post office to have been transmitted on or before election day and received by the close of business on the third day after the election, shall be counted. [KSA 25-1132] It is strongly recommended that the county election officer provide *written* instructions to the special election board. Written instructions are always recommended for anyone who handles ballots. [Post Audit Report 93PA34]

In counties using optical scan equipment, it is permissible to scan the ballots and store the data before election day, but no vote totals may be tabulated or disseminated until after the polls close on election day. [KSA 25-1134(b)]

The special election board may challenge ballots if they are mismarked or the voter's intent is unclear. These challenged ballots are referred to the county board of canvassers for final decisions at the county canvass following the election. [KSA 25-1136(a)]

Envelope Signatures

A mailed ballot returned in an unsigned envelope is not counted. [KSA 25-1136(b)] Although the law does not specifically require CEOs to compare the signature on each envelope to the signatures on file to determine whether the ballots were completed and statements signed by the voters themselves, signature comparison is a recommended practice because the signature is the only way to provide ballot security. If a signature comparison raises a question as to the validity of the ballot, the ballot may be challenged (made provisional) and referred to the county board of canvassers for determination of its validity. The county election office is required to attempt to contact each person who submits an advance voting ballot where there is no signature, or where the signature does not match with the signature on file and allow the voter the opportunity to correct the deficiency prior to the meeting of the county board of canvassers. Each attempt should be documented with the method [phone, mail, electronic, in-person] and time/date of the attempt. Advance ballots should be checked against the poll books to ensure that no voter casts two ballots—one in advance and one at the polling place. [K.S.A. 25-1124(b)]

Envelope Addresses

An advance voter's failure to complete the address line on the ballot return envelope does not invalidate the ballot. [AGO 2012-26] Failure to provide the address also does not invalidate a voter's ballot in a mail ballot election.

Legal References

K.S.A. 25-1114 through 1140, 25-2908(c), 25-3002(f)

K.A.R. 7-36-1 through 7-36-6

Attorney General letter, September 16, 1997

Attorney General Opinion 2012-26

Post Audit Report 93PA34

AGO 2013-20

Advance Voting Timetable

**REGISTERED
VOTER REQUESTS
APPLICATION:**

**APPLICATION
PERIODS:**

**TRANSMITTAL
OF BALLOTS:**

IN PERSON

Begins the Tuesday before the election and ends at noon on the Monday before the election*

Begins the Tuesday before the election and ends at noon on the Monday before the election*

BY MAIL

Begins April 1 for statewide primary elections and 90 days before statewide general elections and ends on Tuesday, one week before the election

Within 2 days of receipt of the application, but no earlier than 20 days before the election

BY PHONE

Same as mail application period

Same as mail application period

PERMANENT

May apply for permanent status at any time

By mail during the transmittal period

ASSISTED

During periods specified for in-person, mailed or permanent ballots, through election day

By mail or in person to the person providing assistance

*The CEO may choose to begin the process up to 20 days before the election.

[#]The application periods for other elections are specified in KSA 25-1122(b)

3. Federal Services Voting

Federal services voters, or UOCAVA voters, are a special category of voters. A federal law called the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) guarantees special status for military personnel, serving either domestically or abroad, and civilian U.S. citizens living abroad. Election officers in all states must pay special attention to this category of voters. The definition of federal services voters in the UOCAVA is written into Kansas law. [KSA 25-1214].

The UOCAVA is administered by the Federal Voting Assistance Program (FVAP), which is part of the Department of Defense in Washington, D.C.

In Kansas, federal services voting is the only type of voting still referred to as “absentee voting.” In 1995, regular absentee voting was changed to “advance voting,” but the phrase “absentee voting” is still used to refer to federal services voting.

Ballot Applications

The law allows absentee voters who qualify to vote under the UOCAVA to apply for a ballot to the CEO in the county they consider their residence county. It is not necessary for them to be registered to vote in the county where they request a ballot, although many are. [KSA 25-1215]

The ballot application form designed by the FVAP for this purpose is called the Federal Post Card Application (FPCA). A federal services voter who files an FPCA automatically receives a ballot in any election in which the UOCAVA voter is qualified to vote during the calendar year in which the application was submitted. [KSA 25-1216(a)] There is no statutory deadline for applications to be submitted, but they must be submitted early enough to allow transmittal time to and from the voter, and many federal services voters are in remote locations, so ample transmittal time must be built in.

Applications by Fax and Email

Kansas law allows UOCAVA voters to receive and return their ballots by fax, email or other electronic means authorized by the Secretary of State to save time in receiving and returning the ballot. Currently, fax and email transmission are in use in Kansas.

This applies to anyone qualified to vote under the federal UOCAVA law:

- (a) military federal services voters, their spouses and dependents, and
- (b) civilian federal services voters living outside the United States, their spouses and dependents.

They must submit a signed statement along with the ballot saying that by faxing, emailing or electronically transmitting their ballot they are knowingly waiving their right to secrecy. Faxing and emailing of applications and ballots is done at the request of the voter. [KSA 25-1216(b), SOS Form S1F]

Voting Eligibility

Although federal services voters are not required to be registered to vote in the counties where they apply for their ballots, they must possess the constitutional qualifications of electors. Their ballots contain all races and special questions that are on regular ballots. [KSA 25-1218]

Voter Identification

Federal services voters are not subject to the photographic voter identification requirement. However, to meet this exemption, federal services voters must use the federal UOCAVA ballot application (FPCA) and not use the Kansas advance ballot application form (Form AV1). [52 U.S.C. 121083(b)(3)(C)(i)]

Ballot Preparation

Because UOCAVA ballots are distributed so early, often the regular ballots to be used for advance voting or on election day are not printed yet. In such cases, the election officer produces a paper ballot on a personal computer and photocopies it as needed. These ballots must be hand-counted and manually added to the election results.

Ballot Distribution

According to federal and state law, UOCAVA ballots must be transmitted by the CEOs to the voters by the 45th day before the election. This is the earliest of any ballot deadline. If candidate lists are not finalized in time to have ballots printed before the deadline, often a special ballot must be prepared on a personal computer and photocopies mailed or faxed to the voters. [KSA 25-1220]

Ballots are mailed in an outgoing envelope with voter instructions and a return envelope included. The Secretary of State supplies outgoing and return envelopes. The FVAP prescribes the format of the envelopes, and the Secretary of State prints and distributes the envelopes to CEOs according to their requests. [KSA 25-1219(a)]

The Secretary of State's office also prepares a sample set of voter instructions, called Form FS3, "Instructions for Voting Federal Services Absentee Ballot." CEOs reproduce the instructions as needed for inclusion with outgoing ballots.

Some election officers also include a copy of Form S1F, "Affidavit of Federal Services Facsimile Voter," to enable the voter to fax the ballot if needed. Enclosing the form is not required, but it helps the voter in some cases when the time remaining to return the ballot runs short due to slow mail delivery to overseas locations.

The voter must sign a statement on the return envelope before sending the ballot back to the election office. [KSA 25-1219(b), SOS Form S1]

Deadline for Casting Ballots

Federal services absentee ballots must be received in the county election office before the close of polls on election day in order to be counted and included in the official election results. [KSA 25-1221]

The Federal Write-In Absentee Ballot (FWAB)

The Federal Write-In Absentee Ballot (FWAB) is provided by the FVAP for use by UOCAVA voters in cases when their ballots were not received in time for return before election day. Kansas and federal laws authorize use of the FWAB in the following circumstances:

- (a) The voter is a UOCAVA voter located outside the United States,
- (b) The voter has submitted a proper and timely ballot application (FPCA), and
- (c) The ballot was not received.

When needed, UOCAVA voters obtain the FWAB on the FVAP's web site and submit it to the appropriate Kansas county election office.

Canvassing Ballots

All UOCAVA ballots must be counted, tabulated and reported along with the regular election results using the same procedures as are used for all other ballots. CEOs must take measures to ensure that such voters do not vote twice, the same as they do for advance voters.

The MOVE Act

The Military and Overseas Voter Empowerment (MOVE) Act of 2009 contained the following provisions intended to simplify the voting process for UOCAVA voters and enable them to receive and return their ballots before election day.

- Allow UOCAVA voters to request voter registration applications and absentee ballot applications by mail or electronically. Voters may choose how they want to receive them—by mail or electronically.
- Transmit materials to voter via method preferred by voter.
- To the extent practicable, protect the security and integrity of the application request process and protect the privacy of the voter.
- Designate at least one electronic means of communication for providing UOCAVA voters with information. Include the designated means on all information. Also, the state *may* provide the means for CEOs to communicate with voters electronically.
- Ballot tracking—Provide a free access system for UOCAVA voters to determine if their ballots were received.
- Accept the FWAB (Federal Write-in Absentee Ballot).
- Report on the number of ballots transmitted and received and other data as the Federal Voting Assistance Program (FVAP) determines appropriate.

- The FVAP must implement a system for UOCAVA voters to enter their address and receive a candidate list and print a FWAB with instructions.

Legal References

Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S. Code 1973ff

Military and Overseas Voter Empowerment Act

KSA 25-1214 through 25-1228

4. President-Only Voting

Special provisions in Kansas law allow voters who have moved immediately before a presidential election to vote a limited ballot containing only the presidential race. These provisions are relevant only every four years in presidential elections, and only for the general election because presidential candidates do not appear on the state primary ballot.

Categories

There are three categories of president-only voters. [KSA 25-1801]

(1) New residents: These are persons who move to Kansas from another state less than 45 days before the presidential election. Kansas law requires them to possess the qualifications of electors in Kansas, except for the residency requirement. The law does *not* require such persons to have been registered to vote in the state of their previous residence.

(2) Former residents: These are voters who are registered to vote in Kansas but move from Kansas to another state less than 45 days before the presidential election.

(3) Relocated residents: These are voters who move from one precinct in Kansas where they are registered to another precinct in Kansas within 20 days or less before the presidential election.

Ballot Applications

The law prescribes a separate ballot application form for each of these categories of voters. The deadline for filing the applications is noon the day before the election, which coincides with the deadline for in-person advance voting. The Secretary of State's office provides the following forms in compliance with the laws:

- a. New resident voters--Form PN, Application of New Resident
- b. Former resident voters--Form PF, Application of Former Resident
- c. Relocated resident voters--Form PR, Application of Relocated Resident

The CEO where these applications are filed is required to send a copy of each application to the election officer in the other affected jurisdiction to prevent multiple ballots being received and cast by the same voter.

Because mail transmission times might make it impossible to prevent multiple votes by one voter, some CEOs choose to telephone, fax or email the information to the election officer in the other affected jurisdiction.

Ballot Distribution

Ballots may be distributed no earlier than 25 days before the election nor later than noon the day before the election. A return envelope is included with the ballot, bearing a declaration that must be signed and dated by the voter. [KSA 25-1806(b)]

Casting Ballots

Ballots must be received in the county election office before the close of polls on election day, or ballots with a postmark or other indication from the U.S. Postal Service on or before election day and received in the county election office by close of business on the third day after the election are eligible to be counted, tabulated and reported as part of the official election results. [KSA 25-1808]

Legal References

KSA 25-1801 through 25-1811

5. Safe at Home Voting

Safe at Home provides a substitute address and a free mail forwarding system for victims of domestic violence, sexual assault, trafficking or stalking who are in fear for their safety. In effect, the personal information of anyone who qualifies for and enrolls in the program is removed from public records. All mail is delivered to a post office box maintained by the Secretary of State.

One aspect of the program is a special voting procedure for program participants. An administrative regulation adopted in 2006 specifies the voting procedure for Safe at Home participants. [KAR 7-44-7]

Safe at Home Voting Procedure

1. The program participant submits a voter registration application to the Safe at Home program coordinator in the Secretary of State's office. Subsequent address changes are also submitted to the coordinator. The enrolling assistant processes program applications for an enrolling agent, which is an office providing counseling and shelter services to victims. The program participant will provide identification to the enrolling assistant, who checks a box on the program enrollment form indicating that the identification document has been reviewed.

2. Voting is done by mailed advance ballot. The participant is designated as a permanent advance voter by administrative regulation, and thus will automatically receive a ballot for each election in which the participant is qualified to vote. The program coordinator requests the appropriate ballot, envelopes and instructions from the CEO where the participant resides. As permanent advance voters, program participants are exempt from the photo identification requirement.

3. The CEO sends the ballot to the program coordinator, who mails it to the voter. Outgoing postage is paid by the Secretary of State. The voter mails the completed ballot in the return envelope to the coordinator. The coordinator verifies the information and signature on the ballot envelope, redacts the name, address and signature, and mails the unopened envelope containing the ballot to the CEO for tabulating. The program coordinator includes with the ballot a recommendation to canvass or not canvass the ballot, assuming the county finds the ballot to be otherwise valid.

The elections division of the Secretary of State's office provides the program coordinator a list of upcoming elections, including special elections, on the first day of each month. The program coordinator requests ballots from the appropriate CEOs if program participants are eligible to vote.

Voter Status

Every CEO must create at least one Safe at Home voter in ELVIS with the name “Home, Safe One” (followed by Two, Three, etc. as needed). Enter the county election office’s address in the voter’s address. The birth date should be entered as January 1, 1950.

The Secretary of State has created a Reason → Safe at Home. These records should be entered with a Status → Suspense (or Incomplete).

These records should be processed as mailed advance voters. The CEO must maintain voter history for these voters as with regular voters.

Safe at Home voters must not appear in poll books, VoterView or when providing voter registration data to members of the public.

After the election the CEO should change the status from “suspense (or incomplete)” to “canceled” on all Safe at Home records. At the next election, the CEO should change the status from “canceled” to “suspense (or incomplete).”

Legal References

KSA 75-451 through 75-458

KAR 7-44-1 through 7-44-7

d. Challenged/Provisional Ballots

The term “provisional voting” was introduced in Kansas in 1996 as a result of the NVRA. Before the NVRA was implemented in Kansas, the qualifications of a voter seeking to vote in a given precinct could be questioned by challenging the ballot. Today, provisional ballots and challenged ballots are treated the same in Kansas law. The process for administering and voting them is the same. For the sake of simplicity, they are usually referred to together as provisional ballots.

A provisional ballot results when a registered voter changes his/her name, or changes addresses within the county, and fails to re-register before the election.

[KSA 25-2316c(a), (b)]

A challenged ballot results when there is a question about another qualification of the voter: U.S. citizenship, age, felony conviction, mental competence, residence in the county and precinct, registration, failure to provide photographic identification, or suspicion that the voter has already voted at that election. [KSA 25-414]

When there is any doubt about a voter’s eligibility to vote at the precinct where the voter attempts to vote, a provisional ballot should be provided, even if the voter is apparently unqualified. The facts of the matter can be investigated after election day before the county canvass. [KSA 25-409]

Procedure for Administering Challenged/Provisional Ballots

1. Before receiving a ballot, the voter completes a new voter registration application form, which is attached to a provisional ballot envelope.

2. The reason for the provisional ballot is written on the envelope, along with the voter’s number in the poll book. Two election board workers must sign the envelope. One of the board workers writes the word “provisional” next to the voter’s name in the poll book.

3. The voter marks a ballot. If electronic voting machines are normally used, the voter is given a paper advance voting ballot. The ballot is sealed in the provisional ballot envelope.

4. An election board worker gives the voter information about how to find out after the county canvass whether the provisional ballot counted.

5. The envelope containing the ballot is grouped with other challenged/provisional ballots. These ballots are not counted on election day. They are set aside for consideration by the county canvassers. [KSA 25-409(b)]

See Section III e for an explanation of how provisional ballots are processed and canvassed.

Former Precinct Voting

One special category of voters is sometimes administered provisional ballots, although it is not necessary for their ballots to be provisional. Former precinct voting allows a registered voter who has moved from one precinct in the state to another precinct in the state within the 30-day period before the election, to return to the voter's former precinct where the voter is registered and vote a regular ballot. This type of voting is guaranteed. [Kansas Const Art 5; K.S.A. 25-3701 and 25-3702]. The law does not require this type of ballot to be provisional, but if there is a question about its validity it may be challenged (made provisional) the same as any other ballot.

After-Hours Provisional Voting

Generally, individuals may vote if they are in line when the polls close. However, in special circumstances the polls may be kept open. When polls are kept open later than the usual hour for closing due to a court order or other order, any ballots cast during the extended voting period are provisional, and they must be kept separate from other provisional ballots due to the possibility that the court's order could be appealed and reversed. In such a case the provisional ballots would be invalid and not counted. [52 U.S.C. 21082(c); KSA 25-414(c)]

Legal References

Kansas Constitution, Article 5

KSA 25-409, 25-413, 25-414, 25-2316c, 25-3701, 25-3702

e. Authorized Poll Agents

Elections are conducted as openly and with as much public access as possible but recognizing the need for control to preserve the secrecy of individuals' ballots. At most points in the electoral process, interested individuals and groups may observe the proceedings at the precinct polling sites, at the county election office, or at the county or state canvass.

The principal method recognized in state law for public observation of electoral proceedings is the authorized poll agent. Poll agents are commonly referred to as poll watchers.

Who are poll agents?

There are two ways to be designated as an authorized poll agent. [KSA 25-3005a(a)]

1. Each of the following persons is automatically a poll agent:
 - a. state and county party chair
 - b. chair of a committee formed to support or oppose a question submitted election
 - c. candidate
 - d. precinct committeeman or woman
 - e. a write-in candidate for statewide office who has filed an affidavit of write-in candidacy with the Secretary of State
2. A person may be appointed to be a poll agent by one of the persons listed above.

It is important to note the distinction between poll agents who are authorized by law and those who are appointed.

How many?

Each person who is authorized to appoint poll agents may appoint one per polling place. [KSA 25-3005a(b)]

Qualifications

Appointed poll agents must be registered Kansas voters. If they are members of a candidate's immediate family they are exempt from this qualification (some candidates in the past have appointed relatives from out of state). Also, individuals 14 to 17 years old may be appointed poll agents if they meet all other requirements of an elector (U.S. citizenship, residency).

Appointment process

Appointments must be made in writing on a form approved by the Secretary of State. Form PA is produced by the Secretary of State's office for this purpose. The appointment

form must be filed with the county election office, but no deadline is specified, so they may be filed up to and on election day.

Poll agents must carry their authorization forms with them at any time they are acting as poll agents, and they must present the forms when asked by a precinct or county election worker. Further, they must wear a badge, issued by the CEO, containing the word “observer” in 32-point type or larger. CEOs are encouraged to supply badges to the supervising judge at each polling place so they can issue them to poll agents who are appointed on election day. [KSA 25-3005a(b)]

When a candidate or precinct committee person is acting as an authorized poll agent, he/she must carry identification supplied by the CEO. [KSA 25-3005a(c)] In some counties this identification is a letter, but some counties supply a badge to be worn on the lapel.

What poll agents may do

Poll agents may observe the voting process at polling places and may observe the original, intermediate and final canvasses. [KSA 25-3005]

They may request to have an election judge at the original canvass display a ballot to them, but the poll agent may not touch the ballot. [KSA 25-3004]

Limits on poll agents’ activities

Poll agents must carry their appointment forms with them. Candidates and precinct committee persons acting as poll agents must carry identification supplied by the CEO.

Poll agents must act in accordance with statutes, regulations adopted by the Secretary of State, and directives of the CEO and supervising judge of any polling place. For instance, they are subject to the same statutes prohibiting electioneering, voter intimidation and disorderly conduct as anyone else.

Poll agents may not participate in the administration of ballots or the ballot counting and tabulating processes. They may not handle ballots.

To help inform poll agents of what they may and may not do, the appointment form, Form PA, contains on the back of the form a list of dos and don’ts. Also, an administrative regulation, KAR 7-45-2, authorizes the supervising judge to instruct poll agents as to their behavior and to ask them to leave the polling place for improper behavior.

Legal references

K.S.A. 25-3004, 25-3005, 25-3005a

f. Polling Place Visitors

In any election a given county or polling place may receive requests for various types of visitors to observe the electoral process. It is best if potential observers request permission rather than show up unannounced on election day. Sometimes the Secretary of State's office receives requests from groups planning to approach one or more CEOs with their request to visit a county.

Each CEO should be prepared for polling place visitors and should train supervising judges on the county's policies regarding observers. Any county could have one or more of the following, although some counties probably will not have any of them. Possible groups of visitors include:

- Exit pollsters: There are groups that survey voters after they finish voting in order to predict the outcome of the election. Several well-known firms operate nationwide and always contact both the Secretary of State's office and the CEOs before entering any county.
- Media: There may be requests by local or state media to visit polling places. Sometimes candidates bring media along when they vote.
- Election observers: In some cases political organizations, including international groups and foreign groups, will request permission from the CEO or the Secretary of State to observe the voting process in a county or counties. The Secretary of State or CEO may grant permission on a case-by-case basis, reminding all such groups that they must follow all laws and all policies established by the election officer.
- Department of Justice (DOJ): The DOJ has enforcement authority for all four of the major federal voting laws (Voting Rights Act, UOCAVA, NVRA and HAVA) and may at any time send people out to visit localities to see if things are being done correctly. Often they are observing compliance with requirements for Spanish ballots in counties that are required to provide them. They usually signal their intent with a phone call or letter before the visit, but they're not required to do so.
- Government Accountability Office (GAO): This federal agency occasionally visits randomly selected polling places nationwide to observe the voting process for voters with disabilities.
- Poll agents: There is increasing poll agent activity. [KSA 25-3005, 3005a]

In all cases of polling place visitors, the following points should be emphasized:

- They should notify the SOS and CEO beforehand. In cases of strictly local concern they may go directly to the CEO. Supervising judges need to be warned that they might have visitors.

- Electioneering rules are always in effect. No discussions of anything on the ballot are allowed. Any such discussions must take place outside the 250-foot radius of the entrance of the polling place.
- No photographs or videos of ballots or of voters in the act of voting.
- They may not hinder or obstruct a voter entering or exiting a polling place or during the act of voting, or hinder poll workers in the performance of their duties.
- CEOs have the authority to adopt policies banning cell phones, wireless and Bluetooth devices and guns and to control the activities of polling place visitors.

g. Election Crimes

The statutes specifying election crimes are primarily contained in Chapter 25, Article 24 of the Kansas Statutes Annotated. They prohibit certain activities such as fraud, bribery, perjury, forgery, corrupt advertising and disorderly conduct. Most of these statutes deal with illegal actions on election day at polling places or during the voting or ballot counting processes. Some election crime statutes deal with other parts of the electoral process such as voter registration and petitioning.

In addition, there are various statutes not specific to election laws that may be relevant in certain election-related situations, such as statutes prohibiting false writings or signing false oaths or affidavits.

Investigation and Prosecution

When an election crime may have occurred, the matter may be referred to the district or county attorney of the county where the crime occurred, to the Kansas Attorney General, or to the Kansas Secretary of State. The Kansas Secretary of State will refer such matters that are brought to its attention to the Kansas Attorney General or to the relevant district or county attorney’s office for further investigation and prosecution.

Crimes Cited in Election Laws

Following is a list of crimes specified in the election laws, Chapter 25 of the Kansas Statutes Annotated. This does not include campaign finance crimes enumerated in Chapter 25, Title 41; or KSA 25-902, 25-905, 25-1710

Statute	Crime	Summary Description	Level
25-2407	Corrupt political advertising	Publishing or broadcasting campaign materials without sponsorship attribution	Misdemeanor Class C
25-2409	Election Bribery	Offering, conferring, soliciting or accepting a benefit for voting, not voting or voting a certain way	Non-Person Felony Level 7
25-2410	Bribery to induce signing of nomination papers.	Offering or accepting a thing of value for signing a nomination paper	Misdemeanor Class B
25-2411	Election perjury	Falsely swearing or declaring in response to <ul style="list-style-type: none"> • questions asked of challenged voter, • questions asked of a witness, • statements in an affidavit prescribed by Chap 25 or the SOS or CEO • questions asked by CEO related to voter registration, • questions asked by election board member related to physical or language disability • statements by a witness in an election contest. 	Non-Person Felony Level 9

25-2412	Election forgery	<ul style="list-style-type: none"> • Knowingly signing another person's name to a certificate, nomination paper or petition • Marking a person's ballot without consent • Marking a person's ballot contrary to their direction 	Non-Person Felony Level 8
25-2413	Disorderly election conduct	<ul style="list-style-type: none"> • Disturbing the peace at a polling place • Leaving with a ballot • Approaching nearer than 3 feet from voting booth or voting machine unless voting • Interrupting, hindering or obstructing a voter • Soliciting contributions within 250 feet of a polling place • Conducting advisory elections within 250 feet of a polling place unless under home rule 	Misdemeanor Class B
25-2414	Possessing false or forged election supplies	Possessing altered or counterfeit poll books, tally lists or election returns	Non-Person Felony Level 9
25-2415	Intimidation of voters	<ul style="list-style-type: none"> • Intimidating, threatening or coercing a voter to induce them to vote a particular way or to not vote • Mailing, publishing, broadcasting, telephoning false information to keep voters from voting 	Non-Person Felony Level 7
25-2416	Voting without being qualified	<ul style="list-style-type: none"> • Voting when not registered • Voting more than once • Inducing someone to vote more than once 	Non-Person Felony Level 7
25-2417	Bribery of an election official	Offering or conferring a benefit to an election official to influence them to perform duties improperly	Non-Person Felony Level 7
25-2418	Bribe acceptance by an election official	Election official's acceptance of a benefit for improper performance of duties	Non-Person Felony Level 7
25-2419	Misconduct of an election officer	<p>Gross neglect</p> <ul style="list-style-type: none"> • Misinforming a voter of a ballot's contents to induce them to vote contrary to inclinations • Changing a voter's ballot • Permitting a person to testify or make an affidavit contrary to law • Preventing a qualified voter from voting • Refusing to receive the vote of a qualified elector 	Misdemeanor Class B
25-2420	Election fraud by an election officer	<ul style="list-style-type: none"> • Receiving a vote from an unregistered or unqualified voter • Receiving a vote from a person who has previously voted 	Non-Person Felony Level 10

		<ul style="list-style-type: none"> • Possessing altered or counterfeit poll books, registration books, party affiliation lists, election abstracts or election paper • Receiving or counting fraudulent, counterfeit or illegal ballots • Issuing a fraudulent or false certificate of nomination or election • Declaring a false election result • Declaring election results based on fraudulent or illegal votes • Entering the name of a person not qualified to vote on a poll book, registration book or party affiliation list • Entering the name of a person who has not voted on a poll book, registration book or party affiliation list 	
25-2421	Election suppression	<ul style="list-style-type: none"> • Suppressing a duly filed nomination certificate or petition • Possessing a nomination certificate or petition and neglecting to file at proper time 	Non-Person Felony Level 10
25-2421a	Voter registration suppression	<ul style="list-style-type: none"> • Destroy a voter registration application • Obstruct delivery of voter registration application to election office • Fail to deliver voter registration application to election office 	Non-Person Felony Level 10
25-2422	Unauthorized voting disclosure	<ul style="list-style-type: none"> • Disclosing the contents of a ballot • Inducing a voter to show how he has voted • Disclosing name of any voter who cast a provisional ballot 	Non-Person Felony Level 10
25-2423	Election tampering	Making or changing an election record when not charged with official duties	Non-Person Felony Level 7
25-2424	False impersonation as party officer	Representing oneself as a party officer to deceive any person or to influence an election	Misdemeanor Class A
25-2425	Voting machine fraud	<ul style="list-style-type: none"> • Unauthorized possession of a key • Tampering with, altering or destroying a machine, ballot or record 	Non-Person Felony Level 10
25-2426	Printing and circulating imitation ballots	Printing and circulating sample ballots other than official sample ballots	Non-Person Felony Level 10
25-2427	Marking ballots to identify	Marking, folding or clipping ballots to distinguish	Misdemeanor Class A
25-2428	Destruction of election supplies	Destroying or defacing candidate lists, sample ballots or election supplies	Non-Person Felony Level 9

25-2429	Destruction of election papers	Destroying nomination certificates, papers or candidate withdrawal letters	Non-Person Felony Level 9
25-2430	Electioneering.	Attempt to persuade votes for or against a candidate or question at polling place or within 250 feet of entrance <ul style="list-style-type: none"> • Includes advance voting sites • Includes clothing but not bumper stickers 	Misdemeanor Class C
25-2431	False impersonation of a voter	Representing oneself as another and attempting to vote	Non-Person Felony Level 8
25-2433	Advance voting suppression	<ul style="list-style-type: none"> • Knowingly attempt to destroy or alter a voter's advance ballot • Obstruct delivery of ballot to voter or to election office • Fail to deliver ballot within 2 business days • Exercise undue influence on an advance voter • Open a ballot envelope to examine or disclose the ballot's contents 	Non-Person Felony Level 9
25-2434	Voting more than once.	<ul style="list-style-type: none"> • Intentionally voting or attempting to vote more than once in the same jurisdiction on the same day • Voting or attempting to vote more in more than one jurisdiction on the same day • Inducing or aiding any person to vote more than once in the same jurisdiction on the same day • Inducing or aiding any person to vote more than once in more than one jurisdiction on the same day 	Non-Person Felony Level 7
25-1124	Advance Voting Unlawful acts	<ul style="list-style-type: none"> • Failure to sign advance voting affidavit of assistance • Exercising undue influence on assisted advance voter 	Non-Person Felony Level 9
25-1128	Advance voting; unlawful acts and penalties	<p>Except as otherwise provided by law (exceptions apply, especially for disabled)</p> <ul style="list-style-type: none"> • mark or transmit to CEO more than one advance voting ballot. • interfere with or delay the transmission of any advance ballot application from a voter to CEO • cause the advance ballot application to be sent to a place other than the county election office. • Person collecting advance ballot applications signed by a voter fails to send to CEO within 2 days of signature by the applicant. • mark, sign or transmit to CEO any advance voting ballot or advance voting ballot envelope of another person 	Non-Person Felony Level 9

		<ul style="list-style-type: none"> • sign an advance ballot application for another person. • intercept, interfere with, or delay the transmission of advance voting ballots from CEO to the voter. • falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot. • person other than the voter returns the advance voting ballot without a written designation from the voter or signing a statement that such person has not exercised undue influence and agreed to deliver the ballot as directed by the voter. 	
25-1806a	Penalty for False Declaration	False declaration of presidential voter	Misdemeanor Class C
25-2309(a), (b)(12)	Application for Registration	False statement on voter registration application	Penalty of perjury
25-2316a	Penalty for False Swearing to an Affidavit	False affidavit on voter registration to obtain ballot	Misdemeanor Class B
25-2902(a)	Unlawful marking or mutilation of ballots	<ul style="list-style-type: none"> • Unlawful marking/mutilation of ballot • Erasure of mark or name written on ballot by voter 	
25-2906	Prohibiting the Deposit or count of unlawful ballots	No unofficial ballots shall be delivered to a voter, deposited in a ballot box or counted.	
25-2907	Unlawful removal of ballot from voting place	No person shall take or remove any ballot, marked or unmarked, from a voting place	
25-4414	Electronic voting machine fraud	<ul style="list-style-type: none"> • Unauthorized possession of voting equipment, computer programs, software or ballots • Tampering with, altering, destroying a voting system or ballot 	Non-Person Felony Level 9
25-4612	Optical Scanning Equipment fraud	<ul style="list-style-type: none"> • Unauthorized possession of ballots, optical scan equipment, computer programs, software • Tampering with, altering, destroying optical scan equipment, software or ballots 	Non-Person Felony Level 9

Legal References

KSA 25-2407 through 25-2432

h. Election Records and the Kansas Open Records Act

All election records produced and maintained by the CEO are presumed to be open under the Kansas Open Records Act (KORA) [KSA 45-215, et seq] unless they are specifically closed by a statute or fall under one of the exceptions to KORA. [KSA 45-216]

In some cases a request for a record that is being used for an official purpose may be postponed, as in the case of requests for copies of poll books before completion of the county canvass. In such cases accessing the records may interfere with completion of the official duties for which they are needed. KORA requires the CEO to send an initial response to the requestor as soon as possible and not later than three business days following the request. [KSA 45-218] If the records cannot be provided immediately notice should be given outlining the reason for the delay (e.g., the records are in use for the canvass) and the time and date the records will be available. [KSA 45-218]

Lists of advance voters, poll books and registration books are records maintained by the CEO, and no statute closes them; thus, they are open records. Registration books are specifically designated as open records and must be open to the public for inspection and copying. [KSA 25-2320] The Attorney General has informally opined that the definition of registration books includes poll books.

Note that Social Security numbers, last four of social security numbers, driver's license numbers and nondriver's ID card numbers are required to be kept confidential; therefore this information must be redacted before providing copies to the public. [KSA 45-221, 75-3520] Any documentation submitted as evidence of U.S. citizenship for registration purposes is also confidential. [KSA 25-1126, 25-2320, 25-2507]. **Note.** Pursuant to a federal court injunction, citizens applying to register to vote in Kansas are not required to provide evidence of citizenship; however, prior to the court rulings, Kansas citizens did require such evidence and any such documents are not permitted to be disclosed.

Access to poll books during the county canvassing process has been an issue in several elections, and the Attorney General and Secretary of State agreed that requests for poll books and registration records may be postponed until after the canvass if accessing those records interferes with the canvassing process.

Provisional ballot envelopes have been requested before completion of the canvass by persons considering contesting the results of elections. No statute clearly states whether envelopes are open or closed records, but the procedures given in statute for processing provisional ballots result in closing the envelopes from public inspection. Provisional ballots are enclosed in envelopes at the polling place, and the envelopes are placed in bags or sacks and delivered to the county election office. They may be used before or during the canvass for purposes of determining the ballots' validity. They are not accessible for public inspection unless a court orders them opened for a contest or other court proceeding. [KSA25-409, 25-3008, 25-3107]

Although voting records are open under Kansas statutory law, the right to a secret ballot is protected under the United States and Kansas Constitutions. The issue of whether voting records are open records may change in cases where the record reveals the voter's choices on the ballot. For example, if only one voter voted a provisional ballot in a given precinct, and that ballot decided the outcome of a race, disclosing the record (the provisional ballot envelope) would inform the public of that voter's vote. If releasing a record would disclose a voter's votes, the election officer may consider closing the record. If disclosing an otherwise open record has the effect of disclosing the voter's vote, the election officer must weigh the constitutional right to a secret ballot against the public's statutory right to open records. [Burson v. Freeman, 504 U.S. 191 (1992); Sawyer v. Chapman, 240 Kan 409 (1986)]

i. Geography

In all aspects of election administration, it is necessary for the CEO to keep track of key geographic entities. The election officer has statutory responsibility for keeping track of precincts within the county, but also the boundary lines for all other jurisdictions where election activities occur.

1. Census

Every 10 years, the United States Census Bureau conducts a count of every person currently residing in the United States. The purpose of the census is to collect accurate, reliable data that may be used by national, state and local governments to distribute billions of dollars in federal funds, to determine the number of members each state is entitled to in the U.S. House of Representatives, and to provide population counts for use in redrawing congressional and state legislative district boundaries.

Currently, Kansas is the only state that also has a census adjustment. The Secretary of State's office conducts a mini-census of all college students and military personnel who are in Kansas and then adjusts them to their permanent residence if it differs from their current location where they were enumerated by the U.S. census. This adjustment produces a set of recalculated population data used only for the purposes of redistricting for the Kansas House, Kansas Senate, and Kansas State Board of Education. [Kansas Const, Art 10, Sec 1, KSA Chapter 11]

2. Precincts/VTDs

Each county is composed of geographic entities called precincts or VTDs. VTD is a U.S. Census Bureau term that stands for vote tabulation district. The precinct is the base unit for conducting an election. Each county commission, state legislative and U.S. legislative district is composed of precincts. Election precincts are established or changed by the CEO. [KSA 25-26a02] First and second class cities are authorized to set their own ward boundary lines, but not precinct lines. Precincts may be established or changed due to annexations, changes in ward boundaries or changes to reflect population shifts.

Each precinct must fit all of the following criteria: [KSA 25-26a02]

- must be contiguous

- must be compact
- must use boundaries that have visible ground features that coincide with census block boundaries
- must be contained entirely within any municipal, township or county district.

A precinct may not lie in more than one legislative, county commission, township or municipal district. [KSA 25-26a02]

A precinct may also be an exclave or an enclave. An exclave is an area of a municipality that is not contiguous with the rest of that municipality. An enclave is an area of a township that is not contiguous with the rest of that township.

There are statutory “freezes” when no precinct lines are allowed to be created, divided, abolished, consolidated or otherwise changed except for specific reasons provided for in law, such as city annexations. One such freeze exists between January 1 of the seventh year of each decade (e.g., Jan 1, 2017) and December 1 of the second year of the following decade (e.g., Dec 1, 2022). The period spans the time before and after each decennial federal census and the subsequent redistricting process and election. [KSA 25-26a03]

Another freeze exists for the four months immediately preceding any primary election until the day after the succeeding general election.

There are four exceptions to the freeze. [KSA 25-26a03]

- New precincts may be created if required by the creation of a political subdivision.
- New precincts may be created or altered if an annexation occurs.
- New precincts may be established if they lie entirely within the boundaries of any existing precinct.
- Precinct lines may be altered to conform or coincide with a federal census block boundary.

Each CEO also has other statutory duties regarding geography. Each CEO must maintain suitable maps that show the current geographical boundaries of each election precinct, representative district and senatorial district in the county. The names of the features, including municipal boundaries, must be clearly shown on the maps. The names or designations of the precincts must be marked on the maps. Each CEO is required to send a copy of the maps to the Secretary of State. The CEO must also notify the Secretary of State in writing at least 30 days before any change of an election precinct becomes effective.

The Secretary of State’s office maintains a database of every election precinct in the state. The office assigns a VTD number to every precinct. When a precinct is created or altered, the Secretary of State will assign a new VTD number to that precinct. Abstracts of votes cast and statements of voter registration must be submitted by precinct, with VTD code numbers included.

3. Annexations

Cities have constitutional and statutory authority to annex land. [Kansas Constitution, Article 12, Section 5; KSA 12-517 et seq.] When an annexation ordinance is passed and published by the city, the city clerk must file a certified copy with the county clerk or county election commissioner. If the annexation ordinance is published within 60 days before primary/general national/state/city/school elections, the annexation does not take effect until after the election. This does not apply to any special election.

4. Redistricting

Every 10 years in the second year of the decade (the year ending in 2), the state legislature is responsible for the drawing of the district boundary lines. The U.S. House of Representatives district lines are redrawn based on the latest U.S. Census figures. Currently, Kansas has four U.S. Representative districts. The Kansas Senate, Kansas House of Representatives, and Kansas State Board of Education district lines are redrawn based on the latest U.S. Census figures that have been adjusted by the Kansas Secretary of State's office. There are 40 Senate seats, 125 Representative seats and ten State Board of Education seats. Each Board of Education district is comprised solely of four contiguous state Senate districts.

In redistricting years, (the second year of the decade, e.g. 2022), the legislature passes legislation defining the boundary lines of the U.S. House, Kansas Senate, Kansas Representative and State Board of Education districts. If the governor approves the redistricting plan, he/she signs the bill into law and it is published in the *Kansas Register* immediately upon final passage. Within 15 days after the publication, the Attorney General petitions the Kansas Supreme Court to determine the validity of the boundary lines for Kansas House and Senate districts. The Supreme Court must enter its judgment within 30 days of receiving the petition. If the Supreme Court determines the reapportionment is invalid, the legislature must enact a new bill within 15 days. [Kansas Constitution, Article 10, Section 1]

County commission districts are subject to alteration at least once every three years. The commission districts must be as compact and equal in population as possible. [KSA 19-204; Attorney General Opinion 2002-12] The board of county commissioners must use the most recent population figures available from the U.S. Bureau of the Census as certified to the Secretary of State by the Division of Budget on July 1 each year. Alternatively, the board of commissioners may rely on the population figures derived through an actual census of the county conducted by the county pursuant to K.S.A. 11-202, but no county has done its own census in recent years. [AGO 91-149]

First class city ward lines are subject to alteration pursuant to their charter ordinances. There is no state law that governs the establishment or redrawing of these lines. Second class city ward lines are established by the city council and should be as equal in population as practicable. The territory of each ward must be contiguous and compact. [KSA 14-207]

j. Other Local Units of Government

The elections for national, state, county, township, city and school board offices receive the most attention from the public, but the CEO is also involved in election-related activities with many other units of local government.

Following is a list of these units of government, although this list is not exhaustive:

Extension councils	KSA 2-608 et seq.
Conservation districts	KSA 2-1901 et seq.
Library districts	KSA 12-1219 et seq.
Recreation commissions	KSA 12-1922 et seq.
Cemetery districts	KSA 15-1015, 12-1414
Pubic Wholesale Water Supply districts	KSA 19-3501 et seq.
Fire districts	KSA 19-3601 et seq.
Industrial districts	KSA 19-3801 et seq.
Hospital districts	KSA 19-4601 et seq.
Drainage districts	KSA 24-401 et seq.
Watershed districts	KSA 24-1201 et seq.
Fire protection benefit districts	KSA 31-301 et seq.
Irrigation districts	KSA 42-701 et seq.
Rural Water districts	KSA 82a-601 et seq.
Ground Water Management districts	KSA 82a-1020 et seq.
Water Assurance districts	KSA 82a-1330 et seq.
Reservoir Improvement districts	KSA 82a-2401 et seq.

The CEO may be involved with any of the following occurrences with these local units of government:

- Petitions
- Election of officers
- Question submitted elections
- Filing oaths
- Filling vacancies

A given county might not contain all of the governmental entities listed here, but all counties have some of them. In any dealings with these entities, specific statutes governing their activities must be consulted before taking action.

k. Help America Vote Act of 2002 (HAVA)

The Help America Vote Act of 2002 (HAVA) was a significant federal law passed affecting the electoral process. While the NVRA was designed to increase voter registration and improve the accuracy of voter registration lists, HAVA was designed to improve election administration procedures, increase accessibility to the voting process, and improve voters' and election administrators' knowledge to increase the likelihood that each ballot cast would be valid.

The major provisions of HAVA may be separated into three categories:

1. Improving Election Administration

(a) Election Assistance Commission (EAC): At the federal level, the most noticeable change is the creation of a new, permanent federal agency to oversee and provide assistance to the states in election administration.

(1) The EAC is composed of four commissioners appointed by the President.

(2) The EAC is assisted by the Election Assistance Commission Standards Board, half of whose 110 members are chief state election officials or their designees, while the other half are local officials appointed by the state election officials. The Standards Board reviews voluntary voting system guidelines and assists states in meeting federal requirements related to voting equipment and election day activities. The Standards Board also appoints a nine-member Executive Board.

(3) HAVA created a 37-member Election Assistance Board of Advisors to establish voting system guidelines. Members are representatives of various governmental agencies and private organizations concerned with elections.

(4) A Technical Guidelines Development Committee composed of 15 members was created to assist in the development of voluntary voting system guidelines.

(b) State level authority: HAVA represents a shift of authority in election administration from counties/localities to the states. Some of the duties of states are:

(1) State plan: The state must adopt, publish and file with the federal government a state plan detailing how it will meet the requirements of HAVA. An advisory council was required to be consulted in the development of the plan. The plan is reviewed and revised annually.

(2) Centralized voter registration (CVR): The state was required to establish a "single, uniform, official, centralized, interactive, computerized, statewide voter registration list, defined, maintained and administered at the state level." This requires an automated and integrated system that is defined, purchased and operated by the state.

(3) Administration of funding: The state receives federal funding, makes purchases, distributes funding or equipment to the counties, applies for federal grants for specific purposes and oversees distribution of grant money to counties.

(4) What constitutes a vote: The state formally defines what constitutes a vote, how to canvass questionable ballots, how to determine voter intent, and how to determine whether a provisional ballot is valid.

(5) Complaint procedure: The state establishes a formal administrative complaint procedure that allows anyone to file a complaint about a violation of voting rights that has occurred, is occurring, or is about to occur. The complainant has the right to a public hearing, and the Secretary of State or other officer hearing the complaint may provide remedies or direct others to provide them.

(c) Changes at the precinct level: HAVA authorized a college poll worker recruitment program to assist CEOs in finding capable poll workers. The Election Assistance Commission has authority to design the program. Poll workers are required to obtain more and better training due to HAVA requirements.

(d) Federal services voters: Two changes were brought about by HAVA to better serve federal services voters:

(1) The ballot application filed by a federal services voter is good for all elections from the time of the application through the end of the calendar year.

(2) A single authority is designated by the state to disseminate information and handle inquiries regarding federal services voting.

(e) Education and training: Efforts to train and educate election officials and voters are increased with more involvement by the state under HAVA. The state also provides financial assistance. These programs break down into several areas:

(1) CEO training: The state adopts curriculum and organizes required training sessions to improve CEOs' knowledge of elections. Materials and reference guides are provided by the state.

(2) Poll worker training: CEOs train their poll workers. Poll worker training is mandatory and is more standardized than before. The state provides materials to be used by the CEO, who may also adapt the materials to fit the specific needs of the county.

(3) Voter education: This area breaks into two parts:

- Voter education before the election, including get-out-the-vote programs and information on how voters may register and vote.
- Voter education at the polls, including the correct procedure to vote, information about the voting equipment used in the county, how and why to vote a provisional ballot, and how to make sure the ballot is valid.

(f) Youth programs: HAVA emphasizes youth voting programs in an attempt to increase participation by young adults, who traditionally vote in low percentages. States are encouraged to coordinate with groups such as the National Student Parent Mock Election and Kids Voting to accomplish this goal.

(g) Voting procedure

(1) Provisional voting is required with HAVA, although Kansas adopted full provisional voting with implementation of NVRA. Further, provisional voters are required to sign a special affidavit, and election officers are required to provide provisional voters with free access to information about whether their ballots counted.

(2) Voter identification is required by HAVA for first-time voters who registered by mail. These individuals have never personally appeared before an election officer during the registration and pre-election process, so the possibility of election fraud is greater with this group than with other groups. HAVA therefore requires these voters to provide identification before receiving a ballot. Identification may be a picture identification such as a driver's license, government check, passport, utility bill or other valid form of identification as prescribed by federal or state law. These are the minimum requirements in HAVA. States may establish identification laws more expansive than HAVA, but not contradictory to HAVA.

Note: Kansas law expanded the policy of voter identification to require every voter to provide photographic identification each time he or she votes.

2. Improving Accessibility—machines & polling places

In HAVA, accessibility means access to the polling place and to the ballot or voting equipment.

(a) One portion of HAVA federal funding is intended to be used to provide new voting systems in precincts which formerly used punch cards or lever machines. This provision does not affect Kansas because punch cards have never been used in the state and no lever machines have been used since the mid-1990s.

(b) Each polling place is required to have an electronic voting machine equipped to allow disabled voters, including visually impaired voters, to vote in secret. Under previous state laws disabled voters needed assistance in voting because no voting system in use allowed them to vote unassisted. HAVA requires unassisted voting, which usually means an audio ballot component is added to an electronic voting machine, allowing the voter to hear the choices and select his/her choices by pressing a button.

(c) HAVA requires ADA compliant polling places and provides some funding in the form of grants to states which can be distributed to counties to make improvements to polling places that do not comply with ADA requirements.

3. Financing Election Reform

HAVA authorized, but did not appropriate, funding. Congress appropriates funds distributed to the states in three ways.

(a) Title I: This is money distributed to states based on their voting age population with a minimum of \$5 million per state. Kansas received \$5 million.

(b) Title II: These funds are intended to help pay the costs of election administration improvements required by Section 3 of HAVA. Kansas' share was approximately \$7.5 million the first year and \$13.4 million the second year.

(c) Grants: Federal grants are available, including those for youth voting programs, college and high school poll worker recruitment, and ADA accessible polling places.

Any entity, state or county, that receives federal funding must:

- certify it will use the funds for HAVA-related activities
- comply with maintenance of effort requirements, meaning past levels of government spending on election administration may not be reduced when federal funds are received,
- provide a 5% match of federal Title II funds, and
- comply with federal auditing requirements.

Kansas' formula for providing the matching funds is for the state legislature to appropriate 3 of the required 5 percent and the counties to collectively provide the remaining 2 percent.

m. Alternative and Substitute Signatures

Many political actions require a signature. A signature is the basis for the security of the ballot and for determining whether people are who they say they are. Election officials, including election board workers in some cases, may need to determine whether a signature is valid.

For some voters applying a signature to a document is not a simple act. Some individuals may be physically unable to sign, or their signatures may change over time, so questions may arise as to the authenticity of their signatures.

It is important for election officers to know the rules to apply in two situations:

1. determining the validity of an alternative signature provided by a voter him/herself, and
2. determining whether a substitute signature provided for a voter by another person is authorized.

The following chart provides information on the statutory rules governing alternative signatures for five common situations occurring in the election process.

Rules for Alternative and Substitute Signatures

SIGNATURE ON	LEGAL AUTHORITY	COMMENTS
Voter registration application	25-2309(a)	<ul style="list-style-type: none"> • Signature may be made by mark, initials, typewriter, print, stamp, symbol or other manner if by placing signature on document the person intends the signature to be binding. • Signature may be made by another person at the voter’s direction if signature reflects such voter’s intention. • Power of attorney included but not required.
Advance ballot application	25-1122(a) 25-1128(b), (d) 25-1122d AG Ltr to Sec of State, Sep 16, 1997	<ul style="list-style-type: none"> • Person must sign for him/herself. Another person who has signed an affidavit of assistance may assist a person with an illness or disability in completing application and may sign for the voter. • CEO must attempt to check with voter re: mismatched or missing signatures
Advance ballot return envelope	25-1120 25-1122(e) 25-1124 25-1128(a), (c), (d), (g)	<ul style="list-style-type: none"> • Advance voter must sign affidavit on envelope. • Another person who has signed an affidavit of assistance may assist a person

		<p>with an illness or disability in “applying for or marking an application or advance voting ballot.”</p> <ul style="list-style-type: none"> • CEO must attempt to check with voter re: mismatched or missing signatures
Poll book	<p>25-2908(b) 25-2909(a) 25-2911</p>	<p>(Same as voter registration application)</p> <ul style="list-style-type: none"> • Signature may be made by mark, initials, typewriter, print, stamp, symbol or other manner if by placing signature on document the person intends the signature to be binding. • Signature may be made by another person at the voter’s direction if signature reflects voter’s intention. • Power of attorney included but not required.
Petition	<p>25-205(b), (c) (primary) 25-3602(b)(3) 25-3604 25-4310 (recall)</p>	<ul style="list-style-type: none"> • Statutes governing various types of petitions require petition signers to sign their own names. • No authority exists in the petition laws for alternative forms of signatures or for any person to sign for another.

Chapter III. Canvassing

Revised 7/17/19

The canvassing process includes counting ballots, tabulating votes by election district and certifying the results of all official primary and general elections and question submitted elections held pursuant to federal or state law. It is the process which produces official election results, whether it is the official number of valid votes cast for each candidate for each elected office, or the official number of valid Yes and No votes cast on an issue in a question submitted election.

For local elections, there are always two canvasses: the original canvass and the final canvass. For national and state elections, there are always three canvasses: the original, intermediate and final canvass.

Canvassing begins with the counting of ballots on election night and culminates with the county canvass or the state canvass, depending on the election.

a. Election Night Tabulation

Election night tabulation (ENT) refers to the unofficial counting of ballots and reporting of election results to the media and public on election night. This is done by county election officials (CEOs) and the Secretary of State's office as a public service. There is no statutory requirement for election night reporting; it is customarily done in response to the intense interest by the media, candidates and public in knowing the results of the election. It is important to note that results tabulated and reported on election night are unofficial.

Local elections are official after the county canvass. National and state elections are official after the state canvass.

For the national and state ENT, the media support the program by purchasing access to the Secretary of State's system. The Associated Press has traditionally made a separate donation to support the program. Part of the funds are used to pay for programming costs in the Secretary of State's office, and the remainder are donated to the Kansas County Clerks and Election Officials Association's scholarship fund for college students.

The law refers to the counting of ballots as the original canvass, whether it occurs in the precincts or centrally at the county election office. (See Original Canvass below.)

1. Local Elections

Local elections include county, township, city, school board, all other jurisdictions with elected officers, and special question submitted elections. For all these elections, ENT is handled entirely by the CEO. If the county uses hand-counted paper ballots or a precinct-

count optical scan system, the ballots are counted at the precincts by election board workers, then the results are reported to the county election office where they are tabulated as needed into district and county totals. At that point they are available for dissemination to the press and public. If the county uses a central-count optical scan system, the ballots are brought from the precincts to the county election office where a special board scans them and tabulates the results. If the county uses a direct recording electronic (DRE) voting system, the precinct results are brought to the county election office by an election board worker. A special board at the county election office then tabulates and disseminates the results.

2. National and State Elections

National and state elections include elections of all federal officers, state officers, constitutional amendment ballot questions, and certain other special elections, such as questions about changing the method of selecting judges in judicial districts. For these national and state elections, election night tabulation involves reporting to the Secretary of State's office. Each county counts its ballots and tabulates them as usual, then reports the results to the Secretary of State where the results are tabulated further into statewide totals and multi-county district totals.

Counties may choose one of three options for reporting their results: (1) telephone, which involves reading the figures to an employee or volunteer in the Secretary of State's office, who inputs the data into the computer, (2) fax, which also requires a data entry operator in the Secretary of State's office to enter the data, or (3) electronically, via a system designed and prescribed by the Secretary of State's office.

On election night, the Secretary of State's office continuously updates the tabulated results and makes them available to the media and general public via the Secretary of State's website. The office also maintains public access computer terminals which members of the public may use to track the results.

b. Original Canvass

The original canvass is conducted either at the polling place or at the county election office. It is conducted at the polling place by the precinct election board workers in counties that use hand-counted paper ballots and counties that use precinct-count optical scan systems. It is conducted at the county election office in counties that use central-count optical scan systems and direct recording electronic voting systems. [KSA 25-3001 et seq., KSA 25-4611]

At the original canvass the election board counts the votes for each candidate in each race and for each question on the ballot and produces precinct totals for inclusion in the countywide totals. The election board at the original canvass reviews all special cases such as write-in votes and voided and mismarked ballots to determine voter intent in each case. In instances where the board can determine voter intent, the board includes the results with the rest of the precinct election totals. The review of ballots is conducted as a group; under no circumstances should any one person, even the CEO, be allowed to handle or count ballots alone. In instances where the board is unable to determine voter intent, they

challenge those ballots and refer them to the county board of canvassers for final determination at the county canvass. The original canvass board also refers to the county board of canvassers all provisional ballots and ballots that were challenged at the time they were cast at the poll.

1. Hand-counting damaged ballots

Sometimes an optical scanning machine is unable to scan a ballot. This may be due to physical damage to the ballot such as tears, folds and stains, or mismarking by the voter. The laws and regulations require such damaged and defective ballots to be hand-counted. [KSA 25-4412(c), 25-4611(c)] The procedure for hand-counting the ballots is based on the long-standing procedure for counting paper ballots that was used universally in the days before optical scan ballots and electronic voting machines became prevalent. The Secretary of State adopted an administrative regulation prescribing the procedure for hand-counting ballots. [KAR 7-21-4]

The regulation requires the following: [1] must have two or more persons who are election board workers and who, to the extent possible, do not belong to the same political party; [2] no person serving on the special counting board shall be a candidate for an office on the ballot or a member of a group supporting or opposing passage of a question submitted on the ballot; [3] one person on the special counting board shall be designated the supervising judge; [4] each ballot shall be separated from any advance voting envelope or provisional ballot envelope that identifies the voter who cast the ballot; [5] the supervising judge shall collect and enumerate the ballots and announce the total number of ballots to the board; [6] a member of the counting board shall read and announce the contents of each ballot and shall hand each ballot to another member of the board to verify the contents of the ballot. Another member of the board shall tally the votes cast on a tally sheet provided by the CEO; [7] the CEO may require two separate tally sheets. The board shall compare the tally sheets and reconcile any differences; [8] if the counting board is unable to determine the voter's intent for any ballot or portion of the ballot, the ballot shall be challenged and referred to the county board of canvassers; [9] at the conclusion of the counting process, the counting board shall provide all ballots and records to the CEO who shall preserve the ballots and records in accordance with state law. The results from the counting board shall be included in the official results of the election.

2. Special write-in boards

If the board conducting the original canvass fails to correctly tally and report write-in votes, the CEO is authorized to appoint a special bipartisan board to open sealed containers of ballots, review the ballots and tally the write-in votes. The board reports the write-in totals to the CEO for inclusion in the election results to be presented to the board of county canvassers. The special board is not authorized to perform functions other than counting write-in votes. [KSA 25-3008(i)]

The board conducting the original canvass does its work according to procedures established by the CEO. Instructions should be provided in written form to promote adherence to statutory requirements. [Post Audit Report 93PA34]

Photography at the canvass

- c. Some county election officers adopt policies prohibiting cameras, video cameras and camera phones at the canvass, whether it is the original, intermediate or final canvass. Although the intent is to conduct the canvass in such a way that it is as open and transparent as possible, use of cameras by the public may be prohibited.
- d. **Intermediate Canvass**

The county board of canvassers, which is composed of the members of the board of county commissioners, conducts the final canvass in local elections and the intermediate canvass in national and state elections. In the case of intermediate canvasses, the CEO sends an abstract of the county election results to the Secretary of State's office, where the figures are tabulated in preparation for the final canvass of national and state election results.

The time and place for the county canvass, whether intermediate or final, is governed by KSA 25-3104 and 25-3105. The place is the county election office, unless the canvassers decide to hold it at another location and the CEO publicizes the change. The canvass begins between 8:00 and 10:00 a.m. on the Monday after the election except the CEO may move the canvass to any business day no later than 13 days following the election. Notice of the time and place shall be published in a newspaper of general circulation in the county prior to the canvass. The election officer might move the canvass to allow more time for processing provisional ballots and making other arrangements for the canvass, or it might be because of scheduling conflicts which make it difficult to convene the canvassing board on Monday. Whichever day is chosen, the canvass is usually completed that morning or the afternoon of the same day, but on occasion the canvassers might recess and complete the canvass another day due to scheduling conflicts, the number of races to be certified, requests for recounts, or other reasons.

During the days between the election and the county canvass, the CEO prepares the tabulated results from the original canvass and groups all provisional ballots, challenged ballots and issues referred by the original canvass boards in preparation for the county canvass.

The tabulated results are presented to the county canvassers along with issues that need to be resolved. [KSA 25-3107(a)] The county board of canvassers has the statutory duty to make the final decisions as to which ballots are valid and which are invalid. This includes making all final decisions about voter intent on mismarked ballots, write-in votes, and provisional and challenged ballots. Neither the canvassing board nor the CEO is authorized to open sealed ballot containers or envelopes except for challenged/provisional ballots referred to them by the counting boards. [KSA 25-3107(a)] The canvassers sign and certify an official abstract detailing the exact number of valid votes received by each candidate in each race and the number of valid votes cast for or against any questions on the ballot. [KSA 25-3109]

After the canvass, the CEO transfers vote totals for national and state elections into the official state abstract provided by the Secretary of State and transmits the state abstract to the Secretary of State for preparation for the state canvass. [KSA 25-3202, 25-3203] The county abstract is stored as a permanent historical record in the county election office or the county historical archives. [KSA 25-3109(a)] The CEO mails certificates of nomination (after the primary election canvass) or certificates of election (after the general election canvass) to the candidates who have been certified to have received the greatest number of valid votes. [KSA 25-3110]

If a recount has been requested in one or more races, the county canvass is not completed until the recount is completed. The other election results may be certified, but the canvassers must meet again after the recounts to certify the results of the recounted races.

e. Final Canvass

In local elections for which the county board of canvassers conducts the final canvass, the certified results are official and final. They may not be changed except: (1) by court order as the result of an election contest in a general election, or (2) as the result of an objection to a primary nomination.

In national and state elections, the county abstracts are sent to the Secretary of State within two weeks after election day. [KSA 25-3202, 25-3203] The Secretary of State tabulates the county results into statewide and district results and prepares for the meeting of the state board of canvassers. [KSA 25-3204] The state board of canvassers conducts the final canvass for all national and state primary and general elections, including constitutional amendment questions and other state question submitted elections such as proposals to change the method of selection of judges in judicial districts.

The state board of canvassers is composed of the Governor, Attorney General and Secretary of State. [KSA 25-3201] When the tabulated results are complete, the Secretary of State schedules the meeting of the state canvassers, which by law must take place by the first day of the next month following an election. [KSA 25-3205]

The state board of canvassers reviews the official county abstracts and the state abstracts prepared by the Secretary of State and certifies the results. The results are published in the *Kansas Register* by the Secretary of State and disseminated to the media and other interested parties. [KSA 25-3211(d)] The Secretary of State issues certificates of nomination after the primary and certificates of election after the general election to all successful candidates. [KSA 25-3211(c)]

The abstracts are stored in the Secretary of State's office for a period of four years, then transferred to the Kansas State Historical Society Archives as permanent historical records. [KSA 25-3211]

f. General Canvass Topics

1. Preparing for the County Canvass

Whether the county board of canvassers is conducting the intermediate or the final canvass, the CEO is responsible for most of the preparation. Recommendations:

- Have the county attorney or counselor available.
- Develop written canvass procedures and have them approved by the board of canvassers beforehand.
- Review statutes regarding canvass procedures, advance voting, provisional ballots and other topics that may arise.
- Consider having someone take minutes at the canvassing meeting.
- Review recount procedures and anticipate potential costs.
- Make the process as open and transparent as possible without violating the secrecy of any voter's ballot.

2. Unauthorized Vote Disclosure

It can be difficult at times for canvassers to fully consider the circumstances surrounding a ballot without disclosing the voter's identity. For instance, the CEO researches the facts regarding a voter's qualifications to make a recommendation to the canvassers regarding the validity of a provisional ballot, but in consideration of those facts the canvassers and CEO must be careful not to disclose how the voter voted. It is a felony to intentionally disclose or expose the contents of any ballot or the name of any voter who cast the ballot. [KSA 25-2422] Only a court may order disclosure of a ballot's contents. [KSA 25-2422(a), 25-1434, *et seq*]

3. Photography at the canvass

Original, intermediate and final canvasses should be conducted in as open and transparent a manner as possible. CEOs, however, may adopt policies prohibiting the use of cameras, video-cameras and camera phones because their use can be distracting or intimidating, could lead to disclosure of the contents of a voter's ballot, or violate the federal Voting Rights Act.

4. Nondisclosure of Provisional Voters' Names

State law prohibits the release of names of voters who cast provisional ballots. If candidates, campaigns, political parties or members of the public request provisional voters' names, the CEO cannot provide the information. [KSA 25-2422]

The law is based partly on a provision in the federal Help America Vote Act of 2002, which says: "The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under

paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.” [42 USC 15482(a)(5)(B)]

The purpose of the law is to protect provisional voters from being contacted by candidates and others after the election, when campaign season is over, and to protect CEOs from being required to fill these requests during the busy time leading up to the county canvass. Additionally, voters who did not produce a photo ID when casting their ballots may submit IDs before the canvass in order to have their provisional ballots count. Attention is focused on these provisional voters, especially in close races, and candidates and others may seek to obtain lists of the voters and contact them to assist them in submitting their IDs so their ballots will count and, presumably, add votes to certain candidates’ totals. When candidates and others contact voters after they have cast their ballots, it extends the campaign season unnecessarily.

The law does not prohibit the disclosure of names of advance voters or the names of any voters as ordered by a court, nor does it affect the activities of authorized poll agents. [KSA 25-2422(b), (c)]. If a request for these documents arises, the CEO should be aware of the Johnson County district court case *Hammet v. Metsker*, Case No. 18-cv-5173 (Jan. 31, 2019) and consult your county attorney or county counselor.

5. No Authority to Order a Re-vote

The principal duty of the board of county canvassers is to “do what is necessary to obtain an accurate and just canvass of the election” and to certify its “authenticity and accuracy.” [KSA 25-3107(a)] In some situations the board may conclude that it is unable to accomplish this due to inaccuracies resulting from ballot distribution errors, uncertainty over voter intent, and the like. There is, however, no statutory authority granted to the board of county canvassers to order a re-vote. [AG Opinion 2012-31].

This opinion reinforced a decision by the state board of canvassers in a 2012 election in which a county board of canvassers had ordered a partial re-vote in a race involving a Kansas House of Representatives District. The county certified two sets of vote totals to the state—the totals from the initial canvass and the totals from the re-vote. The state board of canvassers rejected the totals from the re-vote and accepted the original figures.

g. Provisional Ballots

1. Processing by the CEO

First, the CEO verifies the number of challenged/provisional ballots by precinct to ensure the number received agrees with each precinct election board’s record of the number of challenged and provisional ballots distributed. [KSA 25-3007, 25-3008]

Next, the CEO groups the challenged/provisional ballots according to the reasons for the challenges or provisional ballots. Common groups of provisional and challenged ballots are:

Challenged ballots based on: [KSA 25-414]

- (1) age
- (2) felony conviction
- (3) residence
- (4) registration
- (5) multiple votes at the same election (having already voted an advance ballot, or voted at another precinct)
- (6) failure of a voter to provide valid photo identification

Provisional ballots based on: [KSA 25-2316c(a), (b)]

- (1) name change
- (2) residence change within county

Note: If a residence change occurred outside the county to another location within the state within the 30-day period before an election and the voter has not re-registered, the voter may qualify to vote a former precinct ballot (See Section II d). If not, the voter is ineligible to vote in that election. [KSA 25-3701, 25-3702] In such cases, however, the voter should be issued a provisional ballot in case an error was made in the election office.

Last, CEO researches voter registration records and other sources in order to provide the necessary information to the county board of canvassers for them to determine whether each ballot should count.

2. Canvassing

The CEO presents the groups of challenged/provisional ballots to the county board of canvassers at the regular canvass meeting after the election. [KSA 25-3107(a)]

The canvassers review the reasons why the ballots are challenged/provisional and decide whether to count them. Care should be taken that voters' names and the manner in which they voted are not disclosed to the public or the canvassers. The CEO might want to separate the voter registration forms from the ballot envelopes before the canvass to ensure voters' privacy, but some canvassers might want to review the registration forms in determining the validity of the ballots.

The canvassers make the final decision as to whether each challenged/provisional ballot is valid. If the law addresses the issue, the ballot is valid and is counted. Other situations are decided on a case-by-case basis. Provisional ballots that are deemed valid by the canvassers are opened, counted and added to the official election results. Usually the canvassers instruct the CEO to open and count the ballots. [KSA 25-409(b)]

Provisional ballots that are deemed invalid are not opened. They remain sealed and are stored with the other ballots after the canvass. They may be opened under court order in an election contest, or, in some cases, the county canvassers may open ballot envelopes to retrieve forms necessary for determining the qualifications of the voters. [KSA 25-3107(a)]

h. Partial Provisional Ballots

Canvassers are required to count partial provisional ballots. If a voter cast a provisional ballot in a precinct other than the precinct in which the voter is registered but still within the same county, the canvassers should deem valid any votes for races or questions that are identical in both precincts. Any races or questions that do not appear on both precincts' ballots should not be counted.

For instance, votes for the offices of president, governor, other statewide races, constitutional amendment questions, countywide races and questions, and some state or county district offices will be valid because the races or questions were common to both ballots—the ballot the voter cast for the wrong precinct and the ballot intended for the precinct in which the voter was registered. [KSA 25-3002(b)(3)] This situation arises due to poll book error, election board worker error, voter error, or instances where the voter attempts to vote at a polling place closer to the voter's home than the polling place in the precinct where the voter is registered.

See the following chart for guidance on whether to count various types of challenged and provisional ballots.

COUNTING PROVISIONAL BALLOTS

#	SITUATION	SHOULD BALLOT COUNT?	LEGAL AUTHORITY	COMMENTS
A	VOTER REGISTRATION			
1	Voter registered in office before books closed and advance voted during the next few days before the CEO processed the registration application.	YES	25-1122 25-2311	If voter's notice of disposition was not returned by mail before canvass day.
2	Voter registered at CEO office after books closed or at the polling place on election day and voted at the same time.	NO	25-2311(a)(6) 25-2311(e)	Law requires that a voter must register by the 21st day before election.
3	Registered voter had different name than on poll book due to marriage, divorce or legal proceeding and completed a new voter registration application.	YES	25-409 25-2316c(a)	Name changes and address changes are the two major reasons for provisional ballots as outlined in federal law (NVRA). Such ballots count unless invalid for another reason.
4	Registered voter had different name than on poll book and did not complete a new voter registration application.	NO	25-409 25-2316c(a)	The law requires a provisional voter to complete a voter registration application in order to receive a provisional ballot. This process updates the voter's registration information and eliminates the need for provisional ballots in future elections.

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5	Voter was registered but voted in wrong precinct, but within the county, due to CEO error, board worker error, voter error, or insistence by voter.	YES (partial ballot)	25-3002(b)(3)	Law requires counting of partial provisional ballots—count races and questions that are identical when comparing provisional ballot to correct ballot for voter’s precinct.
6	Voter was not registered.	NO	25-215 25-2302	Kansas laws require registration before voting.
7	Voter claimed to have registered at DMV, post office, state fair or NVRA registration outpost and CEO had no registration.	NO	25-215 25-2302 25-2421a	Unless CEO verifies DMV or CEO error.
B	VOTER MOVES			
	MOVES WITHIN COUNTY			
1	Registered voter moved within county within 30 days of election. Voted at former precinct.	YES	KS Const. Art. 5 Sec. 1; 25-3702	KS Constitution allows this so ballot not required to be provisional. Voter must complete Form FPI before voting.
2	Registered voter moved within county within 30 days of election. Voted at either new precinct or central location.	YES	25-2353, 25-409	Must complete new registration card before voting provisional ballot.
3	Registered voter moved anywhere in county and voted at new precinct.	YES	25-2316c(b)	Voter must complete a new voter registration application.
4	Registered voter moved within county at any time before election. Voted at either new precinct or central location.	YES	25-2353, 25-409	Must complete new registration card before voting provisional ballot. No time limit on date of move.
5	Registered voter moved within the county at any time and completed a new voter registration card.	YES	25-2353	If voted at new precinct or central location.
6	Registered voter moved within county within 30 days before election. Voted ballot at wrong precinct.	YES (partial ballot)	25-3702, 25-3002(b)(3)	Entire ballot valid if voted at former precinct. Partial ballot valid if voted ballot at precinct where not registered.
7	Registered voter moved within county more than 30 days before election. Voted at former precinct.	YES (partial ballot)	25-3702 25-3002(b)(3)	Partial ballot valid if voted ballot at precinct where not currently registered.
8	Registered voter moved within the county but refused to fill out a new voter registration card before voting.	YES (partial ballot)	25-409(a) 25-3002(b)(3)	Law requires counting of partial provisional ballots—count races and questions that are identical when comparing provisional ballot to correct ballot for voter’s precinct.
	MOVES OUT OF COUNTY, WITHIN STATE			
9	Registered voter moved anywhere in state within 30 days of election. Voted at former precinct.	YES	Kan. Const. Art. 5 Sec. 1, 25-3702	KS Constitution allows this, so ballot not required to be provisional. Voter must complete Form FPI before voting.
10	Registered voter moved out of county but within state within 30 days before election. Voted in new precinct without re-registering.	NO	Kan. Const. Art 5, 25-3702; 25-2316c(b)	Fail safe (provisional) voting only covers in-county moves. Former precinct voting only allows voting in precinct of former residence.

11	Registered voter moved out of county but within state more than 30 days before election.	NO	25-3702	Not protected by law. Needed to re-register at new address.
C	ADVANCE VOTING			
1	Registered voter requested advance ballot, did not receive ballot and voted at polls.	YES	25-2908c	If CEO verifies that voter did not cast multiple ballots.
2	Registered voter voted in advance, then voted at the polling place.	NO	25-2416(b)	Election crime.
3	Registered voter returned advance ballot in unsigned envelope.	-NO, UNLESS VOTER CURES	25-1124(b)	CEO must attempt to contact voter to sign envelope. If voter signs envelope, count ballot. If voter does not sign envelope, do not count ballot.
4	Voter signed another voter's envelope.	NO	25-1120, 25-1124	Law requires voter to sign statement on voter's own envelope unless another person signs for voter at voter's direction due to disability.
5	Two voters voted in advance. Ballot envelopes switched, signed by the wrong voter in same household. Both are eligible voters and signatures match.	NO	25-1120	Law requires voter to sign declaration on envelope containing the voter's own ballot..
6	Voter signed envelope but did not fill in address line.	YES	AG Op. 2012-26	Technical error that, by itself, does not invalidate ballot.
7	Voter submitted an advance voting ballot with ballot envelope not sealed.	YES		Technical irregularity unless CEO finds evidence of tampering.
8	Voter applied for an advance voting ballot after deadline for application.	NO	25-1122(f)	Kansas laws set application deadlines to allow time for transmission of ballots and conclusion of advance voting before election.
9	Voter used power of attorney to obtain advance voting ballot and used attorney to vote.	NO	AG letter to SOS, Sept. 16, 1997	Power of attorney has no effect in voting. Laws provide for assisted voting if affidavit of assistance is filed.
10	Voter casts advance ballot, then dies before election day. Election board makes ballot provisional pursuant to KSA 25-1136(c).	NO	25-1136(c) AG Opinion 2002-15	"Persons who are deceased on election day are not qualified electors and do not enjoy a constitutional right to vote."
D	OTHER			
1	Registered voter's name was found by CEO elsewhere in poll book.	YES	25-2908(e)	NVRA fail safe voting
2	Voter needed assistance – should not have been challenged.	YES	25-2909	No voter error
3	Voter voted provisional ballot, only one board worker signed envelope.	YES	25-3002(b)(1) 25-702(b), 25-716(a)	Technical irregularity. No voter error.
4	In primary election, registered voter requested and received a different party's ballot than the one registered for.	NO	25-3301(c) 25-3304(b)	If voter received ballot of party other than party of affiliation, ballot does not count. Unaffiliated voter may affiliate with a party and vote.

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5	Registered voter dies after casting ballot and ballot was not provisional.	YES	AG Opinion 2002-15	Non-provisional ballots are commingled with others are thus irretrievable and impossible to not count.
6	Registered voter returned a ballot after polls closed.	NO	25-106 25-1132 (advance)	<u>Unless</u> advance mail ballot returned postmarked on or before Election Day and received by the Friday after the election. Ballot then is eligible for counting.
7	Voter accidentally presses "Submit vote" on DRE before he/she is finished. Voter completes provisional ballot.	NO	25-2908(c)(5)	Voter cannot vote twice. If ballot cast on DRE cannot be retrieved, it has been cast and included with the other votes, regardless of how many races voter had completed.
E	FEDERAL SERVICES VOTING			
1	Federal services voter who was absent applied for ballot by noon the day before election day by completing a standard FPCA (Form 76).	YES	25-1215, 25-1216(b)	May vote by fax or email. Not required to be registered.
2	Registered voter (nonmilitary) moved out of state but in the U.S. at any time before election. (See Presidential Situations for exception.)	NO		Not protected by law. Voter should check with new state for laws.
3	U.S. citizen eligible to vote in the election district moved out of U.S. and applied by noon the day before election day by completing a standard FPCA (Form 76).	YES	25-2314, 25-1216(b)	May vote by fax or email. Not required to be registered.
F	PRESIDENTIAL SITUATIONS			
1	New voter moved to KS within 45 days before election. Filed form PN by noon the day before election.	YES	25-1801(b)(1), 25-1802(a)	New resident may vote only on U.S. president race.
2	Registered voter moved out of KS within 45 days before election. Filed form PF in county of former residence in KS by noon the day before election.	YES	25-1801(b)(2), 25-1802(b)	Former resident may vote only on U.S. president race.
3	Registered voter moved anywhere within KS not more than 20 days before election. Filed Form PR in county of new residence by noon the day before election.	YES	25-1801(b)(3), 25-1802(c)	Relocated resident may vote only on U.S. president race.
G	VOTER IDENTIFICATION			
1	Voter in the county fails to provide valid identification, votes provisional ballot.	NO	25-2908(e) 25-3002(b)(8)	The law requires voter to provide ID in order to have ballot counted. However, if voter provides valid identification to CEO after voting provisional ballot and before county canvass, ballot counts.

h. Determining Voter Intent

The purpose of an election is to determine the will of the voters. Most voters mark their ballots clearly, according to the rules, and their ballots are easily counted and tabulated. Some, however, fail to follow the instructions, or they mismark their ballots, or fold or tear them so that it is unclear for whom or what they intended to vote. Also, errors in ballot preparation and printing can make determination of voter intent difficult. The statutory concept of voter intent is the fundamental consideration in deciding whether questionable ballots should count. Although the concept is mentioned more than once in the election statutes, it is not clearly defined.

The U.S. Supreme Court ruled in *Bush v. Gore* that:

- (1) Each voter must have an equal opportunity to have his/her vote count.
- (2) Standards for counting ballots and determining voter intent must be adopted and applied the same way in all voting jurisdictions in a state or election district.

Kansas law assigns the duty of counting all ballots to local election officers, first at the precinct level, then at the county level. The voters' intent on questionable (challenged) ballots is determined at the county level. Precinct and county officers are most familiar with relevant issues affecting the votes, such as qualifications and residence of individual voters, boundary lines of political jurisdictions affecting ballot styles, and the occurrence of write-in campaigns. Election boards and canvassing boards should use local knowledge when it is helpful in determining voter intent.

The persons conducting the original canvass make the first attempt to determine voter intent. If the voter intent is impossible to determine at the original canvass, the decision is referred to the county board of canvassers.

1. What Constitutes a Vote?

The ballot is the medium provided to express the voter's intent. If the voter's intent is discernible, it is an easy matter to determine that it constitutes a vote. There are, however, different voting systems used in Kansas with different ballot forms, including hand-counted paper ballots, optical scan ballots, and touch screen electronic ballots.

For instance, a voter might make a check mark instead of an X in the box on a paper ballot or make a mark outside the box on a paper ballot. On an optical scan ballot, the voter may not completely fill in the oval, circle the oval instead of darkening it, or, mark the ballot in some other way or use a pen or pencil not easily read by an optical scanner. These types of issues require a special effort to determine the voter's intent.

2. Totality of Ballot

Often the voter's intent on a specific race or question is determined by considering the voter's actions on that one portion of the ballot. For instance, if the voter made an intentional mark in, around or near the oval on an optical scan ballot or the box on a hand-

counted paper ballot, the intent is often clear. In some cases, the totality of the ballot needs to be considered in order to determine the voter's intent. If the voter rested the pen or pencil in an oval as the voter considered his/her voting options, but then moved on to the next race or question, leaving an incomplete mark in the oval or box, it may be necessary to consider similar actions by the voter elsewhere on the ballot to determine whether an intentional vote was cast. Habitually resting the pen in or near the ovals or squares may produce multiple stray marks that should not be interpreted as votes.

3. Voting Systems in Use in Kansas

Some voting systems place the original canvass at the precinct level; some at the county level.

a. Hand-counted paper ballots

When using hand-counted paper ballots, the original canvass is done at the precinct polling place. The precinct election board workers, acting as the counting board, review each ballot and determine the voter's intent. If they are unsure, they may challenge the ballot and send it to the county board of canvassers for determination at the county canvass.

These ballots are visually inspected and counted by hand, so any unusual markings on the ballots are noticeable. Paper ballots are susceptible to overvotes because they are not tallied by a machine that notifies the voter of the overvote and provides an opportunity to correct the ballot.

b. Optical scan systems

Optical scan systems may be precinct count systems or central count systems.

Precinct count optical scan systems offer the advantage of notifying the voter immediately of overvotes and other mismarkings. The voter may correct the ballot or mark a new ballot before leaving the polling place. In this sense, voter intent is determined at the precinct level. Questionable ballots may be challenged and referred to the county board of canvassers for determination.

Central count optical scan systems may detect overvotes and mismarked ballots, but there is no opportunity for the voter to make corrections. If a ballot is marked in such a way that the voter's intent is unclear, the counting board must challenge it and refer it to the county board of canvassers.

Printing specifications on optical scan ballots are exacting. Scanners generally do not detect mismarkings and do not detect write-in votes if the ovals are not filled in. These are only detectable by visual inspection before vote tabulation or in a recount conducted by hand.

It is recommended that CEOs adopt procedures that require the visual inspection of *all* optical scan ballots before the tabulation process begins in order to identify all ballots containing write-in votes. This would be done at the polling places in counties using

precinct-based optical scan equipment. It would be done at the county election office in counties using central scanning equipment.

c. Direct recording electronic systems (DRE)

DRE systems offer the advantage of preventing overvotes. The system prevents the voter from selecting more choices than allowed. The voter is also given an opportunity to review the entire ballot before leaving the voting booth.

Many late-model DRE systems also offer the advantage of helping to clarify voter intent on write-in votes. In many systems the voter types the write-in candidate’s name using a keyboard, so sloppy handwriting cannot obscure the voter’s intent. Also, the systems require the voter to “mark” the write-in box to indicate their desire to cast a write-in vote, so it is impossible to enter a write-in vote and fail to mark the box.

For more on the types of voting systems, see Chapter VI.

STANDARDS FOR COUNTING VOTES

GENERAL STANDARDS	
Count the vote if:	A distinguishing mark is made in the box or oval next to a candidate’s name or next to a question on the ballot. (examples: √, X, ●, ←)
	A mark appears in the box or oval indicating the pen or pencil was intentionally moved across the paper from one point to another.
	A box or oval is circled but there is no mark inside. Most optical scan systems will not detect it, but if it is visually inspected, as in the case of a hand recount, it should count.
	The name of the candidate or the candidate’s political party is circled but the box is not checked or the oval is not completed.
	A voter votes for a candidate and also writes the candidate’s name in. Count only one.
	A voter votes for fewer choices than allowed. The voter is not required to vote in every race. No voting system should disqualify an undervote, although it is helpful if they notify the voter of undervotes to give the voter an opportunity to complete the ballot if he/she so wishes.
	The totality of the ballot clarifies the voter’s intent on one portion of the ballot. Example: if it is unclear whether a dot in a box or oval on a particular race is a clear expression of voter intent, the counting board may consider marks made by the voter on the other races on the ballot. If similar marks were made throughout

	the ballot, the counting board should consider the mark in question to be a vote.
	The voter properly (1) casts a regular ballot at the polling place on election day; (2) casts an advance ballot on election day; or (3) votes early in-person before election day, but then dies before the county canvass. [AGO 2002-15]
Do not count the vote if:	A voter votes for more choices than allowed.
	There is a dot that could be made by a pen or pencil merely resting in a box or oval on the ballot.
	A voter marks the ballot in such a way that it obscures the voter's intent or invalidates the vote. If this happens, it should invalidate only the portion of the ballot affected by the error. Other votes on the ballot should count unless invalidated for a separate reason.
	A voter casts an advance ballot, then dies, and the election board makes it a provisional ballot. [AGO 2002-15, KSA 25-1136(c)]
PAPER BALLOT STANDARDS	
Count the vote if:	A box is checked and scribbled out or crossed out and another box is checked. (The latter is counted.)
	An X is made near the box but not inside it, and not closer to another candidate's name.
OPTICAL SCAN BALLOT STANDARDS	
Count the vote if:	An oval shape is marked, near but not inside the oval, and not nearer another candidate's name.
	An oval is completed and scribbled out or crossed out and another oval filled in. (The latter is counted.)
DRE EQUIPMENT STANDARDS	
	Note: DRE equipment is programmed to inform the voter of overvotes, undervotes and other errors. The equipment allows the voter to review each page of the ballot before casting it. Such systems prevent many of the voter errors that can invalidate other types of ballots.

Note: For a discussion of voter intent on write-in votes, see Section III g following.

i. Write-In Votes

1. Counting Write-in Votes

Voters may cast write-in votes in any official election except (1) a primary election where there is at least one candidate filed for the office, and (2) question submitted elections. [KSA 25-213, 25-2903, 25-2904, 25-4503]

Note: Write-in blanks are always provided at primary elections for precinct committeemen and committeewomen positions in the two major political parties because these positions are *elected* at the primary, whereas other candidates on the primary ballot are merely *nominated* at that election. [KSA 25-213]

Generally, the voter must make his/her intent known in order for the vote to count. The name must be written legibly *enough* and spelled correctly *enough* to make the voter's intent clear to the persons counting the ballots. [KSA 25-2903]

The persons determining the voter's intent may be the counting board in the precinct, a board convened for that purpose in the county election office, a special advance voting board, or the county board of canvassers. Ballots with unclear voter intent are challenged and referred to the county board of canvassers for determination.

Votes casting a write-in vote are instructed to write the candidate's name on the blank line and to mark the box or darken the oval next to the write-in blank on the ballot, but the law specifically states that failure to mark the box or darken the oval should not invalidate that portion of the ballot. The vote should count if the voter's intent is clear, regardless of whether the voter marked the box or darkened the oval. [KSA 25-2903]

During the ballot counting process after the polls close, persons counting ballots in counties using hand-counted paper ballots or optical scan ballots should be instructed to visually inspect each ballot, looking for write-in votes. The reason for this is that write-in votes are considered valid even if the voter fails to mark the box or fill in the oval next to the write-in blank.

Write-in votes are valid if the voter's intent is clear. Because write-in votes may affect the election outcome, especially in local races, it is important to tabulate them. If the original counting board fails to produce write-in totals, the county election office is authorized to convene a special write-in board to open sealed ballot containers to search for write-in votes. (See also section b.) [KSA 25-3008(h)]

Voter intent is determined at the local level, not the state level, because local knowledge of candidates is most helpful in determining voters' intent.

2. Affidavits of Write-In Candidacy

It is not necessary to tabulate or report write-in votes for a candidate for state office elected on a statewide basis or president/vice president of the United States unless the candidate has filed an Affidavit of Write-in Candidacy with the Secretary of State's office. If such a candidate has filed the Affidavit, all CEOs will be notified by the Secretary of State, and they must tabulate and report write-in votes for the candidate as part of the official election results. Votes for other write-in candidates who have not filed affidavits are not required to be tallied or reported for that office. [KSA 25-3002(c), (d), (e)] (See also Chapter IV.)

Write-in candidates for other offices are not required to file affidavits of write-in candidacy to have their write-in votes tallied and reported. This includes U.S. Representative and

Senator, state offices elected from districts smaller than the entire state, and all county, township and local offices. Write-in votes for these candidates should be tallied along with the other candidates' votes.

3. Write-In Stickers or Labels

In order to minimize problems with misspellings, abbreviations and illegible handwriting that obscure the voters' intent, some write-in candidates distribute stickers or labels with their names printed on them. The candidate asks the voters to take the stickers with them to the polling place and affix them in the appropriate place on the ballot. Stickers are neither prohibited nor specifically allowed in Kansas law. Some CEOs in counties using optical scan ballots have adopted regulations, with the advice of their respective county attorneys, to prohibit the use of stickers to prevent jamming their optical scan ballot counting equipment. These regulations are adopted pursuant to KSA 25-2706(a), which authorizes the adoption of regulations controlling the voting procedure. Once adopted, the regulations must be filed with the Secretary of State. Write-in candidates considering the use of stickers should consult the relevant CEO(s) regarding any requirements for stickers.

If stickers are applied to ballots by voters in a county which has adopted a regulation prohibiting stickers, it is recommended that the votes count despite the existence of the prohibitory regulation. The regulations often are successful in preventing the use of stickers, but if stickers are used notwithstanding a regulation, the voter's intent carries more weight than the county's regulation. Any ballots containing stickers should be separated from the other ballots and hand counted.

Note: Write-in candidates preparing stickers should respect the statutory prohibition against using a "title, degree or other symbol of accomplishment, occupation or qualification" (such as Dr., General, PhD).

Two Attorney General opinions summarized below interpret the law to allow stickers and discuss the proper use of stickers in casting and counting ballots. [AG Opinion 84-99, 94-110]
Key Points on using stickers from Attorney General opinions:

- Counted if the sticker is close enough to the write-in space to make the voter's intent clear.
- Counted if the sticker is applied upside down, extending over the edge, out of alignment, as long as voter's intent is clear.
- Counted if the sticker includes unnecessary words, or nonconforming print size, font or color.
- Counted if a voter affixes a sticker and fails to mark the box or oval indicating a write-in vote.
- Canvasser Decision whether to count stickers using prohibited title, degrees, or symbols of accomplishment.
- Not Counted if a sticker is affixed to the wrong office or in a way which makes the voter's intent unclear.
- If a sticker is not counted, the rest of the ballot should be counted unless voided for a separate reason.

4. Fictitious Names and Unqualified Candidates

“Fictitious Names” are write-in votes for people who do not exist or cannot be identified. E.g., Mickey Mouse, John Doe, Me, and None of the Above.

“Unqualified Candidates” are write-in votes for people who obviously are not candidates for the office (e.g., Donald Trump for township clerk) or who do not meet the qualifications for the office: residency, age, citizenship.

Write-in votes for fictitious names and unqualified candidates are handled the same way. The officials conducting the original canvass should tally all the votes and report them to the CEO. Before the meeting of the county board of canvassers, the CEO must determine (1) if any such “candidates” received enough votes to win the office (or nomination), and (2) if the names are truly fictitious or the “candidates” are truly unqualified.

For instance, it is possible, though unlikely, for a person named John Doe or Michael “Mickey” Mouse to live in the county or for a nonresident of the city to have moved into the city without re-registering before the election. Questionable write-in votes may be challenged and sent to the county canvassers for decision. The intent of the law is to allow the county canvassers to be presented with all relevant information, so they can certify which candidate, person or other entity received the most valid votes. [KSA 25-3107(a)]

5. Nicknames

Nicknames that are widely recognized as representing a write-in candidate’s given name are acceptable unless the voter’s intent is unclear because it is so similar to another person’s name. E.g., Mike for Michael, Frank for Francis, or Betty for Elizabeth.

6. Other States’ Court Decisions on Counting Write-Name Votes

There is little case law from Kansas that offers guidance for counting write-in votes. It is instructive, however, to consider rules derived from cases in other states.

- a. *Devine v. Wonderlich* (Iowa-1978)
 - A write-in vote using only the candidate’s surname is counted if it alone sufficiently distinguishes the candidate.
 - If two people named Smith run for office, the surname alone is not sufficient.
 - For a write-in candidate Francis P. Devine: Counted: Devine, Mr. Devine, F. Devine, Franc Devine and Franics P. Deiven. Not Counted: Danny Devine, Russell Devine, Louis P. Levine.
- b. *Meyer v. Lamm* (Colorado-1993)
 - Court will not reject a ballot, where the voter’s choice can be gathered from the ballot when viewed in the light of the circumstances surrounding the election.

- Write-in votes counted for Peggy Lamm: “Miss Lamm,” “Ms. Lamm,” “Mrs. Lamm,” and “Lamm” when Peggy Lamm was the only person who had campaigned as a write-in candidate.
 - Write-in votes containing the correct surname but a different given name were not counted: e.g., Nancy Lamm and B. Lamm.
 - To determine whether to count a write-in vote containing only the surname, canvassers should consider the commonality of the surname within the election district and public knowledge as to whether the candidate is a “known” write-in candidate for that office.
- c. *Guerra v. Garza* (Texas – 1993)
- Write-in votes for “Gus,” “Garza,” or “Gus Garza” were counted for Gustavo Garza
 - Write-in votes for “Gues,” “Gue,” “G.G.,” or “Gus Garcia” were not counted.
 - Two other persons with the same surname “Garza” (Robert Garza and LaQuita Garza) having had their name pre-printed on the ballot for different positions.
 - Write-in votes for “Garza” which did not appear on the correct line were not counted because the voter’s intent was unclear
- d. *Matter of Guilianelle v. Conway* (New York – 1999)
- Ballots containing only the surname “De Marco” were properly counted despite the 15 phone book listings of that surname.
 - Unambiguous campaign materials used by De Marco and
 - voter intent could be determined given all the circumstances surrounding the election.
- e. *Waters v. Skinner* (Kentucky – 2007)
- Gus Skinner campaigned under his first name, “Gus,” so any write-in votes for “Gus” should count because there is no ambiguity of voter intent.
 - Write-in votes for “Gus” in other races, did not affect the election.

7. Write-in Votes on DRE Equipment

Older DRE voting equipment (pre-1995) often provided for write-in votes to be written on paper and counted separately from regular votes cast on the machines. Modern DRE equipment provides a keyboard for the voter to type the name of the write-in candidate. The same rules for misspellings and abbreviations apply to these votes, although on the newer equipment illegible handwriting and the use of stickers or labels are not issues.

STANDARDS FOR COUNTING WRITE-IN VOTES

Count the vote if:	a name is written in the blank but the box is not checked or the oval is not completed.
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	a name is misspelled or abbreviated, unless the voter's intent is unclear.
	a candidate's name is written above, below or next to the candidate's printed name, but not written in the write-in blank.
	a written message appears on the ballot clearly expressing the voter's intent, such as: "I don't have my glasses with me. Please make my vote count for Jane Doe for governor."
	the box next to a candidate's printed name is not checked (or the oval is not darkened), and the same name is written in the write-in blank (count one vote).
	the box next to a candidate's printed name is checked (or the oval darkened), and the same name is written in the write-in blank (count only one vote).
Do not count the vote if:	the instructions are to "Vote for One" and the voter makes an X or completes an oval next to a name that is printed on the ballot and also writes-in a different name for the same office.
	the ballot is not covered by any of the above sections and voter intent is too ambiguous to reach a conclusion.

COUNTING WRITE-IN VOTES

#	SITUATION	SHOULD VOTE COUNT?	LEGAL AUTHORITY	COMMENTS
1	Name is written on ballot in space provided, but box/oval is not checked.	YES	25-2903	Failure to make a cross/check mark or fill in the oval shall not invalidate that portion of the ballot unless it is impossible to determine voter intent.
2	Write-in candidate's name is misspelled.	YES	25-3002,	If the voter's intent may be determined. See Section IV g.
3	Governor/Lt. Governor running as a team. Only one name is written in.	YES	25-2903, AGO 94-110	If it is clear which gubernatorial ticket the voter intended to vote for.
4	Name written in is a presumably fictitious character. (ex: Mickey Mouse, Superman)	YES		Qualifications are determined after the canvass. There will be a vacancy in the office if the winning candidate does not take the oath of office.
5	Name written in is for an unqualified candidate.	YES		Qualifications are determined after the canvass. There will be a vacancy in the office if the winning candidate does not take the oath of office. Or, if an unqualified winning candidate attempts to take the oath, the person must be declared ineligible and a vacancy exists.
6	Write-in candidate for city/school office has name written in multiple times for same office.	YES		Count only one vote for that office.

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7	Write-in candidate receives write-in votes for multiple offices.	YES		Count them all.
8	No candidates file for a township office. A name is written in.	YES (see comment)	25-213	A write-in candidate must receive three or more write-in votes in order to have his/her name printed on the general election ballot. If the same person's name is printed as a candidate elsewhere on the ballot, the write-in vote does not count. See also #14 in this chart.
9	No candidates file for a national/state/county office. A name is written in.	YES (see comment)	25-213	A candidate must receive not less than 5% of the total of the current voter registration as compiled by the secretary of state to have his/her name printed on the general election ballot. (Note: No person shall be required to obtain 5,000 or more votes.) If the same person's name is printed as a candidate elsewhere on the ballot, the write-in vote does not count. See also #14 in this chart.
10	In a primary, a member of one political party (not a candidate is a write-in candidate of another political party).	YES	State ex rel Graybill v. Tipton (1948)	Note: A political party can nominate anyone meeting the basic criteria for the office as its candidate. A party's nominated candidate does not need to be a registered voter of that party.
11	No person files for the position of precinct committeeman or committeewoman.	YES	25-213	A write-in candidate must receive five write-in votes to be elected to this position.
12	Name is printed on the ballot as a candidate of a political party. Candidate's name is written in for precinct committeeman or committeewoman.	YES	25-213	Note: Only exception to the law prohibiting a candidate's name from appearing on the ballot more than once. KSA 25-213(c)
13	Name is printed on primary election ballot as a candidate of a political party. Candidate's name is written for other office or other party.	NO	25-213 25-2903	
14	Name is printed on general election ballot and also written in for another office on ballot.	NO	25-313 25-2903	

j. Recounts

The recount procedure is contained in a single statute: KSA 25-3107.

A recount is one of the two statutory methods for reviewing the results of an election. The other is the election contest, which is a district court proceeding (See next section).

A recount means simply repeating the process that produced the original election results in order to determine if the ballots were counted and the totals tabulated correctly. It does not review *whether* a ballot should have been counted; only *how* it was counted and whether the final totals were correct. The question of whether ballots should or should not have been included in the tabulation is left to the objection process in a primary election or the election contest in a general election.

1. Recount Procedures

A recount may be requested by: [KSA 25-3107(b)]

- a. the county board of canvassers if they discover “manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election,”
- b. a candidate, or
- c. a voter who voted in a question submitted election.

The person requesting the recount:

- a. may specify the precincts or voting areas to be recounted,
- b. may request a hand recount in counties where ballots are counted by optical scan systems, and
- c. must post a bond to cover the cost of the recount.

Requests for recounts must be in writing. For local elections they are filed with the CEO. Requests for recounts in state or national elections may be filed either with the Secretary of State or CEOs, as explained below.

If the county canvassers order a recount, they may formalize it in a written request filed with the CEO, or they may simply vote in favor of a motion to conduct the recount. In the latter instance the official record of the recount request is the minutes of the canvassers’ (county commissioners’) meeting.

The recount is conducted by a special election board appointed for that purpose. The CEO supervises the process but may not be a member of the board. It is important to note that conducting a recount means simply repeating the procedure that produced the original vote totals, with the exception that optically scanned ballots might be hand counted, depending on the request made. Regular ballots and provisional ballots which were invalid or spoiled and excluded from the original results are not included in the recount. Issues involving whether ballots should have been counted are not within the purview of the recount. Such issues must be raised in an election contest in district court in the case of a general election, or an objection in the case of a primary nomination. [KSA 25-1437, 25-308]

When the recount is completed, the county board of canvassers (in each county, in the case of a multi-county district) must reconvene to certify the results.

Recounts are considered open meetings. [KSA 75-4317] Authorized poll agents appointed for the election must be allowed to attend. No one other than the special recount board, the CEO or elections office staff may handle ballots or conduct the recount.

2. Posting Bond

The law requires the requester to “file with the CEO a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making such recount.” This often means the requester writes a check for the estimated amount of the recount and files it with the CEO. Some counties require a bond, cashier’s check or cash. The amount of the bond is determined by the CEO(s).

The “costs incurred by the county” are generally interpreted to mean only those expenses directly caused by the recount, such as salaries of special board members, copying and postage costs, clerical supplies and rental of special office space. Expenses could include overtime pay for regular employees and the cost of temporary employees hired specifically for the recount.

The “costs incurred by the county” does not include indirect costs such as standard salaries of regular employees or customary rent and office equipment.

Kansas Administrative Regulations 6-1-1 and 6-1-2 define direct and indirect costs for special elections. Although these regulations do not expressly govern recounts, they may be helpful in determining what costs are appropriate to include in the bond.

If the recount reverses the outcome of the election, the bond is not acted upon and the money is returned to the person who requested the recount. If the election is not reversed by the recount, the bond is used to reimburse the county(ies) for the costs.

3. Local Races

The deadline for requesting a recount in a local race is 5:00 pm on the day following the county canvass. The recount must be initiated the day after the request is made and completed by the close of business on the fifth day following the filing of the request, including Saturdays, Sundays and holidays. The word “initiate” is generally construed to mean that the CEO begins preparation for the recount, including contacting special election board members and notifying candidates. If a county election officer CEO is unable to reach a candidate, the county party chair must be notified instead. When possible, it is allowable to begin recounting ballots the same day, but often the actual ballot recounting begins later to allow all interested parties sufficient time to make arrangements to attend.

4. Statewide or multi-county districts

If a candidate wishes to request a recount in a statewide office or in an office comprising more than one county, the candidate may make a single request with the Secretary of State.

This includes the offices of President and Vice President, U.S. Senate and House of Representatives, Governor and Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Commissioner of Insurance, multi-county Kansas Senate and House of Representatives districts, and multi-county State Board of Education districts. [KSA 25-3107(c)] It does not include judicial offices. Individual requests may be filed with the respective CEOs, but it is simpler and easier to meet statutory deadlines if a single request is filed with the Secretary of State.

In the case of such a recount the Secretary of State sets the amount of the bond and oversees the recount. The bond is set with input from the CEOs.

The person requesting the recount may designate which counties to recount and the method of the recount (hand or optical scan).

5. State payment of costs

If certain conditions are met, the state will reimburse counties for the cost of the recount. [KSA 25-3107(d)(2)] The conditions under which this rule applies are specific:

- the election must be a general election for a national or state office,
- the margin must be 0.5% or less after the county canvass,
- the candidate must request a recount before the deadline, and
- the recount as requested must be conducted using the method by which the ballots were counted originally.

This provision does not apply to elections for judicial offices.

In cases where the automatic state payment provision applies, the Secretary of State coordinates with the state Division of Accounts and Reports, secures funding from the Legislature, and issues reimbursements to the counties. [KSA 25-3107(d)]

k. Election Contests

An election contest, along with a recount, is one of the two statutory remedies whereby a candidate or voter may cause the results of an election to be reviewed. [KSA 25-1435]. A contest is a district court proceeding, in which a wide range of issues may be reviewed.

1. Grounds for Filing an Election Contest

- (1) the contestee is ineligible to hold the office
- (2) one or more eligible voters were deprived of the right to vote, and their votes could have changed the outcome of the election
- (3) illegal votes were received, or legal votes were rejected, and the votes in question could have changed the outcome of the election
- (4) error or fraud occurred in computing the results of the election which could change the outcome of the election
- (5) the contestee bribed an election officer

(6) any other cause showing that a different candidate should have won or that the results of a question submitted election should have been different.

Note: These grounds are specified in the statutes governing contests, and they are also the grounds for filing objections to nominations. (See Section IV d.) [KSA 25-1436, 25-308(e)]

2. What Elections may be Contested

Election contests are allowed for any (1) official state or local question submitted election or (2) *general* election for state, county, township, city offices, and school offices.

Contests are not allowed for (1) local jurisdictions not listed above; (2) for elections of federal officers: presidential/vice presidential electors, U.S. Representative or U.S. Senator. [KSA 25-1435], or (3) for primary elections; the prescribed method of reviewing the outcome of a primary is an objection (See Section IV d.). [KSA 25-1434, 25-308]

3. Who may file an Election Contest

Any registered voter who was eligible to vote in the election may file a contest. [KSA 25-1435] The person who files a contest is called the contestant. The candidate whose election is being contested is called the contestee. [KSA 25-1437]

4. When to file an Election Contest

The deadline to file a contest of a candidate election is five days after the certificate of election is issued. The term “issued” is construed as “mailed” because mailing is the most common method of transmitting certificates to winning candidates. [KSA 25-1439]

The deadline to file a contest in a question submitted election is five days after certification of the results, or, in the case of statewide questions, five days after the certified results are published in the *Kansas Register*. [KSA 25-1440]

5. Where to file an Election Contest

Contests of persons elected on a statewide basis and contests of statewide question submitted elections are filed with the clerk of the district court of Shawnee County.

Contests of persons elected on less than a statewide basis (district offices) are filed with the clerk of the district court in the county where the contestee resides.

Contests of question submitted elections in jurisdictions smaller than the state are filed with the clerk of the district court of the home county, or in multi-county districts, the county where most of the population is located. [KSA 25-1438]

6. Procedure for an Election Contest

The contestant must file a written notice of contest specifying the grounds upon which the contest is based. [KSA 25-1437] Once a contest is filed, it is in the hands of the court and there is little the CEO or anyone else can do to affect the outcome except respond promptly to court requests for information pertaining to the case.

In contests of state legislative offices and statewide question submitted elections, statutes provide specific rules regarding notice of the contest, answers to notices of contest, court proceedings, and appeals of court decisions. [KSA 25-1439, 25-1440]

Election officers should note that the law specifically allows a party to a contest to request permission to inspect all ballots and voting machines. [KSA 25-1447]

In making its final determination, the court may order a new election, affirm the election of the contestee, or revoke the election certificate of the contestee and order the election officer to issue a new certificate to another candidate. In a question submitted election, the court issues an order stating its findings.

The county board(s) of canvassers is not required to recertify election results after a contest; the court's ruling becomes the official results.

Note: KSA 19-3424(a)(5), a statute which applies only to election commissioners (Johnson, Sedgwick, Shawnee and Wyandotte counties), states that the election commissioner serves as the clerk of the court for contested elections in county and local races. The statute directs contestants to file their contests with the election commissioner. It is unclear if this statute has ever been used, and questions on its interpretation and application should be directed to the county/district attorney or counselor.

7. Costs of an Election Contest

The court has the authority to waive the costs, but costs also may be assessed against the contestant if the results of the election do not change as a result of the contest. The contestee may be assessed costs if found responsible for any actions specified in the grounds for contest. [KSA 25-1452, AG Opinion 95-66]

Chapter IV. Candidates

Revised 7/17/19

This chapter focuses on candidates for national, state, county, township, city, school board, and community college offices. Consult specific statutes for rules governing the election of other offices, such as boards of directors of drainage districts, water districts, fire districts and hospital districts.

a. Nominations

A candidate must be nominated to run in the general election. Nominations occur in several ways and filing as a candidate for nomination occurs in several ways.

Partisan elections in even-numbered years

There are three ways for a candidate to be nominated to seek election in the general election. Two involve party nominations and the third is a nonpartisan, or independent, nomination.

1. Nomination at the primary election

The statutory definition of which parties may participate in the primary is: any political party whose candidate for governor polled at least 5% of the total votes cast in the most recent general gubernatorial election. [KSA 25-202(b)] Historically, this has applied only to Democratic and Republican candidates. This is the only option for these candidates to be nominated to represent their respective parties in the general election.

Only voters who are officially affiliated with a given party may vote in the partisan primary election [KSA 25-202] unless a given party opts to allow other voters to participate in its primary. The laws do not require candidates running for a given party's nomination to be affiliated with the party on the official voter registration/party affiliation list. The voters in the party are free to nominate whomever they want to represent the party in the general election; they are not limited to nominating a member of their party.

2. Nomination by a minor party

Minor parties, or third parties, that have obtained official recognition, nominate candidates at state conventions. The conventions are conducted entirely by the party organization and according to party rules. State laws say little about the conventions, other than establishing a deadline for candidate nominations to be certified to the Secretary of State. The certification to the Secretary of State includes all candidates nominated by the party's convention, including national, state, county and township offices. The statutory deadline

is the same as the filing deadline for primary candidates: noon on June 1 of the election year, or the next business day if June 1 is a weekend or holiday.

Minor party candidates do not run in the primary; they go directly onto the general election ballot, having already received their parties' nominations at the conventions.

[KSA 25-302]

3. Independent nomination

This option is for candidates who are not affiliated with any of the recognized political parties. Independent candidates must be nominated by petition. [KSA 25-303] The deadline for filing their petitions is noon the day before the primary election. The primary election is on the first Tuesday in August. Independent candidates do not run in the primary; they go directly onto the general election ballot. [KSA 25-305]

The filing deadline on the day before the primary election prevents so-called "sore loser" campaigns where a candidate who loses in the primary election runs as an independent candidate in the general election for the same office.

If no candidate files for the primary, a write-in candidate may be nominated by receiving write-in votes equal to 5% of the total number of registered voters in that election district, based on figures compiled by the Secretary of State. For purposes of determining ballot access requirements, such as candidate petition signature requirements, the Secretary of State uses voter registration figures as certified to the Secretary of State by the respective CEOs on August 1 of the year preceding the election year. The exception is for township offices, where only three write-in votes are required. No candidate may be required to receive more than 5,000 write-in votes to be nominated. [KSA 25-213]

If a person receives more than one nomination for the same office, the person must choose which nomination to accept. [KSA 25-306]

Nonpartisan elections in odd-numbered years

Elections for local school board and city offices are normally held in the fall of odd-numbered years. [KSA 25-2010, 25-2107] Some cities have exercised their home rule authority and adopted charter ordinances establishing other schedules, including annual elections and even-numbered year elections. School districts do not have home rule power and thus must conduct their elections according to the schedule prescribed in law.

The fall city and school board elections are nonpartisan. [KSA 25-2009] The filing deadline for municipal offices is June 1st at noon, and if there are three or fewer candidates for a particular office, no primary is held. In that case, the general election ballot contains up to three names and a write-in blank for each position to be filled.

If more than three candidates file for a position, a primary is required to reduce the number of candidates to two for the general election. The primary is held on the first Tuesday in August and the general election is the first Tuesday following the first Monday in November. [KSA 25-2021, 25-2108a]

b. Candidate Filings

1. National and state offices

Candidates for national and state offices must file with the Secretary of State's office. Democratic and Republican candidates intending to run in the partisan primary in August have a choice of filing by fee or petition. Whichever method they choose, the filing documents and fee (if applicable) must be received in the Secretary of State's office before the filing deadline in order for the candidate to be on the primary election ballot. If they file by fee, they must complete a Declaration of Intention to be a candidate, sign it and have their signature attested by an official in the Secretary of State's office or by the CEO or deputy. Therefore, the candidate may choose to complete their paperwork and have their signature attested in the county election office rather than traveling to Topeka, but it is still the candidate's responsibility to ensure that the proper documents are filed with the Secretary of State before the deadline. [KSA 25-205, 25-305]

2. County, township and local offices

Candidates for county, township and municipal offices file with their respective CEOs. [KSA 25-2110(a), 25-2110a(a)]

3. Political party precinct committee positions

Candidates for precinct committeeman and committeewoman for the Democratic and Republican parties are elected at the national/state primary in August of even-numbered years. They file notarized Declarations of Intention with their respective CEOs. No filing fee is required. [KSA 25-3801]

c. Candidate Qualifications

The qualifications a person must possess to hold elective office vary widely. For some offices, such as Secretary of State and State Treasurer, there are no constitutional or statutory qualifications, while for some, such as state legislator or county commissioner, there are very specific qualifications found either in the Kansas Constitution or various statutes, or both.

One example of a county office with specific requirements that the CEO must be aware of is sheriff. Each candidate for sheriff must be fingerprinted in the presence of the CEO at the time of filing. The election officer sends the fingerprints to the Kansas Bureau of Investigation for a background check. If the background check exposes a felony conviction or liquor or narcotics violation, the person is not qualified to run for the office. [KSA 19-826]

When a prospective candidate for any office inquires about the qualifications for an office, or during the review process after the filing period, the specific constitutional or statutory provisions must be consulted in order to determine the validity of candidate filings.

QUALIFICATIONS OF FEDERAL CANDIDATES AND OFFICEHOLDERS

U.S. President: [U.S Const Art 2, Sec 1, Cl 5]

- Age 35 when taking office
- Natural born citizen
- Permanent resident for at least 14 years

Disqualifications for President:

- No person can be elected president more than twice. [U.S. Const Amend 22]
- Upon conviction in impeachment cases, the U.S. Senate may disqualify convicted individuals from federal office. [U.S. Const Art I, Sec 3, Cl 7]
- No person who swore an oath to support the Constitution, and later rebelled against the United States, can become president. [U.S. Const Amend 14, Sec 3]

U.S. Senator: [U.S. Const Art 1, Sec 3, Cl 3]

- Age 30 when taking office
- 9 years a citizen
- Inhabitant of that state

U.S Representative: [U.S. Const Art 1, Sec 2, Cl 2]

- Age 25 when taking office
- 7 years a citizen
- Inhabitant of that State (*not* required to be an inhabitant of the district)

Note: “Inhabitant of that state” is not the same concept as “resident” of a state

QUALIFICATIONS OF STATE CANDIDATES AND OFFICEHOLDERS

Office Sought	Statutes	Resident and Elector at Time of Filing	Resident and Elector on Election Day	Elector Upon Taking Office	Resident Upon Taking Office	Other Qualifications
State Offices						
Governor and Lt. Governor	25-101a	YES				Age 25 at filing
Secretary of State	25-101a	YES				
Attorney General	25-101a	YES				licensed to practice law in Kansas
Insurance Commissioner	25-101a; 40-109	YES		YES	YES	well versed & experienced in the business of insurance
State Treasurer	25-101a	YES				
State Board of Education	25-1903, 72-245	YES			YES	
Senators and	KS Const.	YES	YES	YES	YES	

Representatives	Art. 2 Sec. 4					
District Court Judges *See KSA 20-331(b) if district has established residency requirements	20-331, -334, 25-312a				YES Some district residency requirements, some county requirements.	*KSA Chap. 4, Article 2 contains individual district qualifications.
District Magistrate Judges *See KSA 20-331(b) if district has established residency requirements	20-331, -334, 25-312a				YES Some district residency requirements, some county requirements.	*KSA Chap. 4, Article 2 contains individual district qualifications.
District Attorney	22a-102	YES				Nomination as district attorney: admitted to practice law in Kansas for 5 years - or - been a county attorney, asst county/district attorney for 3 years preceding
County Offices						
Commission	19-202, -203	YES	YES	YES	YES	
Clerk	19-301, -303					Must be a county resident if filling a vacancy
Treasurer	19-501, -504					
Attorney	19-701, -715					
Sheriff	19-801b, 804, 826b	YES	YES	YES	YES	High school graduate, fingerprinted for background check, no convictions
Register of Deeds	19-1201, -1203					
Local Offices						
School Board	25-2020, -2022a	YES			YES	
Community College Board of Trustees	71-1407, -1414	YES			YES	
Township Offices	80-202		YES	YES	YES	
City Offices						
1st Class Cities						

Note: Most 1st class cities have exempted themselves from state election laws by invoking home rule under the Kansas Constitution, Article 12, Section 5. The city of Emporia is one exception. Most laws pertaining to 1st class city elections have been repealed. Candidate qualifications are established by the individual cities.

Second- and third-class cities also may individually charter out of statutory qualifications by invoking home rule. City charter ordinances must be consulted to determine if the following statutory provisions are in effect.

Office Sought	Statutes	Resident and Elector at Time of Filing	Resident and Elector on Election Day	Elector Upon Taking Office	Resident Upon Taking Office	Other
2nd Class Cities						
City Manager			YES	YES	YES	
Commission	14-1301		YES	YES	YES	
Mayor-Council	14-109, -204, -205		YES	YES	YES	
Modified Mayor-Council	12-10a02		YES	YES	YES	
3rd Class Cities						
City Manager			YES	YES	YES	
Commission	15-1401		YES	YES	YES	
Mayor-Council	15-209		YES	YES	YES	
Modified Mayor-Council	12-10a02		YES	YES	YES	
Political Party Precinct Persons	25-3801	YES	YES	YES	YES	

d. Candidate Filing

The deadline for party candidates to file for national, state, county and township offices is noon on June 1 of the year of the election. If June 1 is a weekend, the deadline is noon on the next business day. The June deadline applies to Democratic and Republican primary candidate filings and to minor party conventions, whose officers must certify their nominees to the Secretary of State by noon on June 1. [KSA 25-205, 25-305]

Independent candidates for national, state, county and township offices must file their nomination petitions with the appropriate officers by noon on the day before the August primary election. [KSA 25-305]

The filing deadline for candidates for city and school board and community college boards of trustees elections is noon on June 1 of the year of the election. If June 1 is a weekend, the deadline is noon on the next business day. [KSA 25-2007]

Following is a chart of filing requirements for most candidates. Each election year the Secretary of State’s office releases information containing specific dollar amounts for fees and signature requirements for petitions.

CANDIDATE FILING REQUIREMENTS

Office	Fee	Filing Fees		Petition Requirements	
		GEC/SOS Fee*	Total Fee	Party Candidates	Independent Candidates
US President/ Vice President	N/A	N/A	N/A	N/A	5,000

US Senator	1% of salary	\$20	1% + \$20	1% of party	5,000
US Representative	1% of salary	\$20	1% + \$20	2% of party	Lesser of 4% or 5,000
Governor / Lt. Governor	1% of salary	\$670	1% + \$670	1% of party vote for SOS	5,000
Secretary of State	1% of salary	\$670	1% + \$670	1% of party	5,000
Attorney General	1% of party	\$670	1% + \$670	1% of party	5,000
State Treasurer	1% of party	\$670	1% + \$670	1% of party	5,000
Commissioner of Insurance	1% of party	\$670	1% + \$670	1% of party	5,000
State Senator	\$75	\$70	\$145	2% of party	4% of voters
State Representative	\$50	\$70	\$120	2% of party	4% of voters
State Board of Education	\$25	\$70	\$95	200 voters	200 voters
Supreme Ct. / Ct. of Appeals	N/A	\$20	\$20	N/A	N/A
District Judge	1% of salary	\$70	1% + \$70	2% of party	4% of voters
Dist. Magistrate Judge	\$100	\$70	\$170	2% of party	4% of voters
District Attorney	1% of salary	\$70	1% + \$70	5% of vote for SOS	5% of vote for SOS
County Officers	\$5 or 1% of salary	\$50	\$55 or 1% + \$50	3% of party	4% of voters
Township Officers	\$1	N/A	\$1	3% of party	Lesser of 10 or 5% of voters

* The Governmental Ethics Commission receives a statutory \$50 campaign finance report fee from candidates for state and county offices except retention judges. The Secretary of State receives a statutory \$20 administrative fee from candidates for all state and national offices except president.

Note: In redistricting years (2022, 2032, 2042, etc.) the filing deadline may be set on a date other than June 1, depending on when redistricting is completed. [KSA 25-205(h)] The redistricting process may also reduce the petition requirements for candidates who file by petition. [KSA 25-205(g)]

e. Determining the Validity of Nominations

For many offices it is the responsibility of the CEO to determine the validity of the filings. Determining the validity may include checking the Declaration of Intention for completeness, determining the sufficiency of a petition, determining whether a check written for a filing fee clears the bank, or determining whether a candidate possesses the necessary qualifications for office.

The CEO has three days from the date of a candidate filing for county office, township office, precinct committee position, local school board, or city office to determine its validity. [KSA 25-208a(b)]

For national and state offices, the filings are made with the Secretary of State's office, and a period of ten business days is allowed for determination of their validity. [KSA 25-208a(a)]

If a filing is determined to be invalid, the candidate may file an objection. [KSA 25-308] If a filing is determined to be valid, another person may file an objection if they believe the filing to be invalid. (See Section d below.)

f. Candidate Withdrawals

A candidate who has filed for any office may withdraw before the candidate filing deadline by submitting a notarized written statement of withdrawal. [KSA 25-306a] After the filing deadline and after the primary, a candidate for national, state, county or township office who does not wish to be a candidate may only withdraw from nomination if:

(1) the nominee certifies to the secretary of state of a severe medical hardship on the nominee or nominee's immediate family. The nominee shall send the secretary of state a certification of the severe medical hardship signed by a medical doctor; or

(2) the nominee certifies to the secretary of state that the nominee does not reside in the state of Kansas. [KSA 25-306b(b)]

Candidate withdrawals create vacancies in candidacies, which in the case of party candidacies are filled by party district convention. [KSA 25-3904, 25-3904a] There is no provision in law for replacing independent candidates if they withdraw. Likewise, there is no provision in law for replacing candidates in nonpartisan races.

g. Candidate Deaths

Whether a vacancy in a candidacy can be filled, and the procedure for doing so, depend on the timing of the vacancy. If a vacancy in a party candidacy occurs after the candidate filing deadline but before the primary, leaving the party with no candidate in the primary election, the party chooses a successor candidate. [KSA 25-3906] If a vacancy in a party candidacy occurs after the primary, the party chooses a replacement candidate. [KSA 25-3905]

After the primary, if a candidate who has been nominated for a national, state, county or township office dies before September 1, the Secretary of State or the CEO notifies the party chair within 48 hours. [KSA 25-306b(c)]

The law does not contain special provisions for a death which occurs late in the process after ballots have been printed. Generally, if it is possible to reprint the ballots, the CEO should do so. If it is too late to reprint but the ballots can be corrected by hand and voters can be instructed about the change in the ballot, that should be done. "Correcting by hand" usually means obliterating the incorrect information with a marker and hand-writing the correct information on each ballot. In such cases the election board workers should be instructed to inform voters of the ballot correction.

If ballots are not hand-corrected, it is left to the voters to decide which candidates are qualified and to vote for their choice.

There is no provision in law concerning the death of an *independent* candidate for national, state, county or township office or for the death of a candidate for city or school board or other nonpartisan office.

h. Write-in Candidates

At any general election, write-in blanks are provided on the ballot for each office. At primary elections, write-in blanks are provided only if no candidates filed for the office. [KSA 25-213]

In some cases where more than one position is filled on the same governing body (ex: local school board, city council, community college board of trustees), the number of write-in blanks equals the number of positions to be filled. [KSA 25-612]

A person who is not a filed candidate who wishes to run as a write-in candidate may simply announce to the voters that he/she is a write-in candidate and conduct a campaign to secure their votes the same as any other candidate. Of particular concern is telling voters where on the ballot to write the candidate's name and spelling it correctly so that the voter's intent is not questioned.

No filing document is required of write-in candidates for most offices, the exception being certain statewide offices. The law requires write-in candidates for president/vice president and all state offices elected on a statewide basis to file affidavits of write-in candidacy with the Secretary of State by noon on the second Monday preceding the general election in order to have their write-in votes tabulated and reported as part of the official election results. This applies to the offices of President/Vice President of the United States, Governor/Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and Commissioner of Insurance. [KSA 25-305, 25-305b] It does not apply to U.S. Senator or U.S. Representative.

When a candidate files an affidavit of write-in candidacy with the Secretary of State, the CEOs are required to report write-in votes for the candidate, and the official election abstracts are prepared so as to include the candidate's name.

If a write-in candidate for statewide office does not file the affidavit, election officers are not required to tabulate and report the write-in votes cast for that candidate for that office. [KSA 25-3002(c), (d), (e)]

For local candidates and others not required to file affidavits of write-in candidacy, the CEO and the Secretary of State must be aware of write-in candidacies as they occur, because write-in candidates can win elections. Write-in candidacies are recognized in Kansas law, and all that is required to win an election is to obtain more votes than the other candidates for that office.

Write-in candidates for any office are subject to the regular campaign finance reporting requirements of the office for which they are running. (See also Section IV e.)

i. Objections

An objection is a method to review the validity of a candidate filing or nomination. It may occur at either of two points in the election process:

- (1) after the candidate files for office [KSA 25-208a], or
- (2) after the candidate wins a party's nomination. [KSA 25-308]

An objection at the time the candidate files for office may occur in one of two ways:

- (1) a person other than the candidate files an objection, [KSA 25-308(a)(1)] or
- (2) the candidate files an objection if the CEO or the Secretary of State determines the candidate's filing to be invalid. [KSA 25-208a(c), KSA 25-308(a)(2), (b)]

Any person may file an objection after the candidate is issued a certificate of nomination after the primary.

The deadline for filing any objection is:

- (1) three days after the date of the candidate's filing, or
- (2) three days after the determination of invalidity by the election officer, or
- (3) three days after the date of the issuance of the certificate of nomination after a primary.

Note: The date of issuance of the certificate of nomination varies by office. Certificates for local offices are issued after the county canvass. Certificates for national and state offices are issued after the state canvass several weeks later.

[KSA 25-308(a)]

Objections to nominations for national and state offices are filed with the Secretary of State. Objections to nominations for local offices are filed with the CEO.

The grounds for filing an objection are the same as the grounds for contesting a general election in court: [KSA 25-308(e), 25-1436]

- (1) the candidate is ineligible to hold the office
- (2) one or more eligible voters were deprived of the right to vote
- (3) illegal votes were received or legal votes were rejected
- (4) error or fraud occurred in computing the results of the election which could change the outcome of the election
- (5) the candidate bribed an election officer, or
- (6) any other cause showing that a different candidate should have won.

For national and state offices, objections are decided by the state objections board, consisting of the Lieutenant Governor, Secretary of State and Attorney General. For county, township, city and school offices, objections are decided by the county objections board, consisting of the CEO, county or district attorney and an elected county official whose position is not involved in the controversy. The latter official is designated by the CEO. [KSA 25-308(c)]

By their nature, objections are filed during the election process at a time when it is urgent that the matter be concluded and the process of printing ballots and preparing for election day continue without delay. According to the law, the objections board makes its decision by majority vote, and the decision is final. There is no provision in the law for appellate review by a court of a decision by the objections board. [KSA 25-308(c)] In extraordinary cases alleging bad faith, fraud, arbitrary action, corruption or oppression an action for quo warranto, mandamus or injunction may be brought. Courts have held that the objections board is a quasi-judicial body. This gives the objections board more authority than a mere administrative body. It possesses broad powers to investigate facts, weigh evidence and draw conclusions as a basis for official action. The purpose is to decide cases as they arise and get on with the process of conducting the election.

j. Campaign Finance

Once a person files as a candidate or announces his/her candidacy, the candidate must follow all campaign finance rules pertaining to the office for which the candidate is running. The rules vary with the office, but they may limit the size of contributions, the source of contributions, the way funds are spent, and set the time and location of filing reports of receipts and expenditures.

Candidates for national offices file with the Federal Election Commission according to federal laws and regulations. The Secretary of State maintains access to the FEC reports via the Internet, as provided by federal law. The public may view the reports on computer equipment in the Secretary of State's office or via the Internet on their personal computers.

Candidates for state offices file periodic finance reports with the Secretary of State. [KSA 25-4148] Oversight of the campaign finance system for state candidates is exercised by the Kansas Governmental Ethics Commission. In campaign finance and ethics issues, the rules include candidates for first class city offices, school districts of more than 35,000 students (one district in Sedgwick County) and the Board of Public Utilities in Wyandotte County.

Candidates for local offices file their reports with the CEO. [KSA 25-901] This includes county and township offices, all school districts except one in Wichita, and all second- and third-class cities. These candidates file reports 30 days after the primary and 30 days after the general election. If they anticipate receiving or spending less than \$1,000, they may file an affidavit of exemption no later than the ninth day before the primary election. In this case they do not have to file finance reports unless their receipts or expenditures rise above \$1,000, at which time they are subject to the reporting requirements. [KSA 25-904]

Electronic campaign finance

The Secretary of State maintains an electronic campaign finance system for use by state-level candidates, parties and political action committees. Candidates for statewide office are required to file reports electronically. [KSA 25-4148] Candidates for district offices (not statewide offices) have the option of filing electronically. If they choose not to file electronically, they may file on paper or by fax. The electronic system provides greater

public access to the receipts and expenditures by allowing anyone with a computer and Internet access to view the reports free.

k. Political Parties

A political party must be officially recognized by the Secretary of State before being allowed to nominate candidates for elective office or participating in the Kansas electoral process. As of this writing there are three recognized parties: Democratic, Republican, and Libertarian. [KSA 25-302a]

Official Recognition [KSA 25-302a]

A party seeking official recognition in Kansas must submit a petition to the Secretary of State by noon on June 1 of the year of the first election in which they plan to participate. The petition must contain the signatures of registered voters in the state equal to two percent of the total votes cast for all candidates for governor at the most recent general election at which the office of governor was elected.

Upon submission of a petition, the Secretary of State sends photocopies to the CEO in each county in which signatures were collected. The respective CEOs have 20 days to review the signatures, compare them to their signature files, and certify to the Secretary of State the number of valid signatures contained on their portion of the petition. The Secretary of State determines the overall sufficiency of the petition and informs the petitioners of the decision in writing.

Certain groups are forbidden from becoming recognized political parties. [KSA 25-116, 25-117]
(For more on petitions to obtain official political party recognition, see Section V a 5.)

Loss of Official Recognition

A recognized political party must meet two requirements at each national/state general election in order to maintain its official status: (1) it must nominate a candidate for at least one office elected on a statewide basis, and (2) at least one such statewide candidate of the party must receive at least 1% of the total votes cast for the office. If a party does not meet either requirement in a given election, the Secretary of State notifies CEOs that the party is no longer recognized. [KSA 25-302b] Registered voters affiliated with the party are subsequently listed as unaffiliated on the county voter registration list. [KSA 25-302c]

Party Contact Information

The following information may be used to contact any of the political parties currently recognized in Kansas. This information might become outdated at any time, and parties are not required to keep current information on file with the state.

**RECOGNIZED POLITICAL PARTIES IN KANSAS
CONTACT INFORMATION**

Party	Address	Phone	Email/ Website
Democratic	PO Box 1914 Suite 706 700 SW Jackson Topeka, KS 66601	(785) 234-0425	kdp@ksdp.org www.ksdp.org
Republican	2605 SW 21 st Street Topeka, KS 66604	(785) 234-3456	chairman@ksgop.org www.kansas.gop/
Libertarian		(816) 810-5818	KCLibertarian@kc.rr.com www.lpks.org chair@lpks.org

Chapter V. Petitions

Revised 7/17/19

The right to circulate petitions can impact constitutional rights. The scope of the right to petition varies from state to state, depending on state constitutions and statutes. In Kansas, the right to petition is less expansive than in some other states and is statutory.

The processes of circulating and filing petitions, and election officers' review of petitions, can often become complicated. Although state statutes provide guidance in every situation, many additional rules for circulating petitions and for determining their sufficiency result from federal and state court cases.

Whether a person is a petition circulator filing a petition, an election officer receiving the petition, or a county attorney or counselor providing advice, it is important to know what type of petition one is dealing with to know the rules for answering the questions that inevitably arise. For instance, it is crucial to know whether a fundamental, constitutional right is involved in order to know how to legally make determinations regarding the petition. (See Section d in this chapter.)

a. Types of Petitions

Six major types of petitions are reviewed here.

1. Protest petitions

These are petitions authorized by specific statute allowing citizens to protest, or question, the action of a governing body. Often the protested action is an ordinance or resolution passed and published by the governing body in the normal course of its business.

A successful protest petition stops the governing body from carrying out the action detailed in the ordinance or resolution unless a majority of voters approve the action at a special election held in the jurisdiction.

A protest petition has three possible results:

- (1) An election is held with a majority of voters voting *against* the proposed action by the governing body, meaning there were more No votes than Yes votes. The governing body may not proceed further unless the entire process is begun again at a later time.
- (2) An election is held with a majority of voters voting *in favor of* the proposed action by the governing body, meaning there were more Yes votes than No votes. The governing body may proceed as planned.
- (3) The governing body may abandon its ordinance/resolution, recognizing there is strong voter sentiment against the planned course of action.

Because there are dozens of statutes authorizing protest petitions, there is no set of petition forms easily obtainable for use in exercising this right. Petitioners are advised to retain

private legal counsel to assist in drafting the petition, or at least to study relevant statutes on their own to learn the requirements of the petition.

A protest petition must be submitted to the county or district attorney, or the county counselor in counties that have counselors, for an opinion as to the legality of the form of the petition. The attorney has three options: (1) issue an opinion within 5 days expressing approval of the form of the petition; (2) not issue any opinion and the form of the question shall be deemed in compliance with the requirements of the act; (3) issue an advisory opinion that states the form of the question does not comply with the requirements of the act and state the specific grounds why. [KSA 25-3601(a)]

Protest petitions always pertain to an action taken by a local governing body, not a state or federal agency. They are circulated, filed and reviewed at the local level of government.

2. Statutory initiative petitions

These are petitions, with individual and specific statutory authorization, allowing citizens to initiate certain county or local government actions. They are different from protest petitions in that they are not circulated in protest of an action already taken by a governing body; rather, they seek to force a governing body to take action on an issue.

The statutory initiative petitions authorized in Kansas law should not be confused with general initiative petitions in other states. Some state constitutions grant broad authority to citizens to create new laws or submit constitutional amendments for statewide votes by petition. In Kansas, each initiative petition is grounded in statute, and these petitions do not create new laws or constitutional amendment elections. They merely force an existing governing body in a specific jurisdiction to take a desired action. Examples include petitions to establish corporate swine or dairy production or liquor by the drink, change the method of election of city council or local school board members, or to increase the number of members of a board of county commissioners.

As with protest petitions, statutory initiative petitions are required to be filed with the county or district attorney, or county counselor, for an opinion as to the legality of the form of the petition. The attorney has five business days to issue an opinion.

Most statutory initiative petitions deal with local governing bodies and are reviewed by county election officers or other local officers, although some are state-level petitions, such as a petition to change the method of selection of judges in a judicial district.

There is one type of petition authorized by law that can bring about new city ordinances, the subjects of which are not specifically outlined in law. The statute, KSA 12-3013, is titled "Petition for proposed ordinance." The electors in any city may propose the adoption of an ordinance by petition. If the petition is signed by the required number of voters, the city governing body may either (1) adopt the ordinance within 20 days without alteration, or (2) call a special election after 20 days, unless a regular city election is to be held within 90 days thereafter in which case the ordinance should be submitted at that election, to see if a majority of the voters in the city approve of the ordinance. If approved, the ordinance

goes into effect and may not be repealed or amended without another election or without having been in effect for ten years.

3. Candidate petitions

Candidate petitions are allowed by statute for certain candidates in many of the elective offices in Kansas. The specific requirements for these petitions are found in the various statutes governing candidate filings for the offices, but usually the requirement for a petition is signatures of registered voters in the election district equal to a percentage of the total registered voters, or the total affiliated with the party. Sometimes the requirement is a percentage of the total votes cast for the office of Secretary of State at the last general election at which the Secretary of State was elected.

The format for the petition forms is spelled out in the specific statutes governing the candidate filings.

Candidate petitions fall into two groups: (1) filing petitions and (2) nomination petitions.

(1) Filing petitions place the candidate's name on a primary election ballot. They may be used by candidates seeking the Democratic or Republican nominations for national, state, county and township offices at the partisan primary, or by candidates for city and local school board offices to file for their nonpartisan primaries. Filing petitions are used in lieu of a filing fee at the candidate's choice; the candidate must still win the primary election to proceed onto the general election ballot. All candidates, even those who file by petition, still must pay administrative fees to the Governmental Ethics Commission, and candidates for national and state offices also pay an administrative fee to the Secretary of State.

(2) Nomination petitions place the candidate's name directly on the general election ballot for national, state, county and township offices. They are filed by independent candidates (unaffiliated with a recognized political party). Such candidates do not pay a filing fee; in fact, there is no fee option for independent candidates.

Note:

Running as a candidate for public office can impact fundamental rights under the constitution. A CEO must be mindful of this when reviewing and determining the sufficiency of such petitions. (See Section d below.)

Exceptions to Candidate Petitions

Candidates representing recognized political parties for the offices of president and vice president of the United States are nominated for the general election at their parties' national nominating conventions and do not have an option of filing petitions, although independent candidates for president and vice president *must* be nominated by petition. Candidates representing recognized third parties for national, state, county and township offices are nominated for the general election at their parties' state nominating conventions and do not have an option of filing petitions.

Following are general requirements for candidate petitions.

Candidate Petition Requirements

Primary Candidate Petitions [KSA 25-205]

- The number of signatures required for United States Senator or for a state officer elected on a statewide basis (Governor/Lt. Governor, Secretary of State, Attorney General, Commissioner of Insurance, State Treasurer) is 1% of the current party registration total as compiled by the SOS. This means the most recent registration figures certified to the SOS by the county election officers.
- The number of signatures required for state or national officer elected on less than a statewide basis is 2% of the current party registration total in the district.
- The number of signatures required for a county office is 3% of the current party registration total for the district as certified to the SOS.
- The number of signatures required for a township office is 3% of the current party registration total for the township as certified to the SOS.
- Candidates are requested to fill out a declaration of intention form with the filing officer to provide information used in designing the ballot and contacting the candidate.

Note: There is a limit of 5,000 signatures for any candidate petition, so the requirement is the lesser of 5,000 or the percentage of voters.

Independent Candidate Petitions [KSA 25-303]

- No person who has declared and retains a party affiliation may file as an independent.
- Candidates for any office to be filled by the voters of the entire state file a petition with signatures of 5,000 registered voters, however, in the case of the governor and lieutenant governor, it must be 5,000 registered voters for the pair.
- The number of signatures required for a national, state, or county office is 4% of the qualified voters of the district as certified by the county election officers to the SOS. In no case should that total be less than 25 nor more than 5,000.
- Candidates for township offices file a petition containing signatures of 5% of the qualified voters, and in no case fewer than 10 signatures.
- Signers of the petition must reside in the same county or district.
- No person may sign the petition of more than one person for the same office.
- A nomination paper for a candidate for governor must also contain the name of a candidate for lieutenant governor.
- The filing deadline is noon on the Monday preceding the date of the primary election. [K.S.A. 25-305(b)]

Petition Forms

- Candidates may obtain nomination petition forms in either the elections division of the Secretary of State's office or in the county election office.
- The top section of the petition, stating the candidate's name (as it is to appear on the ballot), address, office sought, etc., must be completed before the petition can be circulated and signed. [KSA 25-205(b)] It includes a declaration that the signer intends to support the candidate named in the petition.

Circulators

- According to Kansas law, circulators must: [1] be a United States citizen; [2] be at least 18 years of age; [3] have not been convicted of a felony or if convicted of a felony been pardoned or have had civil rights restored; and [4] agree to submit to the jurisdiction of the state for purposes of subpoena enforcement regarding the integrity and reliability of the petition process. [KSA 25-3608]
- Candidates may be circulators for themselves. [KSA 25-205(d), 25-303(e)]
- The circulator of each page of the petition must witness every signature placed on the page and must include a signed, notarized affidavit of that fact with the petition. One affidavit may apply to all pages submitted by a particular circulator. [KSA 25-3602(b)(4); 25-205(d); 25-303(e); AGO 77-303; AGO 78-40; AGO 81-230]
- A circulator may circulate petitions in more than one county, as long as each petition sheet contains residents of the same county.

Petition Signers

- Only persons of the same party affiliation who are registered voters may sign a petition for a candidate nominated by a party. [KSA 25-205(b)]
- Petition signers must include their printed name, signature, address, city, and date signed. Candidate petitions can impact fundamental rights under the constitution. A CEO should be mindful of this when reviewing for sufficiency of petitions. The Kansas Court of Appeals has held that because of the fundamental rights affected in a recall petition, statutes regarding them "should be interpreted liberally" and "any restriction" be "narrowly construed." *Cline v. Meis*, 21 Kan. App. 2d 622, 905 P.2d 1072, 1076 (Kan. Ct. App. 1995). For example, the Court held that the addresses of the signers did not need match the addresses on their voter files. *Id.* at 1078. If the signers are currently registered voters in the election district of the candidate, their signatures count. *Id.* (See Section d in this chapter.) [KSA 25-205(c), 25-303(e)]
- A person may sign only one petition for each office. [KSA 25-205(c)]
- All signers of each petition sheet must reside in the same county and election district.
- A signer may withdraw his/her signature from a petition by giving written notice to the election officer no later than the third day after the petition was filed. [KSA 25-3602(c)]

Filing Petitions

- The petition filing deadline for candidates representing political parties is noon on June 1, or if that date falls on a weekend or holiday, at noon on the next business day. [KSA 25-205(a)(1)] In redistricting years (the second year of the decade), the filing deadline may be on a date other than June 1. [KSA 25-205(g), (h)]
- The filing deadline for independent candidates is noon the day before the state primary election on the first Tuesday in August. [KSA 25-305(b)]
- If more than one circulator is carrying petitions for the same candidate, all must be submitted as a group to the appropriate filing office at one time. [KSA 25-3602(a)]
- The petition must be filed within 180 days after the date the first signature was collected. [KSA 25-3602(d)]
- Petitions for United States senator, representatives in Congress and state officers (governor/SOS/AG/commissioner of insurance, state treasurer, state senators, state representatives, members of state board of education, district court judges and district magistrate judges) must be filed in the office of the SOS. [KSA 25-208(1)]
- Petitions for county and township officers must be filed in the county election office. [KSA 25-208(2)]

Validity

- The SOS determines the validity of petitions for U.S. senator or representative or state office within 10 days (excluding Saturdays, Sundays and holiday) of the date of filing. [KSA 25-208a(a)]
- The CEO determines the validity of petitions for county and township office within 3 days of filing. [KSA 25-208a(b)]
- If a petition is found to be invalid, the election officer notifies the candidate of the invalid filing and the reason for the finding. The candidate may file an objection to such finding. [KSA 25-208a(c)]
- If a petition is found to be invalid, a candidate may not then submit additional signatures to create a valid filing. Partial filings are not permitted. Later or successive filings of documents are considered separate petitions. [KSA 25-3602(a)]
 - In cases where a person has signed more than one candidate's petition, his/her signature will count only on the first petition filed. In the case of independent nominations, if a person signs more than one petition for the same office, none of the signatures count, except that if the petitions are not filed simultaneously the first signature filed probably will already have been counted. [KSA 25-303(g)]
- Ditto marks are allowed in the address column on candidate petitions as long as they are "continuous and clearly made." [KSA 25-205(c)]

Legal References

KSA 25-205, 25-303, 25-2010, 25-2110

AGO 84-41

Constitution Party of Kansas, et al. v. Biggs, District Court Case No. 10-CV-4043

4. Recall petitions

Recall petitions may be filed by registered voters who wish to bring about an election to remove an elected official from office. Prior to circulating a petition to recall a local officer, a copy of the petition accompanied by the names and address of the recall committee and sponsors must be filed in the county election office. The members of the recall committee must subscribe before the CEO the copy of the petition so filed. a recall committee of three persons must register with the county election officer before circulating a petition for the recall of a local officer, and a list of circulators (called sponsors) also must be on file in the election office. Before circulation, the petition must be reviewed by the county/district attorney, who issues an opinion as to the sufficiency of the grounds for recall and the format of the petition, among other things. A local officer cannot be recalled during their first 120 days of their term in office or within less than 180 days remaining on their term in office. After the petition is circulated and filed, in order to be deemed sufficient it must contain names of registered voters in the election district equal to 40% of the total votes cast for all candidates for the office to be recalled at the last election for the current term of the person sought to be recalled. The necessary signatures on a petition for recall of a local officer must be secured within 90 days of the date the first signature was collected. If the person being recalled was appointed to the office to fill a vacancy, the signature requirement is computed using the election at which the officer's predecessor was elected.

There are separate procedures outlined in the law for recall of state officers and for recall of local officers.

For state officers, the petition procedure has two phases:

- (1) An application for recall, along with a required fee, must be filed in the office of the Secretary of State, or with the lieutenant governor's office if the secretary of state is to be recalled. The application must include, among other things, signatures of 10% of the number of votes cast for all candidates for the office sought to be recalled at the last general election for the current term of office.
- (2) If the application is approved, the recall petition must contain signatures of 40% of the number of votes cast for all candidates of the office to be recalled at the last general election at which the person was elected to the current term.

National officeholders and judicial officers are not subject to recall.

Note:

Recall petitions and voting to recall office holders can impact fundamental rights under the constitution. *Cline*, 21 Kan. App. 2d 622; Kan. Atty. Gen. Op. No. 99-38. The county election officer should be mindful of this when reviewing such petitions. (See Section d of this chapter.)

(For more on recall elections, see Chapter II, Section a 6.)

Legal References

KSA 25-4301 through 25-4331

5. Political party recognition petitions

The only method prescribed in Kansas law for political parties to gain official recognition is to file a petition with the Secretary of State. The petition must contain signatures of registered voters in the state equal to 2% of the total votes cast for all candidates for the office of governor in the last general election at which the governor was elected. The petition must be submitted by noon on June 1 of the year of the election in which the party wants to participate. [KSA 25-302a]

When a petition is filed, the Secretary of State distributes copies to the county election officers in the counties where the signatures were collected. The county election officers are allowed twenty days to notify the Secretary of State how many valid signatures were contained in the petition. The Secretary of State determines the sufficiency of the petition and notifies the petitioners. [KSA 25-302a]

Once a party has gained recognition, it may nominate candidates for general elections. The state voter registration application form is revised by the Secretary of State to list the new party as an option for party affiliation. [KSA 25-2309(b)(20)] Party affiliation lists maintained by county election officers, and certified periodically to the Secretary of State, must be modified to include the party. [KSA 25-3302]

(See also section IV f.)

Following are general requirements for party recognition petitions.

Requirements for Party Recognition Petitions

Note:

Formation of political parties can impact the exercise of the freedom of association for the advancement of political beliefs and the right of qualified voters to cast their votes effectively; both are fundamental rights. *See Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968). Thus, a petition seeking official recognition of a party must be considered a fundamental rights petition and the laws and rules governing the determination of sufficiency should be liberally construed. (See Section d of this chapter.)

- The petition must be filed no later than noon, June 1, prior to the primary election held in August in even-number years, or if such date falls on Saturday, Sunday or a holiday, then the next following business day. [KSA 25-302a]
- The petition must contain signatures equal to 2% of the total votes cast for all candidates for the office of governor in the last preceding general election.
- The petitions declare support for the official recognition of a political party, the name of which must appear in the declaration. The Secretary of State may reject a party name if it is too long or too similar to the name of an existing recognized party. [KSA 25-302a]
- Each page or set of pages must have attached an affidavit stating that the circulator has the qualifications of a petition circulator, an elector of Kansas, except for residency, and that the circulator personally witnessed the signing of the petition

by each person whose name appears. The affidavit must be notarized. [KSA 25-302A; KSA 25-3608]

- Each page contains names of registered voters of a single county.
- The petition must be grouped according to the counties where the petition was circulated.
- The entire petition must be filed at one time. Any related petitions presented separately will be deemed separate and not part of earlier filings.
- No more than 20 days following receipt of petitions from the SOS, the CEO must certify the number of valid signatures. The SOS notifies the person who submitted the petition of the sufficiency or insufficiency of the signatures.
- Any registered voter may sign the petition regardless of party affiliation or lack thereof.

Legal References

KSA 25-116, 25-117, 25-302a, 25-302b, 25-302c

6. Unofficial, Nonbinding Petitions

Sometimes groups of citizens circulate unofficial petitions and present them to elected officials in an attempt to convince them to take an action desired by the petitioners. Absent a statute authorizing a petition for a specific purpose, the petition is likely not binding, but instead a political statement or expression by a group of citizens. If presented with such a petition, the county may wish to consult with their county attorney or counselor.

b. Petition Circulators

State laws were changed in 2001 to comply with a decision of the U.S. Supreme Court in *The U.S. Supreme Court has held that states may require petition circulators to possess the qualifications of electors in the states where they circulate petitions (i.e., they must be U.S. citizens and eighteen years of age or older), and they may require residency in the state, but they may not require actual registration or residency in the specific county or election district. Buckley vs. American Constitutional Law Foundation, Inc.* Kansas law reflects this decision, as well as a similar Kansas federal case, that petition circulators need not be Kansas residents. [KSA 25-302a]; *See Constitution Party of Kansas, et al. v. Biggs*, No. 10-CV-4043 (D. Kan.)

c. Procedure for Circulating

The statutes governing a particular type of petition might specify certain requirements, such as who may sign the petition, how many signatures are required, and the officer with

whom it must be filed. In such cases the specific rules should always be followed. If the statutes are not specific, there are general rules in KSA 25-3601 through 25-3608.

In general, the following rules should be observed:

1. The petitioners must submit the blank petition form to the county/district attorney (or county counselor if the county has one) for a written opinion as to the legality of the question on the petition. The attorney is required by law to issue an opinion within five business days. [KSA 25-3601(a)]
2. The petition circulators have 180 days from the date of the first signature to file the petition with the appropriate officer. [KSA 25-3602(d)] The period allowed for recall petitions is 90 days from the date the recall committee is notified that the petition form is valid. [KSA 25-4310, 25-4324]
3. For candidate petitions, recall petitions and party recognition petitions, each page of the petition may contain names from only one county. For other types of petitions such as protest petitions and statutory initiative petitions, there is no general statutory requirement that each page of the petition contain names from only one county, although this is strongly recommended to reduce the difficulty of verifying signatures.
4. The petition must be filed all at once. Later, partial filings are considered separate petitions. [KSA 25-3602(a)]
5. Each circulator must sign a notarized affidavit swearing that the circulator personally witnessed the signatures contained on that circulator's petition pages. One affidavit may be used for multiple pages if the affidavit and all pages are attached together. [KSA 25-3602(b)(4)]

d. Determining Sufficiency of Petitions

Most petitions are filed with the county election officer, who is charged by law with the responsibility of determining the sufficiency of the petitions. Some petitions of national or statewide application are filed with the Secretary of State, who then coordinates with the various county election officers to determine sufficiency of the petitions. In some instances, the law requires petitions to be filed with other local officers, such as the county commission or city clerk. In such cases the county election officer is often involved at least to the point of supplying voter registration lists, if not to the extent of verifying the petition.

Fundamental Rights Petitions

Given the state and federal court cases handed down in recent years, it is imperative that the person verifying a petition know whether the petition involves a fundamental right before checking the signatures. A fundamental right can be a number of rights protected by the U.S. or Kansas Constitution. Some rights in the election contests include such as running for office, forming a political party [*Williams v. Rhodes*], or recall [*Cline v. Meis*]. Restrictions affecting petitions that impact involve fundamental rights are liberally construed. See *Cline v. Meis*. In such cases, a signature should be counted if the address shown on the petition next to the signature is in the election district affected by the petition,

even if the address does not match the residence address on the signer's voter registration record. *Id.* All the signatures on a particular page of any petition must be from voters in the same county.

A signature may still be invalidated if it does not reasonably appear to be the same as that contained on the registration list, if the signer is not a registered voter in the district, if the signer is not in the same county as the other signers on the page of the petition, or if the date of the signature is beyond the 180-day limit for filing the petition. Part or all of the entire petition may be invalidated if a circulator's affidavit is incorrect or if it does not contain the required number of valid signatures. The general rule for fundamental rights petitions is to count the signature if the associated information indicates the person is a registered voter in the election district unless the election officer has reason to believe the signature was not personally signed by the individual. *See generally Id.*

For petitions not involving a fundamental right, stricter rules may be applied in accordance with state laws and regulations. Examples of such petitions include petitions to establish or abolish liquor by the drink, corporate swine or dairy production facilities, school district local option budgets, and protest petitions. In these cases, a petition signature may be invalidated if the address does not match that on the registration list.

Guidelines for Verifying Petitions

The following is a general guideline to use to efficiently and thoroughly verify that the necessary number of signatures appear on a petition and that the petition itself conforms to law.

1. Make a photocopy of the original petition that can be written on.
2. Develop a scheme for coding signatures. See the Petition Verification Chart at the end of this section.
3. Verify the date that the first signature was obtained to ensure that no signatures nor the petition is to be invalidated due to timeliness.
4. Skip questionable signatures and return to them only if they are needed to meet the minimum qualifications of the petition.
5. Count only the signatures of registered voters unless the specific statute governing the petition does not require registration.
6. If the same person appears to have signed more than once, count only one signature.
7. Once the required minimum number of valid signatures is reached, it is not necessary to waste office employees' time in continuing to verify the remaining signatures.

It is strongly recommended that county election officers use the Petition Verification Chart at the end of this section and the petition module in the ELVIS voter registration system when reviewing signatures on petitions. The Secretary of State requires use of the coding system on the chart in determining sufficiency of petitions on national and state issues. Counties may use other coding systems for petitions on local issues, but a single system used for all types of petitions is less complicated.

Open Records

Petition documents are open records under the Kansas Open Records Act.

Illegal Activities

Suspected illegal activities such as fraud, forgery, multiple signatures by the same person, and false affidavits may be referred to law enforcement officials, the county or district attorney, or the Attorney General for investigation and possible prosecution.

Legal Advice

Election officers are not trained or authorized to provide legal advice to petitioners. It is common for individuals or groups wishing to draft and circulate a petition to ask the Secretary of State or the county election officer for advice and research on statutes pertaining to their issue. If the election officer has a past example of a particular type of petition being considered, he/she may provide copies to the persons inquiring. The persons planning to circulate the petition should be advised to retain private legal counsel to advise them in drafting the appropriate documents and following prescribed procedures.

Legal References

KSA 25-3602

KAR 7-28-1

U.S. Supreme Court, *Buckley vs. American Constitutional Law Foundation, Inc.*

Kansas Court of Appeals, *Cline vs. Meis*

PETITION VERIFICATION CHART

CODE	MEANING	COMMENTS
# ____	DUPLICATE SIGNATURES	Write the page number of the signature that has already been counted. Count only one.
A	AFFIDAVIT OF PETITION CIRCULATOR	Circulator signed affidavit on back of petition and also signed in regular signature line on front. Invalid because a person cannot witness his/her own signature.
B	BLANK DATE-- NO DATE OF SIGNATURE	Does not invalidate the signature unless it makes it impossible to tell if the petition was timely filed. If date of signature can be ascertained by reviewing lines before or after the signature in question, it is valid. See AGO 84-41.
C	CANCELLED VOTER	The voter's registration has been cancelled due to death, purge or other disqualification. Not a registered voter. Do not count if registration is required.
D	DISTRICT IS INCORRECT	Signer's residence must be in the election district covered by the petition. _____
F	FAMILY MEMBER, SPOUSE OR OTHER PERSON SIGNED	Each signer must sign for him/herself. If another person signs, it is forgery.
L	ILLEGIBLE INFORMATION	The handwriting is not clear or is marked out. Skip these signatures unless the petition is unable to be verified as sufficient without reviewing these signatures.
N	NAME OR SIGNATURE DOES NOT MATCH REGISTRATION RECORDS	1. The last name of the signature must be spelled identically to the registration card. 2. The signature is insufficient if it contains initials which are not consistent with the name or initials on the registration card. 3. The signature is insufficient if it does not appear to be similar to that on the registration card. 4. If there is evidence leading the election officer to believe any signature is not genuine, it is not considered sufficient. 5. NOTE: Prefixes such as Dr./Mr./Mrs. are to be disregarded. Count nicknames and abbreviations.
O	CIRCULATOR SIGNED OWN PETITION	If a circulator signs the petition he/she is circulating, then signs the affidavit of petition circulator, the signature is not counted. It is legally invalid to witness one's own action.
P	PARTY IS INCORRECT	Signers must be in the _____ party. This code is only for Democratic and Republican candidate petitions in filing for the primary.
R	RESIDENCE DOES NOT MATCH REGISTRATION RECORDS	Additional information on the registration records such as apartment number is acceptable. If only the additional information is given on the petition without the residence address, then it is not sufficient except when applied to petitions involving fundamental rights.
S	SIGNED IN PENCIL (RECALL ONLY)	This applies only to recall elections. The law requires signatures on recall petitions to be signed in ink.
T	TIME	There are several requirements that must be considered: 1. The petition is null and void if the date of the first signature is _____ or more [180 days prior to filing [K.S.A. 25-3602(d)] or more than 90 days prior to filing for recall (K.S.A. 25-4310 and 25-4324)]. 2. The registration date must be the same date or before the date of the signature. 3. Signature date must be before (filing date) _____ and circulator's notary date after (county/district attorney approval) _____.
U	UNREGISTERED-- CANNOT FIND ANY RECORD OF THIS NAME	Signature is not valid if signer is not a registered voter unless registration is not required for that type of petition.

Kansas Election Standards

V	VERIFIED DATA	The signature, residence and date on the petition have been checked and match the information on the voter's registration records and meets the criteria required by the controlling statutes. The signature is valid.
W	WITHDRAWN NAMES	Signers may withdraw their names from the petition by notification in writing prior to the filing of the petition in case of recall (K.S.A. 25-4324), or within 3 days after the petition is filed under the general petition statutes [K.S.A. 25-3602(c)].

Chapter VI. Voting Systems

Revised 7/17/19

a. Certification

Before any voting system, equipment or software may be purchased or used by a county, it must be certified by the Secretary of State. Manufacturers and vendors apply directly to the Secretary of State to have their systems reviewed and certified. The certification process used by the Secretary of State is as follows:

Procedure for Certification of Voting Equipment

- The manufacturer or vendor sends a request for certification in writing to the Secretary of State, accompanied by a \$500 examination fee. [KSA 25-1309, 25-4405, 25-4604, 75-438]
- The Secretary of State requires that the equipment first be tested by an independent testing authority (ITA) recognized by the National Institute of Standards and Technology (NIST). A copy of the ITA's report must be filed with the Secretary of State.
- The Secretary of State reviews the equipment to ensure that it meets applicable standards established by the U.S. Election Assistance Commission and NIST and the requirements of Kansas law.
- The Secretary of State conducts a public meeting in Topeka at which the manufacturer or vendor displays the equipment and members of the Secretary's staff and other interested persons test the equipment.
- The Secretary of State may hire a private expert to review the equipment at the manufacturer's expense.
- The Secretary of State contacts other jurisdictions in the United States that have certified and used the equipment to inquire about their experiences.
- The Secretary of State may grant temporary conditional approval for the equipment to be used in a Kansas jurisdiction before granting final certification.
- If the above conditions are met, the Secretary of State makes the final decision whether to grant certification and informs the manufacturer and vendor of the decision in writing.

b. County Acquisition

Each county selects and purchases its own system, choosing from the list of systems certified by the Secretary of State. If the county chooses to use hand-counted paper ballots, the CEO selects a vendor to print paper ballots but also must choose a vendor to provide ADA-compliant voting devices pursuant to the requirements of the Help America Vote Act (HAVA). In purchasing voting systems, the county deals directly with the vendor. The

Secretary of State does not make recommendations as to which system is most appropriate for a given county.

In considering the purchase of new voting equipment, it is very important to keep track of the hardware model numbers and software versions or release numbers. All voting equipment is computerized and may be upgraded at any time by the manufacturer. When the equipment is originally certified by the Secretary of State, the certification applies to a specific configuration of hardware and software. Changes in the hardware or software may have to be submitted for recertification, and purchasers must be certain they are using certified systems.

c. Types of Systems

There are four major types of voting systems in use in Kansas:

1. direct recording electronic (DRE)
2. ballot marking devices
3. optical scan
 - (a) precinct count
 - (b) central count
4. hand-counted paper ballots

HAVA requires each polling place in each county to provide at least one DRE voting machine that allows disabled voters to vote independently. Before HAVA, visually impaired voters had to receive assistance from another person or from an election board worker in order to vote. The HAVA-compliant equipment allows such voters to cast their ballots in secret and without assistance through the use of an audio ballot. The Secretary of State negotiated contracts with vendors to provide a menu of options from which county election officers may choose their HAVA-compliant voting equipment.

d. Security

In 2004 the office of the Secretary of State and the members of the Kansas County Clerks and Election Officials Association adopted a voting system security policy to increase security in the maintenance, storage and use of voting systems of all types.

Two administrative regulations further strengthen the security systems for maintaining voting equipment in county election offices. KAR 7-21-1 applies to all modern types of voting equipment and requires restricted access to areas where equipment is stored. KAR 7-21-2 requires the adoption of written security procedures in each county and establishes procedures for the secure networking of computers used in programming and secure transmission of tabulated election results.

Voting System Security Policy

Introduction:

Security of any computer-based system requires a combination of three factors. First, the computer must provide audit data that is sufficient to track the sequence of events that occur on the system and, to the extent possible, identify the person(s) that initiated the events. Next, there must be well defined and strictly enforced written policies and procedures that control who can access the system, the circumstances under which they can access the system, and the functions that they are allowed to perform on the system. [KAR 7-21-2] Finally, there must be physical security in place such as fences, doors and locks that control and limit access to the equipment. [KAR 7-21-1] Each county is required to adopt the following policy and its six components, but each may have different procedures for adhering to the policy. Kansas counties currently use DRE, ballot marking devices, optical scan and paper ballots to conduct elections, and each requires different procedures to implement the security policy.

Overview of Voting Systems:

Direct Recording Electronic (DRE): A standard personal computer running an executable software module is used to define the election, enter the candidates and questions, and format the ballots for the voting devices. This computer also accumulates the votes after the polls close and prints various reports and audits.

Ballot Marking Devices: A touchscreen device is used to make voter selections. Then the selections are marked on paper and later tabulated via optical scan device or by hand. The votes are not recorded into the computer's memory.

Optical Scan: A paper ballot is used to cast a vote and is then fed through a scanner. The device reads the voter's marks on the ballot and tabulates the number of votes cast for each candidate or question.

Paper Ballot: Votes are recorded on paper ballots and counted by hand.

Six Components of Voting System Security:

1. Access to the System:

- Stand-alone system
- No network connection
- No modem
- Only operating system and voting software loaded
- Controlled access with authorized users

The computer-based voting system should not be connected to any network and it should not have a modem. If it does have a modem, it shouldn't be connected to the Internet. The computer should have only the operating system and voting software loaded. Additional applications could jeopardize system security.

If the computer has no outside connections, it can only be accessed by county election staff or other authorized persons. Any such system should also have password requirements. There should be strict procedures that control who has access to the

election system, when they can access the system, what components they can access, and what functions they are allowed to perform.

The computer portion of the election system contains features that facilitate overall security of the election system. Primary among these features is a comprehensive set of audit data. For transactions that occur on the system, a record is made of the nature of the transaction, the time of the transaction, and the person that initiated the transaction. This record is written to an audit log to allow the sequence of events surrounding the incident to be reconstructed.

A security program, similar to a virus detector program, should be run against the operating system and the election tabulation software before beginning the definition of an election to verify that the code has not been altered. This program should be repeated after the close of the election to verify that the code did not change during the election. Permanent storage of media containing certified application programs should be within a secure, fireproof location such as a safe. Additional backup copies of application programs and media containing election data should be created and stored securely off site.

2. Transmitting Data:

- No data transmission by modem – from polling place to election office or from election office to state

It is important that results from elections not be sent from polling places to election offices via modem, network, phone line, cable, or any other electronic form of file transmission. The same applies when sending results from the county election office to the Secretary of State's office.

3. Testing Voting Equipment:

- Public test 5 days prior to election
- Test before public test
- Test after canvass
- Print zero totals
- End of day totals

Voting equipment should be tested when it is first received from the vendor. Tests should cover all functions that will be necessary to conduct an election. Prior to use in an election, each voting machine should undergo system diagnostics to ensure proper operation of certified components. A checklist confirms the outcome of acceptability. Any component failure should be logged and repairs to equipment performed as soon as practical.

4. Polling Place Security:

- Hardware security
- Software security
- Poll worker procedures

There are many polling places in Kansas that simply do not provide an ideal physical security environment. For instance, church lobbies, school gymnasiums and other places may not always be locked or secured. The county election officer should, to the extent possible, designate polling sites that afford the necessary security features and should maximize the use of whatever security features exist.

The memory cards in each touch screen voting station should be stored within a locked compartment. The supervising judge should be the only person with a key to this compartment. The memory cards and/or ballots from each voting location are transported from the voting location to the county elections office by a sworn election official or a sworn law enforcement officer.

The area of the voting location that contains the voting stations is secure. A voter is not allowed to enter this area until a voting station is available for his or her use. No person other than a voter, a person assisting a voter, or a poll worker may enter this area.

Voting machine protective counters should be observed and recorded with a date of record. Voting machines and ballot boxes should be sealed before delivery to polling place locations. Seals should be tamperproof and serialized with numbers. Logging of machine serial number, seal number and designated voting location is an essential part of the audit trail.

Equipment Delivery: Voting equipment delivery to polling place locations should be conducted with the same degree of control as applied to storage. A delivery person or company should continue the audit trail for the election officer. Documentation and daily reporting are essential.

- The delivery person or company, or in some cases the supervising judge, should provide documentation containing voting machine numbers, seal numbers and identification for each voting location where equipment has been delivered.
- The length of time the voting equipment, auxiliary equipment and supplies, and ballots are in transport should be minimized. Equipment is safest when it is in the county's locked storage facility, and it is relatively safe when being used at the polling place on election day. The amount of time it spends between these two locations, sometimes in the hands of non-election personnel, should be minimized to the extent possible. "Sleepovers" when equipment or ballots are kept overnight by supervising judges or others are discouraged.
- A list of persons involved in equipment delivery should be maintained by the county election officer.
- Voting machines should remain locked and stored in a secure location. Multiple voting machines should be secured together by a keyed or combination lock and a single cable or chain. Additional supplies delivered with machines should be secured with the same cable or chain.
- Polling places should be in locked buildings or locations that are capable of monitoring secure storage of voting equipment.

Election Worker Security Awareness and Requirements: All election judges are responsible for maintaining the security of the polling place, the integrity of the vote and

the protection of voting equipment and supplies. Judges must be vigilant throughout election day and be aware of who is in the polling room. Frequent monitoring of voting machines and securing voting supplies ensures that any malicious attempt to compromise the accurate gathering and reporting of the vote is unsuccessful. The following steps should be taken to ensure that the voting equipment and the voting process are always secure in every precinct:

Supervising Judges:

- Inspect voting machines for physical damage while setting up or closing units and record on maintenance log. Examples: damaged or broken lid hinges, cracked cases, and damage to equipment inside case.
- Control and secure keys to all voting machines.
- Assure that the election media slot (memory cartridge slot area) on every voting machine is locked.
- Report any suspicious activity in or around voting machines to the county election officer and call 911 if immediate help is required.

5. Equipment Storage:

- Election computers should be kept in locked offices.
- Physical security during non-election times
- Protective seals
- Limited access

The first line of defense in any system is physical security. When not in use, all election equipment should be stored in a locked room. Access to the room should be limited to election officials and authorized county officials or technicians. A paper activity log should be maintained to record date, time, staff person, and reason for entering the secured computer room. A video camera is *recommended* to be installed in the locked office to monitor activity. All voting machine keys, voter cards, and storage media should be secured in a controlled access room. Staff should maintain a detailed inventory control of these supplies.

6. Voting Equipment Certification Process:

Kansas participates in the Election Assistance Commission’s voluntary voting systems standards program. This program defines three levels of testing that voting equipment must pass before it can be used: national qualifications testing, state certification, and local acceptance testing.

National independent testing authorities (ITAs) selected and monitored by the Voting System Board, affiliated with the EAC and the National Institute of Standards and Technology (NIST), administer the qualifications tests. After ITA certification, any change to either the operating system or the election system requires retesting.

After the system has successfully completed qualification testing it is brought to the state for state certification testing. Certification testing is conducted by the Secretary of State's office.

The final level of tests, acceptance tests, is conducted in the county offices after the voting system has been delivered and installed. The purpose of these tests is to verify that the system as delivered and installed in the county is complete, is working properly, and is identical to the system that was previously qualified by the ITA and certified by the state.

The Help America Vote Act has given NIST a key role in helping to realize nationwide improvements in voting systems. NIST's Information Technology Laboratory (ITL) coordinates the agency's HAVA efforts through its expertise in areas such as computer security and usability. NIST supports the Election Assistance Commission (EAC) as chair of the Technical Guidelines Development Committee (TGDC). The TGDC makes recommendations to the EAC on voluntary standards and guidelines related to voting machines.

Legal References

KSA 25-1307 through -1343 (mechanical voting machines)

KSA 25-4401 through -4414 (electronic voting machines)

KSA 25-4601 through -4613 (optical scan systems)

Chapter VII. Public Officers

Revised 7/17/19

The term “public officers” includes elected and appointed officers at all levels of government, including federal officers, state officers, and county, city and township officers, as well as officers in other local units of government. Often the appointed officers in a governmental unit are appointed by the elected officers; for instance, the elected mayor and city council members in a city government may appoint the city manager and city clerk. All are public officers.

a. Incompatibility and Conflict of Interest

Incompatibility

Incompatibility refers to a situation where one person is prohibited from holding two elected offices or an elected office and an appointed position. The prohibition might be written in the constitution or statute, or it might be the result of a court decision or an opinion issued by the Attorney General. Likewise, court decisions and Attorney General opinions might rule certain offices to *not* be incompatible. Generally, incompatibility is based on an inconsistency in the functions of the two offices under consideration. When the duties of one office interfere with the performance of the duties of another, an incompatibility exists, and one person may not hold both offices. When one office supervises, disciplines or controls the salary of another, the two positions are considered incompatible.

An example of constitutional incompatibility is Article 3, Section 13 of the Kansas Constitution, which prohibits judges from holding other offices.

An example of statutory incompatibility is KSA 19-205, which states: “No person holding any state, county, township or city office shall be eligible to the office of county commissioner in any county in this state.”

The Kansas Supreme Court has also recognized the common law incompatibility doctrine *See U.S.D. 501 v. Baker*, 269 Kan. 239 (2000) (employees of local unified school districts may not be members of the local boards of education that employ them); and *see id. generally* (overview of the common law incompatibility doctrine).

The Attorney General has also issued at least one ruling on incompatibility involving the office of county commissioner and the position of city law enforcement officer. Kan. Atty. Gen. Op. No. 82-8.

Conflict of Interest

A conflict of interest occurs when a public officer’s duty to act in the best interest of the public conflicts with his/her private situation. Private situations which may create conflicts of interest include leadership positions in private organizations and businesses, ownership of property, and investments. In order to publicly disclose potential conflicts of interest,

the law requires public officers in policymaking positions to file Statements of Substantial Interests as public records disclosing their assets.

State laws dealing with conflicts of interest deal mostly with local officials. These laws have three major components:

- (1) they require disclosure of substantial business interests,
- (2) they prohibit public officers and employees from making contracts involving the local governmental entity and the business in which the person has a substantial interest, and
- (3) they prohibit public officers from acting on any matter (i.e., voting on an issue as a member of a governing body) where their substantial interests are implicated unless their interests have been publicly disclosed.

[KSA 75-4301a et seq.]

The courts have also recognized a common law component of the doctrine of conflict of interest. A public officer has a duty to serve the public and must avoid situations that will cause him/her to act in a way that is not in the best interest of the public. Any such action is considered a breach of confidence. *See Anderson v. City of Parsons*, 209 Kan. 337, 341 (1972) (“We . . . recognize the common law principle that a public officer owes an undivided duty to the public whom he serves and is not permitted to place himself in a position that will subject him to conflicting duties or cause him to act other than for the best interest of the public.”)

Federal law also prohibits certain conflicts of interest, most notably in the Hatch Act, which restricts political activities of certain federal officers and employees. These restrictions apply to persons working in programs that receive federal funding in the form of grants or loans. [5 U.S.C. 1501 et seq.]

Many *local units of government* adopt policies prohibiting certain actions by officers and employees which might cause conflicts of interest. This is usually done through the adoption of ordinances or resolutions.

b. Vacancies in Office

Vacancies in elected offices can be caused by resignation, death, recall or ouster. In some cases, a vacancy may occur when an officeholder no longer possesses the qualifications for the office, such as when a person moves out of the district he/she represents, if the qualifications for the office include residency in the district. If this happens and the officeholder does not resign, actions may have to be taken by the governing body of the district or by a court to declare a vacancy.

When a county official elected on a partisan basis resigns, the law says the official should address the letter of resignation to the person who has the authority to appoint the replacement. It is the governor who makes the official appointment after the party district convention chooses a person to submit to the governor. Thus, elected county officials should address resignation letters to the governor and send a copy to the county election officer, who notifies the county party chair that a convention needs to be called to choose a person for the governor to appoint. [KSA 19-2606]

Whatever the cause of the vacancy, there is a statute prescribing a method for filling it. (See the chart titled “Filling Vacancies in Elected Offices” at the end of this chapter.)

c. Filling Vacancies

Vacancies are filled through an appointment process. In some cases, another governing body appoints a person to fill the vacancy. An example is township offices, where vacancies are filled by the board of county commissioners. [KSA 25-1606, 80-201]

Some vacancies are filled by the remaining members of the governing body, such as city council/commission offices, which are filled by the remaining council members or by the mayor. [KSA 14-204, 15-209] These are all offices elected on a *nonpartisan* basis.

Vacancies in offices elected on a *partisan* basis are usually filled when the governor appoints a person selected by a party district convention. One exception is township offices, cited above. When a vacancy occurs, the county party chair of the party to which the former officeholder belonged when last elected calls a convention of the precinct committeemen and committeewomen in the election district. The convention must be held within 21 days of the day the chair receives notice of the vacancy. The name of the person selected at the convention to fill the vacancy is certified to the Governor, who appoints the person within seven days. [KSA 25-3902, 25-3904] The Governor notifies the Secretary of State of the appointment, and the Secretary of State sends a certificate of appointment along with a blank oath form to the appointee.

d. Election for Unexpired Term

When a vacancy in an elected office occurs before the midpoint of the term of office, the person appointed to fill the vacancy often must face a midterm election for the unexpired term. This is determined by specific statutes governing the various offices. A common rule found in statutes governing most state, county, city and school offices is that if the vacancy occurs before May 1 of the second year of a four-year term, the appointee must face election the following November for the remaining two years of the term. If the vacancy occurs after May 1 of the second year of the term, the appointee's term ends at the regular time. [See *e.g.* KSA 25-321]

If the vacancy is in an office elected on a partisan basis, the midterm election includes a primary as well as the general election.

e. Oaths of Office

All officers and employees of the state or any county, city or other municipality of government in Kansas must sign oaths before assuming the duties of the offices or positions. In most cases the oaths are filed with the governing body of the jurisdiction. State employees' oaths are filed with the employing agency. [KSA 75-4310]

The language of the oath is prescribed in KSA 54-106. The persons authorized to administer oaths are named in KSA 54-101, and they include notaries public, judges, mayors, court clerks, county clerks, city clerks in second and third class cities, and registers

of deeds. A separate statute, KSA 54-109, authorizes the Secretary of State and Assistant Secretary of State to administer oaths.

(See the chart titled “Qualifications of Candidates and Officeholders.”)

The chart below provides information on the oaths and terms of some public officers.

OATHS AND COMMENCEMENT OF TERMS OF OFFICE

Office	Legal Authority	Term Begins	Oath Deadline
U.S. President	U.S. Constitution, Amendment 22	January 20	Same
U.S. House, Senate	U.S. Constitution, Amendment 20	January 3	Same
State officers	KSA 25-313 KSA 75-3001	2 nd Monday in January	Same
Community college trustee	KSA 71-1412	Second Monday in January	before taking office
Board of education	KSA 25-2023	Second Monday in January	same
County officers (except treasurer)	KSA 25-313 KSA 75-4308	2 nd Monday in January	before taking office
County treasurer	KSA 19-501	2 nd Monday in October	before taking office
Township officers	KSA 25-313 KSA 80-202	2 nd Monday in January	20 days after notified of election
City officers	KSA 25-2120	December 1 to 2 nd Monday in January	before taking office

FILLING VACANCIES IN ELECTED OFFICES

OFFICE	STATUTE	PROCEDURE
NATIONAL OFFICES		
U.S. Senate	25-318, U.S. Constitution Article 1, Section 3, Clause 2; Amendment 17	Filled by temporary appointment from the Governor until the next election of representatives in Congress, then the vacancy shall be filled by election.
U.S. House	25-3501, 25-3502, U.S. Constitution Article 1, Clause 4	Filled by an election called for by the Governor. Date of the election is declared within 5 days after the vacancy occurs and should not be less than 75 days but no more than 90 days after the vacancy occurs, or the election will be held at times according to K.S.A. 25-3503
STATE OFFICES		
	25-312	State office vacancies are filled by Governor appointment unless otherwise provided.
Governor/Lt. Governor	Constitution, Article 1, Section 11	Lieutenant Governor becomes Governor if vacancy occurs in Governor's office.
Secretary of State	Constitution, Article 1, Section 11	Governor appoints replacement.
Attorney General	Constitution, Article 1, Section 11	Governor appoints replacement.
Insurance Commissioner	40-106	Governor appoints replacement.
State Treasurer	25-101b	Governor appoints replacement.
Senators/Representatives	25-3903	Appointment of person elected by party district convention pursuant to 25-3902.
	25-3902 25-321, 46-160	County party chair calls a convention of all precinct committee persons of the party in the district. Convention elects persons to fill the vacancy by secret ballot. Chair sends certificate of election to Governor.
State Board of Education	25-3902a, 25-1906	Appointment of person elected by party district convention.
District Court Judge (elected), District Magistrate Judge (elected)	25-312a	Governor appoints replacement.
District Court Judge (retention), District Magistrate Judge (retention)	20-2909	Governor appoints replacement. Chief Justice notifies nominating committee who sends 2-3 nominations to Governor.
COUNTY OFFICES		
	25-312	Appointment by Governor, generally-- Appointment by Governor if elected, unless otherwise provided by law --Also, non-affiliated office-holders that would otherwise be nominated by convention, appointed by the governor instead
County Commissioner	19-203	Appointment of district resident pursuant to 25-3902.

	25-3902	County party chair calls a convention of all committee persons of the party in the district. Convention elects person to fill the vacancy by secret ballot. Chair sends a certificate with replacement's name to Governor.
	19-203(c); 19-203a	Vacancy caused by increase in number of commissioners filled by special election on a date set by the Governor in consultation with the board of commissioners.
County Clerk	19-303	Appointment of elector following procedure for vacancy in House.
	25-3903	Appointment of person elected by district convention pursuant to 25-3902.
	25-3902	County chair calls a convention of all committee persons of the party in the district. Convention elects person to fill the vacancy by secret ballot. Chair sends a certificate with replacement's name to Governor.
County Treasurer	19-504	Appointment of elector following procedure for vacancy in House.
	25-3903	Appointment of person elected by district convention pursuant to 25-3902.
	25-3902	County chair calls a convention of all committee persons of the party in the district. Convention elects person to fill the vacancy by secret ballot. Chair sends certificate with replacement's name to Governor.
County Attorney	19-715	Appointment of person elected by district convention, pursuant to 25-3902 The district judges of the district where the vacancy occurs appoint a temporary until one can be appointed under 25-3902.
	25-3902	County chair calls a convention of all committee persons of the party in the district. Convention elects person to fill the vacancy by secret ballot. Chair sends certificate with replacement's name to Governor.
County Sheriff	19-804	Appointment following procedure for vacancy in House.
	25-3903	Appointment of person elected by district convention pursuant to 25-3902.
	25-3902	County chair calls a convention of all committee persons of the party in the district. Convention elects person to fill vacancy by secret ballot. Chair sends certificate with replacement's name to Governor.
Register of Deeds	19-1203 25-3902	Appointment of elector following procedure for vacancy in House.
Precinct person	25-3801	Appointment of county chair or by election at convention.
School Board Member	25-2022	Appointment by Board 15 days after publication.
	25-2022b	If less than 4 board members, governor appoints until the number again reaches 4 members. Then those 4 shall appoint the

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		remaining members within 6 months following the K.S.A. 25-2022 procedures.
Community College Board of Trustees Member	71-201(b)(15)	Appointment by Board 15 days after publication to fill remainder of term.
Township offices	80-201	Appointment.
	25-1606	Appointment by Board of County Commissioners.
CITY OFFICES		
City Manager form		
1 st Class		
2 nd Class		
3 rd Class		
Commission form		
1 st Class		Vacancy in Mayor's office or on commission is filled by commission within 10 days. If the commission cannot agree on a replacement, the city attorney will cast the decisive vote
2 nd Class	14-1305	Same.
3 rd Class	15-1405	Same.
Mayor-Council form		
1 st Class	13-513	Mayoral vacancy: President of council becomes mayor. Council elects from its membership a new president. Council member vacancy: governing body appoints an elector of the ward where the vacancy occurred.
		Mayor appoints vacancy in council with consent of council.
		Vacancies in all elected offices are filled by Mayor with consent of council.
2 nd Class	14-204	President of council becomes Mayor if vacancy occurs in Mayor's office. Vacancy on council is filled by governing body of city.
3 rd Class	15-201	President of council becomes Mayor if vacancy occurs in Mayor's office. Mayor fills vacancy on council with consent of council.
	15-209	Vacancy in all other offices are filled by governing body of city.
Modified Mayor-City Council form	12-10a04	President of Council becomes Mayor if vacancy occurs in Mayor's office. Vacancy on council is filled by council.

Article 29. - VOTING PROCEDURE

25-2908. Use of registration book and poll book or registration book at polling place; election board members, duties; name of voter not in book; rules and regulations; valid forms of voter identification; provisional ballots; identification requirements; exempt persons.

(a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.

(b) A person desiring to vote shall provide to the election board: (1) The voter's name; (2) if required, the voter's address; (3) the voter's signature on the registration or poll book; and (4) a valid form of identification listed in subsection (h). A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(c) A member of the election board shall:

(1) Announce the voter's name in a loud and distinct tone of voice, and, if the name is in the registration books, the member of the election board having the registration record shall repeat the name;

(2) request the voter's signature on the registration or poll book;

(3) provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of temporary illness or disability, or lack of proficiency in reading the English language;

(4) request a valid form of identification from the voter. If the member of the election board is satisfied that the voter is the person depicted in the identification and that the identification provided is one of the valid forms of identification listed in subsection (h), the member of the election board shall place such member's initials in the space provided and allow the voter to vote;

(5) give the voter one ballot, on the upper right-hand corner of which shall be written the number corresponding to the voter's number in the registration book or poll book; and

(6) mark the voter's name in the registration book and party affiliation list.

(d) If a voter is unable or refuses to provide current and valid identification, the voter may vote a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto. If the voter's name and address do not match the voter's name and address on the registration book or poll book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (h) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) If the name of any person desiring to vote at an election is not in the registration books, an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.

(f) A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot was properly cast and the voter has not otherwise voted at such election.

(g) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and define valid forms of identification with greater specificity, however the requirement that a voter must provide a form of identification that complies with the subsection (h) may not be altered.

(h) (1) The following forms of identification shall be valid if the identification contains the name and photograph of the voter and has not expired. Expired documents shall be valid if the bearer of the document is 65 years of age or older:

(A) A driver's license issued by Kansas or by another state or district of the United States;

(B) a state identification card issued by Kansas or by another state or district of the United States;

(C) a concealed carry of handgun license issued by Kansas or a concealed carry of handgun or weapon license issued by another state or district of the United States;

(D) a United States passport;

(E) an employee badge or identification document issued by a municipal, county, state, or federal government office or agency;

(F) a military identification document issued by the United States;

(G) a student identification card issued by an accredited postsecondary institution of education in the state of Kansas;

(H) a public assistance identification card issued by a municipal, county, state, or federal government office or agency; or

(I) an identification card issued by an Indian tribe.

(2) If the person fails to furnish the identification required by this subsection, the person shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to K.S.A. 25-3002, and amendments thereto.

(i) The following persons are exempt from the photographic identification document requirements of this section:

(1) Persons with a permanent physical disability that makes it impossible for such persons to travel to a county or state office to obtain a qualifying form of identification and have qualified for permanent advance voting status under K.S.A. 25-1124, and amendments thereto;

(2) members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day;

(3) members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day;

(4) the spouse or dependent of a member referred to in paragraph (2) or (3), who, by reason of the active duty or service of the member, is absent from the county on election day; and

(5) any voter whose religious beliefs prohibit photographic identification. Any person seeking an exemption under this provision must complete and transmit a declaration concerning such religious beliefs to the county election officer or the Kansas secretary of state. The declaration form shall be available on the official website of the Kansas secretary of state.

(j) "Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the secretary of the interior because of their status as

Indians, including any Alaska native village, as defined in 43 U.S.C. § 1602(c).

History: L. 1893, ch. 78, § 21; L. 1897, ch. 129, § 21; L. 1901, ch. 177, § 9; R.S. 1923, 25-415; L. 1968, ch. 406, § 101; L. 1982, ch. 155, § 2; L. 1994, ch. 190, § 2; L. 1997, ch. 124, § 6; L. 2003, ch. 112, § 2; L. 2004, ch. 93, § 6; L. 2011, ch. 56, § 11; L. 2012, ch. 122, § 3; July 1.

Revisor's Note:

Section was also amended by L. 2004, ch. 25, § 13, but that version was repealed by L. 2004, ch. 93, § 13.



2020 Presidential Candidate Filing Form

I, _____, hereby file as a presidential candidate of the Democratic Party for the 2020 election, and do hereby name the individual listed below as my official Representative in all election matters pertaining to the State of Kansas.

(Full legal name of Representative)

(Representative Address: Street, City, State, Zip)

(Candidate signature and date)

FEC Account Number

Received and accepted by the Kansas Democratic Party this _____ day of _____, 20_____.

Chair, Kansas Democratic Party

Please send this completed form along with the Candidate Filing Fee of \$2,500.00 to Kansas Democratic Party Headquarters no later than February 17, 2020 to participate in the May 2, 2020 Kansas Party Run Primary.

Kansas Democratic Party
Attn: Chair
P.O. Box 1914
Topeka, KS 66601