



## STATE OF KANSAS

### Presentation to the Senate Committee on Ethics and Elections SAFE Act Implementation Update

Secretary of State Kris W. Kobach

January 25, 2012

#### **County election officer task force**

Secretary of State asked for volunteers at KCCEOA statewide conference May 5. Eighteen CEOs and deputies volunteered.

Met three times for five hours each day—June 28, August 3, September 7.

Also, an envelope design session was held July 14.

Task force helped develop policies and regulations, design and revise forms.

#### **Phase 1 and Phase 2**

Implementation of the SAFE Act falls into two phases:

Phase 1—Photo ID when voting and security of mailed advance ballots.

Phase 2—Proof of citizenship when registering to vote for the first time.

#### **Forms**

Working with the task force, the Secretary of State's office developed five new forms and revised four existing forms.

Two additional new forms were developed by the Department of Health and Environment and the Department of Revenue's Division of Motor Vehicles.

Several brochures and polling place posters also were revised.

#### **Administrative regulations**

Secretary of State proposed six regulations implementing SAFE.

Also proposed one regulation dealing with military and overseas voting.

One revised regulation dealing with the voter registration deadline.

Department of Administration approved the regulations November 15, 2011.

Attorney General approved the regulations November 18, 2011.

Secretary of State Kobach testified before the Joint Committee on Administrative Rules and Regulations on January 3, 2012.

Public hearing will be held on January 24, 2012.

### **Voter education campaign**

The Secretary of State contracted with Whitworth and Ballou to implement a voter education program, including television, cable television, radio, newspaper advertisements, printed materials and web site notices.

The education program is timed to run in localities with special elections and spring elections. Most of the emphasis will be in the weeks before the August primary and the November general election.

### **Training programs**

The Secretary of State is developing training materials for county election officers and poll workers incorporating the new voting rules in SAFE.

Presentations were made in September and November, 2011, at statewide conferences.

Presentations will be made a spring regional county clerk meetings and at the spring conference of the Kansas County Clerks and Election Officials Association.

### **Early elections**

January 10, 2012	Special election in Cimarron, Gray County
February 14, 2012	Special election in Roeland Park, Johnson County
February 14, 2012	Special election in Bucklin, Ford County
February 28, 2012	Primary elections for city council and mayor in some cities
February 28, 2012	Special election in Wichita, Sedgwick County
February 28, 2012	Special election in Basehor, Leavenworth County
April 3, 2012	General election for city council and mayor in some cities

### **2012 legislation**

Secretary of State proposes legislation to move the effective date of the requirement to provide proof of U.S. citizenship when registering to vote to June 15, 2012.



**SAFE Act**  
**Forms, Envelopes, Brochures, Posters**  
November 14, 2011

**Phase 1 Photo ID, Mailed Advance Ballot Security**

**Advance Voting**

Form AV1M—Application for advance ballot by mail  
Form AV1P—Application for advance ballot in Person  
Form AV1C—Combined advance ballot application  
Form AV2—Application for permanent advance voting status (revised)

**Photo ID**

Form DRO—Declaration of religious objection to photographic identification  
KDOR form—Affidavit of person requesting free nondriver's identification card  
Form FPC—Request for free photocopy of identification document from agency

**Voter Registration**

Voter registration application forms (3)—Two in Phase 1, one in Phase 2  
(1) 9/7/11, (2) 1/1/12 (3) 1/1/13

**Envelopes**

Advance ballot return envelope (3)—(1) legal size, (2) 5 X 10, (3) business envelope size  
- Statement of voter designating ballot delivery person in writing  
- Statement of designated ballot delivery person

**Brochures**

SAFE informational brochure  
Voter ID halfsheet  
Voter ID wallet card

**Poster**

Voter's Rights & Responsibilities (revised)

**Phase 2 Citizenship Verification**

Voter registration application form  
Form CDU—Affidavit of person denied registration because citizenship document was unsatisfactory  
Form RCD—Request to state election board for assessment of citizenship documentation  
Form RTA—Request for free transmission of birth certificate application  
KDHE form—Application for free certified copy of birth certificate  
Guide for voter registration drives (1/1/13)

**Office of the Kansas Secretary of State**

**SAFE Act Regulations**

January 3, 2012

**Revised Regulation**

**KAR 7-23-4 Publication of notice of places and dates of registration and close of registration**  
Change voter registration deadline from the 15<sup>th</sup> day before the election to the 21<sup>st</sup> day.

**Proof of Citizenship Regulation**

**KAR 7-23-14 Assessing citizenship documents**

Consider the applicant's first name, middle name or initial, last name, date of birth, place of birth, and sex. Hyphenated names are allowed if not inconsistent with the name on the voter registration application. If the name is consistent with the name on voter registration application, add the applicant's name to the registration list.

If the name is inconsistent, (1) ask the applicant for another government document confirming the name, or (2) ask the applicant to sign an affidavit, or (3) inform the applicant of his/her right to appeal to the state election board.

If the date of birth on the citizenship document does not match the voter registration application, inform the applicant of his/her right to appeal to the state election board.

If the place of birth is indicated on citizenship document, this may be used in assessing citizenship. If it is not indicated, this shall not result in an unsatisfactory assessment of citizenship.

If the sex on the citizenship document does not match the sex indicated on the voter registration application, (1) ask the applicant for another government document confirming the applicant's sex, or (2) ask the applicant to sign an affidavit, or (3) inform the applicant of his/her right to appeal to the state election board.

Documents submitted as evidence of citizenship may be expired documents.

If an applicant fails to submit a citizenship document before the voter registration deadline before an election, he/she may mail or deliver it to the CEO by the close of business on the day before the election, or may submit it electronically (fax, email or other electronic means approved by the SOS) before midnight the day before the election.

In such cases, the CEO must (1) accept and process the document, (2) add the applicant's name to the voter registration list, and (3) if practicable, include the name on the poll book. If poll books have been printed, send the name to the election board with instructions to allow the voter to vote a regular ballot. If not practicable, the voter shall be allowed to vote a provisional ballot.

If a voter fails to meet these requirements, the provisional ballot shall not count.

If a voter's registration is canceled and the person re-registers, the person's citizenship document shall be reassessed by the CEO if the CEO has access to the document.

If a registrant was registered before the effective date of the citizenship requirement (January 1, 2013) and his/her registration is canceled, the person must submit a citizenship document when re-registering.

## **Advance Ballot Applications**

### **KAR 7-36-7 Processing applications for advance ballots by mail**

If the information on the ballot application is insufficient, incomplete or illegible, contact the voter before the election, if possible, to obtain a signature, driver's license number or copy of photo ID document.

Information may be collected by any means, including by phone.

If unable to contact the voter, issue a provisional ballot.

Present provisional ballots to canvassing board. If the information is sufficient, count the ballot unless the ballot is invalid for another reason. If the information is insufficient or not provided, do not count the ballot.

## **UOCAVA ballots in local mail ballot elections**

This regulation affects ballot distribution to military and overseas voters who qualify to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act. It clarifies that the distribution deadline applies in local mail ballot elections.

**KAR 7-36-8** Transmit ballots to UOCAVA voters 45 days before the date of the election rather than the regular distribution period of between 20 and 10 days before the election. If UOCAVA voters submit applications later than 45 days before the mail ballot election, transmit ballots within two days of receipt of applications.

## **Photographic Identification Regulations**

### **KAR 7-46-1 Policy on submitting photo IDs after voting**

If a voter does not provide photo ID when voting and casts a provisional ballot, the voter may submit ID after the election to ensure that his/her provisional ballot will count.

The ID must be received in the county election office before the time the county canvass begins.

### **KAR 7-46-2 Guidelines for election board workers to determine validity of photo IDs**

Election board workers use the photo ID only to verify the voter's name and image. Address is verified using the poll book.

First, verify that the name on the ID is consistent with the poll book. Allow for abbreviations and nicknames. If consistent, assess the photograph as explained below. If the name is not consistent with the poll book or with the name stated by the voter, issue a provisional ballot.

Second, compare the photograph on the ID to the voter. Take into account possible changes in the voter's appearance due to hair color, glasses, facial hair, cosmetics, weight, age, and injury. If satisfied that the voter is the person depicted in the ID document, issue a regular ballot. If unable to determine whether the voter is the person depicted in the ID document due to degradation or poor photo quality, issue a regular ballot if one of the following conditions is met: (1) the date of birth on the ID matches the poll book, or (2) the voter submits a second ID document with a photo that appears to be the voter, or (3) one of the election board workers has knowledge that the voter is the person in the photo.

If the election board worker determines that the voter is not the person in the ID, issue a provisional ballot.

If there is a dispute as to whether the voter is the person depicted in the ID, the supervising judge shall decide whether the ballot should be regular or provisional.

Provisional ballots are presented to the canvassing board for determination of validity. The ballots shall count if the voter has provided sufficient photographic identification to the CEO before the start of the canvass, unless one or more ballots are determined to be invalid for other reasons.

The election board worker is not required to issue a regular ballot if he/she suspects that a voter is attempting to circumvent the photo ID requirement.

Nothing in the regulation exempts the voter from providing photo ID.

**KAR 7-46-3    Declarations of religious objection**

Voters whose religious beliefs prohibit photographic identification may submit declarations in lieu of providing photo ID. Declarations may be submitted to the SOS or CEO before the election, to the CEO when applying for an advance ballot, or to the election board at the time of voting. No declarations of religious objection may be submitted in lieu of a photo ID after voting. Declarations must be submitted each election; filing them does not create a permanent "ID exempt" status.

**KAR 7-46-4    Photo ID for permanent advance voters**

Voters on the permanent advance voting list before January 1, 2012 are exempt from photo ID. Voters who apply for permanent status after January 1, 2012 must submit photo ID one time. They may submit it when applying for permanent status, at a later time before the next election, or when returning their ballots at the next election.

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## STATE OF KANSAS

### **S.A.F.E. Act Voter Education Campaign Summary** January 20, 2012

Enactment of the S.A.F.E. Act included the provision for a statewide campaign to inform voters of identification requirements.

In conjunction with the Division of Purchasing, an RFP was issued and Kansas City based WhitworthBallouLLC was contracted on November 21, 2011 to work with staff on the planning and development of a two-phase campaign addressing voter identification and registration document requirements.

Plans are complete and implementation underway for a comprehensive and integrated campaign including television and radio advertising, print advertising, public service announcements, website development, coordination with local election officials, and an extensive partnership program with companies, utilities, and organizations statewide.

Highlights of the campaign plan are blanket geographic coverage, broad reach to age 18+ Kansans, and maximizing of message frequency through matching "PSA" placement and other value-added media placement.

#### **Media Advertising and Public Service Announcements**

The available budget is currently allocated across 2012 and 2013 election cycles with 53% concentrated with the higher turnout 2012 August primary and November general elections, and 33% reserved to support registration document communications. Only 14% of the budget is earmarked for Spring 2012 timeframe owing to the comparatively smaller expected voter turnouts or the inefficiency of paid media in those locales.

Our media efforts in Phase I must provide sufficient reaction time to voters who do not have valid photo identification. Our plan provides 28 days of reaction time to those who do not have necessary photo identification. In addition, Phase I must remind all voters of the need to bring their photo identification. This reminder should occur in the final few days leading up to and including Election Day.

If legislation is approved requiring proof of citizenship for new voter registrations, we will shift our media efforts from 2013 to June and September, 2012. This timing will allow 60 days of lead time for first time voters to respond with necessary paperwork to register.

- January 4-10: Radio in Gray County and insertion in Cimarron *Jacksonian* newspaper
- February 1-28: Television and radio PSA's in markets holding elections and where broadcast media can be targeted without wasted "spill-over" to non-election geographies



- February 20-28: Broadcast television in Wichita DMA (60+ counties)
- March 7 - April 3: Television PSAs; 1 week on 37 geo targeted radio stations; and 1 insertion in 68 geo targeted newspapers
- July 11 - August 7: 4 weeks of television statewide in all four primary DMA's – KC, Wichita, Pittsburg-Joplin, and Topeka.)
- October 10 - November 6: 4 weeks of television in all four DMA's statewide; 1 week radio on 55 stations; 1 insertion in 218 newspapers.

The February 2012 television schedule in the Wichita DMA is the model for subsequent television “flights” in July- August and October-November timeframes. Cumulatively, the media placements are designed to achieve 99% geographic coverage. Television alone will reach 90% of Kansans 18+ over the course of our campaign. The goal of media purchasing negotiations is to achieve a 1-for-1 matching Public Service Announcement for each purchased spot. Paid commercials will appear in high viewership programming such as *Good Morning America*, *News*, *Nightline*, and Sunday morning news programming.

The message “*Got Voter ID? Take It To The Polls.*” is a simple, memorable reminder that builds on an iconic advertising phrase that scores high for resonance and recall. Its impact will be felt in the days and weeks immediately prior to each Election Day. The message is conveyed in the advertising by a cross-section of actual Kansans informing fellow voters of the myriad acceptable forms of identification and inviting inquiries to a dedicated website or voter-assistance phone help desk.

### **Grassroots Partnerships and Toolbox**

Beyond the mass-media campaign, a campaign toolbox has been made available to all local election officials to integrate the campaign message into their voter notification and poll worker recruiting efforts. It will be used in both population-dense locales and those where paid media advertising is inefficient or otherwise not justified until August and November elections.

Plans are known to be underway with election officials in the state’s highest population counties with others pending. As just one example, Johnson County has wrapped an Election Office van featuring the “got Voter ID?” and integrates the new identification campaign into its own website domain. Another example is in Wyandotte County where proposals are being prepared to take advantage of high traffic retail and sports venues in the western part of the county and within Kansas City, Kansas.

Elements in the toolbox include production-ready artwork for envelope statement stuffers, flyers, mini-posters, retail counter cards, outdoor billboards, print advertising, and digital assets for websites and intranets, all expected to be completed during the next few weeks.

Based on discussions to date, widespread use is expected with prominent companies and organizations that have expressed interest or already committed to extend the campaign to hundreds of thousands of their members and customers across the state through their own communications channels—mailers, publications, intranets, and retail locations.

Commitments have been received or proposals are pending with Westar Energy, KCP&L, Hy-Vee, Kansas Bankers Association, Capitol Federal, Kansas Society of Association Executives, Kansas Healthcare Association, LeadingAgeKansas, Kansas League of Municipalities, Kansas County Clerks and Election Officials Association, and Panera Bread Kansas,

Speaking engagements have been accepted from KCCEOA and Kansas Society of Association Executives to promote the campaign and available resources.

Informational discussions are being held with Kansas State University student and alumni organizations, Kansas Farm Bureau, Dillon's/QuikShop, Kansas Association of Counties, Nex-Tech, Sunflower Bank, Midwest Energy, and the Kansas Chamber of Commerce.

Other targeted organizations include leading agricultural associations, universities and community colleges, Kansas Petroleum Markets and Convenience Stores, Empire Electric, Sunflower Electric, Association of Rural Electric Cooperatives, Board of Public Utilities (KCK), Kansas Gas Service, Kansas Independent Oil & Gas Association, and Wal-Mart to cite a few.

WhitworthBallouLLC and Secretary of State staff are also collaborating to ensure political party apparatus and candidates who have filed are aware of the tools available.

### **Online Presence**

Two websites hosted by the Office of Secretary of State and associated social media are employed to provide specific and more detailed information than possible in the broadcast media.

***www.gotvoterid.com*** reflects the overall campaign look and feel and provides detailed information about changes in the voting law, valid forms of photographic identification, exemptions, advance voting identification requirements, and free photographic identification. In due time it will expand to provide proof of citizenship information and to house the voter education media campaign toolbox assets.

All paid advertising – television, cable, radio, and print – and promotion pieces are tagged to encourage voters to go to the website for additional information.

***www.voteks.org*** has been re-designed to incorporate a new look and navigation. It has been linked to the same detailed identification-related web content cited above alongside existing content for registration, voting location, and absentee balloting.

Voter information is posted on the opening page of the official internet website of the Secretary of State. Graphics and links for posting on the opening page of the official internet website of the Governor have been provided to his office.

### **Summary**

Since enactment of the legislation and enlisting of communications professionals in November 2011 for assistance, the Secretary of State staff has ensured the S.A.F.E. Act will receive communications support statewide in not only the media channels prescribed in the legislation but compounded with an extensive grassroots outreach program. The media budget allocation has been consciously weighted to the August primary and November general elections with accommodation made for local election officials and partners with a flexible promotion toolkit. The latter has been well received by leading utilities, financial services, educational institutions, retail, and social service organizations with broad geographic coverage and their own communications channels expected to reach large, diverse voter audiences.

## Summary of Cimarron Special Election

January 23, 2012

The city of Cimarron held a special election on January 10, 2012. The question concerned the imposition of a 1.25% retailer's sales tax for a swimming pool project. This was the first election held in Kansas under the voter identification provisions of the S.A.F.E. Act. Below are relevant statistics concerning the election:

Outcome of the election: YES votes = 355; NO votes = 109

Total number of registered voters = 1,209

Total number of votes cast = 482

Turnout percentage = 39.9%

Total number of advance ballots cast = 57

Total number of provisional ballots issued = 18

Total number of ballots issued due to insufficient identification = 1

(This voter purposely did not provide identification in protest of the voter ID law)