

# **PERFORMANCE AUDIT REPORT**

**Reviewing Counties' Procedures for  
Handling Absentee Ballots and for  
Updating Voter Registration Lists**

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
January 1993**

# **Legislative Post Audit Committee**

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# **PERFORMANCE AUDIT REPORT**

## **REVIEWING COUNTIES' PROCEDURES FOR HANDLING ABSENTEE BALLOTS AND FOR UPDATING VOTER REGISTRATION LISTS**

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### **OBTAINING AUDIT INFORMATION**

This audit was conducted by Cynthia Denton, Cindy Lash, and Ron Green, Auditors, of the Division's staff. If you need any additional information about the audit's findings, please contact Ms. Denton at the Division's offices.

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# REVIEWING COUNTIES' PROCEDURES FOR HANDLING ABSENTEE BALLOTS AND FOR UPDATING VOTER REGISTRATION LISTS

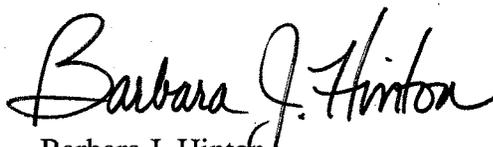
## Summary of Legislative Post Audit's Findings

State law imposes many requirements on county election officers related to handling absentee ballots and updating voter registration lists. We did not find evidence of widespread abuse in either area, but did identify instances in which county officials' failed to comply with statutory requirements.

**Have counties and local elections boards followed Kansas laws in issuing, handling, and counting absentee ballots?** For the most part, county officials and local election boards followed State laws related to absentee ballots, but none of the four counties we visited was in complete compliance with absentee voting laws. In one county, several people were able to vote twice. Two counties did not comply with State laws on opening and counting absentee ballots, which are designed to protect voter's anonymity. In addition, several State laws related to absentee ballots are conflicting or unclear, which has led to inconsistent practices at the county level. These problems could be minimized if State laws were clarified and if the Secretary of State's Office provided greater guidance to county election officials.

**Have county officials established adequate procedures for updating voters' names and addresses on voter registration records?** State laws require county election officers to void the registration of anyone who moves, dies, or fails to vote in two consecutive State general elections or one presidential election. Thus if the law is followed, an inactive voter could validly remain on the rolls for a period of up to four years. We found that two of the four counties we visited did not properly update voter registration records for those who failed to vote in a presidential election. In addition, the Secretary of State's Office has not yet established a centralized voter registration database, as directed by the 1990 Legislature.

This report includes several recommendations for increasing the consistency with which absentee ballots are handled and voter registration rolls are updated. We would be happy to discuss the findings presented in this report with any legislative committees, individual legislators, or other State officials.

  
Barbara J. Hinton  
Legislative Post Auditor



## **Reviewing Counties' Procedures for Handling Absentee Ballots and for Updating Voter Registration Lists**

The procedures for handling and counting ballots, including absentee ballots, are specified in State law. The law allows three different groups of registered voters to vote on absentee ballots, as follows:

- people who will be absent from the county on election day
- people who are unable to vote at the voting place because of sickness or physical disability, or because of religious beliefs or practices
- people who are unable to vote at the voting place because of service as a judge or clerk on the election board

By law, any person who wants to receive an absentee ballot must fill out an application form and file it with the county election officer. (County clerks serve as the county election officer in 101 counties; in the four most populous counties, county election commissioners are appointed by the Secretary of State.) People who have a permanent disability or illness can apply for permanent absentee voter status.

State law also requires county election officers to take several steps to keep voter registration records up-to-date. In addition to adding newly registered voters to the rolls, county election officers must remove the names of registered voters who have failed to vote in two consecutive State general elections. County election officers also must remove the name of any voter who fails to vote in a presidential election if a notification letter cannot be delivered to the voter's listed address.

Before this audit was directed by the Legislative Post Audit Committee, several rumors and allegations of improper election practices were raised. In one instance, allegations were raised about a county clerk who reportedly counted absentee votes by herself, instead of having a special election board do the official count. In another case, allegations were made that absentee votes were counted even though the voters failed to sign the envelopes as required. Several legislators also reported concerns about possible irregularities in absentee voting by adult care home residents. In addition, some candidates heard that a significant portion of their political mailings were undeliverable because the addresses listed in voter registration records were out-of-date.

Because of the kinds of issues outlined above, legislative concerns were raised about whether county election officers have been complying with the statutory requirements for distributing absentee ballots, ensuring that absentee ballots are valid, counting absentee ballots, and properly updating voter registration rolls. To address those concerns, this audit answers the following questions:

- 1. Have counties and local election boards followed Kansas laws in issuing, handling, and counting absentee ballots?**

**2. Have county officials established adequate procedures for updating voters' names and addresses on voter registration records?**

To answer these questions, we reviewed laws and regulations governing absentee voting and the updating of voter registration records. We selected a sample of four counties to review in some detail: Cloud, Nemaha, Saline, and Wyandotte. (These counties were selected because questions had been raised about their election procedures, and because we wanted some diversity in population size and location.) In each county, we interviewed the county election officer about election procedures and reviewed the available documentation of those procedures. We looked for evidence showing that the counties had complied with State laws and good control procedures in conducting elections. We also interviewed adult care home administrators about any special assistance given to adult care home residents to enable them to vote by absentee ballots. In addition, we interviewed local postmasters and officials of political party organizations to help determine the volume of political mail that has not been delivered because addresses were out-of-date. Finally, we interviewed officials at the Secretary of State's Office about their role in absentee voting and registration update procedures.

In general, we found that none of the counties was in complete compliance with Kansas laws on absentee voting. In some instances, we also found that State laws were unclear or in conflict with each other. The Secretary of State's Office has not provided guidance (in the form of rules and regulations or education) to help ensure that counties operate uniformly and within the law. Partly because of unclear statutes and a lack of guidance from the Secretary of State's Office, we found that the sampled counties followed inconsistent procedures and had inadequate controls over absentee ballots. While some of the allegations about irregularities in absentee balloting proved to be true, we saw no evidence to suggest that absentee balloting had been systematically used to benefit any particular candidate or political party.

With regard to updating voter registration rolls, we found that all four counties carried out the mandatory deletion of the names of people who failed to vote in two consecutive general elections. In one county, however, the update was not completed until 11 months after the 1990 general election. We also found that two of the four counties did not carry out a second update of their voter registrations as required by law for voters who did not vote in a presidential election.

In conducting this audit, we followed all applicable government auditing standards set forth by the U.S. General Accounting Office, except, because of time constraints, we conducted only limited testwork to ensure that the computer printouts provided to us by the counties were reliable.

## **Have Counties and Local Election Boards Followed Kansas Laws in Issuing, Handling, and Counting Absentee Ballots?**

State law imposes many requirements on county election officers. We found that, by and large, county officials complied with these requirements. However, we also identified problems with statutory noncompliance and lack of guidance for counties in several areas. For example, in some cases voters received more than one ballot, and actually voted twice. In other cases, local election boards did not follow specific procedures set out in State law for counting ballots. In addition, the laws relating to absentee voting were sometimes conflicting and unclear.

Our findings will be discussed following a brief overview of the statutory requirements related to absentee ballots.

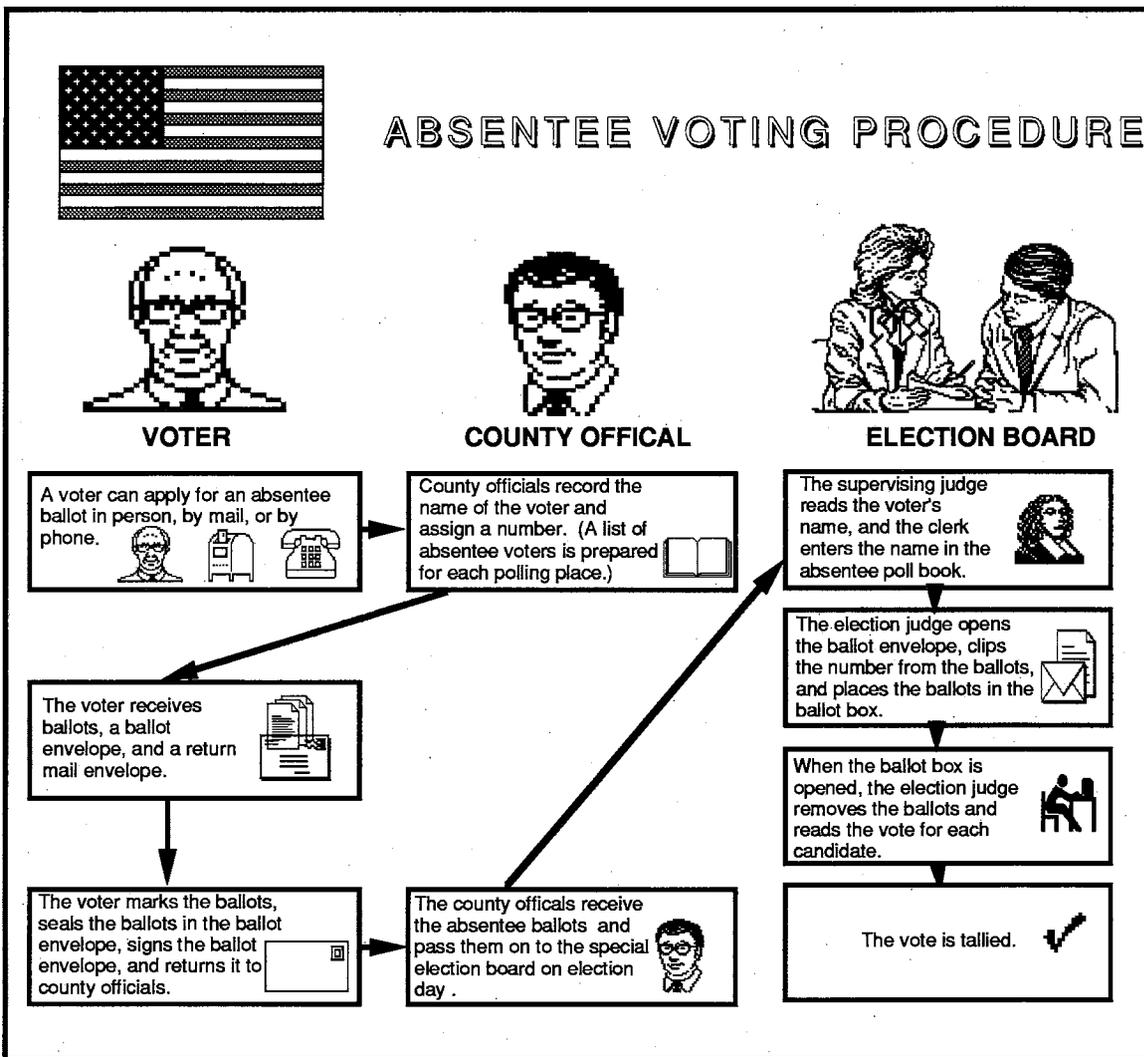
### **Much of the Absentee Voting Process Is Specified in Kansas Statutes**

Kansas law requires that voters, county election officials, and special election boards meet specific requirements during the absentee voting process. For example, in order to vote by absentee ballot, a voter must be unable to vote at the polls on election day because of absence from the county, sickness or disability, service on an election board, or religious beliefs. Other requirements for voters, county election officers, and local election boards are as follows.

- **Voters** must apply for an absentee ballot by phone, mail, or in person. Alternatively, another registered voter could complete an application on behalf of the applicant.
- **County officials** record the name of each voter requesting a ballot and assign a number to the ballot. The voter is given or mailed the appropriate ballots, a ballot envelope, and a return mail envelope. Ballot envelopes and return mail envelopes are numbered at this time, as are the actual ballots in counties that do not use voting machines or optical scanners for counting.
- **Voters** mark the ballots, seal them in the ballot envelope, and complete and sign the declaration on either the ballot envelope or the return mail envelope, depending on the county. (If a voter requires assistance in filling out a ballot, the individual assisting must sign an affidavit to that fact.) The ballot is then returned to the county election office.
- **County officials** prepare a list for each polling place, showing all people who have voted absentee. The list must be updated as additional ballots are received.
- **Local election boards** receive the sealed absentee ballots from county officials on election day. The board's supervising judge reads the voter's name from the

sealed envelope, and the clerk enters the name in the absentee poll book. A judge then opens each envelope and, if applicable, clips the numbers from the ballots so that ballots cannot be identified. Each ballot is then deposited into a ballot box without being unfolded. Whenever a judge thinks the form accompanying the ballot is insufficient, or that the voter is not registered or has died, the ballot is challenged and not opened.

When the ballot box is opened, a judge removes each ballot and announces the vote for each candidate. Another member of the election board verifies the vote. Two clerks independently record each vote with a tally mark. The tally sheets are periodically compared and, if necessary, the difference is reconciled to the satisfaction of the majority of the judges.



**Each County We Visited Was Out of Compliance  
With State Absentee Voting Laws in Some Way**

During our testwork in Cloud, Nemaha, Saline, and Wyandotte Counties, we found instances in which each county was out of compliance with State statutes. We divided the absentee voting process into three general areas—distributing ballots, authenticating ballots, and handling and counting ballots. The table below shows areas in which the counties did not comply with State law.

**Areas of Noncompliance with Absentee Voting Laws**

	<u>Cloud</u>	<u>Nemaha</u>	<u>Saline</u>	<u>Wyandotte</u>
<b>Distributing</b>				
Voters got more than 1 ballot	x		x	x
Disabilities not specified for permanent absentees	x		x	x
<b>Authenticating</b>				
Inadequate control to prevent voting absentee and at poll	x	x	x	x
Did not read voter names aloud	x		x	x
Inadequate affidavits of assistance	x		x	
Ballots issued for people not registered to vote			x	
<b>Handling/Counting</b>				
Procedure inadequate to protect voter anonymity			x	x
Ballots counted if declaration not signed	x			

**Three of the counties allowed voters to receive more than one absentee ballot.** In Cloud, Saline, and Wyandotte Counties, several voters applied for and received two absentee ballots. There was nothing to suggest that these were attempts at election fraud; they tended to be elderly people who may have been confused, or college students or military personnel who requested a ballot, but also had a ballot requested for them by a family member.

Only in Wyandotte County did any of the people who got two ballots actually vote twice. After the election, three elderly people were discovered to have submitted two absentee ballots each. Because these three counties did not have any procedures requiring election officials to check whether a person has already received an absentee ballot, this problem will likely continue unless practices are changed.

### **Allegations of Possible Improprieties**

During this audit, we received information about possible improprieties related to absentee voting in several counties. We investigated these allegations, which, together with our findings, are summarized below.

**Allegation:** The identifying number was not cut off some absentee ballots in Cloud County.

**Findings:** Two members of the absentee election board told us that the numbered corners were removed from each ballot they handled, and they did not observe any ballots with numbers intact.

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**Allegation:** The Nemaha County Clerk counted absentee ballots in a room by herself.

**Findings:** We contacted two members of the absentee election board, who told us the County Clerk never counted any absentee ballots by herself. They said she went through empty envelopes by herself to make sure all ballots had been removed.

\*\*\*\*\*

**Allegation:** The Nemaha County absentee election board walked out at midnight after being unable to agree on the count, and a new board had to be sworn in.

**Findings:** Two members of the absentee election board told us the board had difficulty agreeing on the count, and at approximately 3 a.m. another board was brought in to help complete the count. No one from either board left the room until the count was complete, at approximately 5 a.m.

\*\*\*\*\*

**Allegation:** After the election, unopened absentee ballots were found in a variety of places in the Wyandotte County Courthouse.

**Findings:** Five unopened absentee ballots were discovered about two weeks after the election. County election officials noted that one was found on a table under election materials, and four were mixed in with the opened envelopes. The five ballots were subsequently opened and counted.

**Some voters were placed on permanent absentee lists even though they did not report a permanent illness or disability.** In all counties, the application form for permanent absentee status asked for the nature of the permanent illness or disability. However, in Cloud, Saline and Wyandotte Counties, some applications did not list any illness or disability. Other applications listed such things as "age" or "failing health", which are not, by themselves, permanent disabilities. By not requiring a permanent illness or disability to be listed, counties may repeatedly send absentee ballots to people who are not eligible to receive them.

**All four counties exposed themselves to the risk that an individual could vote both absentee and by a regular ballot.** On election day, State law requires county election officers to give polling places a list of individuals who voted by absentee ballot. That list must be updated during the day if additional absentee ballots are received. (Absentee ballots can be turned in at the county election officer's office until the polls close at 7 p.m.) If followed, this procedure would prevent someone from voting at the polls and by absentee ballot.

County election officials told us they thought the required method was impractical, because of the number of absentee ballots they receive and the number of different polling places they would have to inform. As an alternative procedure, each county provided its polling places with a list of registered voters who had received absentee ballots, and poll

officials were asked to record this information in the poll book. In Cloud and Saline Counties, anyone marked as receiving an absentee ballot was not allowed to vote at the polls. In Nemaha and Wyandotte Counties, a person marked as receiving an absentee ballot could vote at the polls if he or she turned in the absentee ballot at the polling place.

However, it is apparent these procedures were not always followed, because in Wyandotte County, two people who returned absentee ballots in late October also were allowed to vote at the polls. These votes were counted because the problem was not discovered until after the election.

In addition to being out of compliance with State law, the counties' procedures, even if followed at all times, would not be entirely effective. Absentee ballots can be issued until noon on election day for voters who are sick or disabled. The control procedures currently used in the counties we visited would not detect a person who received an absentee ballot on election day and voted the absentee ballot as well as voting at the polls.

**Cloud, Saline, and Wyandotte Counties also did not follow a required procedure that would help identify people who were not eligible to vote.** K.S.A. 25-1135 requires the election board's supervising judge to read the voter's name aloud from the sealed envelope before the clerk enters the name in the absentee poll book. This procedure appears to be designed to give others present the opportunity to object to a ballot before it is opened. Objections could be made if someone knew the voter was deceased, had moved, or had already voted.

Local election boards in Cloud, Saline and Wyandotte Counties did not read the names of voters aloud, which reduced the chances of identifying people who were not eligible to vote.

**Affidavits of assistance were not always filled out as required.** If a person receives assistance in marking or transmitting an absentee ballot, K.S.A. 1992 Supp. 25-1124 requires the person providing help to complete an affidavit of assistance, which is to be turned in with the ballot envelope. In Saline County, we found that election officials allowed adult care homes to submit a single affidavit which listed the voter assisted as "residents of (name of facility)," without specifying which residents actually received assistance. In Cloud County we checked on 38 voters from three adult care homes. At one home, we found affidavits of assistance had not been filed for five residents who were identified by the facilities staff as requiring assistance.

**Saline County issued ballots to two people who were not registered voters.** All the counties said they checked the voter registration rolls before issuing an absentee ballot, to make sure each applicant was a registered voter, as required

#### The Number of Absentee Ballots Requested and Returned

During the November 1992 Statewide election, many Kansas voters needed to vote by absentee ballot because of ill health, absence from the county, religious beliefs, or service on an election board. For each of the four counties we visited, the table below shows the number of absentee ballots that were requested and returned.

<u>County</u>	<u>Ballots Requested</u>	<u>Ballots Returned</u>
Wyandotte	3,391	3,172
Saline	1,775	1,527
Cloud	476	437
Nemaha	469	449

by K.S.A. 25-1119. In Saline County, where we checked voter registration for 126 people who received absentee ballots, we found ballots were issued for two people who were not registered voters. Neither person submitted a completed ballot.

**Procedures for handling and counting absentee ballots in Saline and Wyandotte Counties may not have protected voters' anonymity.** K.S.A. 25-1135 requires that, after the names are read aloud as described above, a judge opens each envelope and, if applicable, clips the numbers from the ballots before depositing the folded ballots into a ballot box. In this way, the name of the voter cannot be associated with the ballot.

In Saline and Wyandotte Counties, folded ballots were not placed into a ballot box. Rather, when the judges removed the ballots from the envelopes, they unfolded and flattened the ballots to prepare them to be machine scanned (Saline) or voted at a voting machine (Wyandotte). By following this procedure, the judges had the opportunity to see the voter's name (from the declaration on the ballot envelope), as well as to note how the person voted (while unfolding and flattening the ballots).

Officials in Cloud County also did not follow the required procedure, but used an alternative procedure that protected voters' anonymity.

### **Some Kansas Absentee Voting Statutes Were Conflicting or Unclear**

In some cases, Kansas laws provide conflicting instruction to county election officers. After the 1992 general election, controversy arose over the counting of absentee ballots for which the declaration was not signed. Three statutes are relevant:

- K.S.A. 1992 Supp. 25-1124 states that the voter must fill out in full and sign the form on the ballot envelope (the declaration)
- K.S.A. 25-1136 states that whenever the election judges determine that the form accompanying an absentee ballot is insufficient, the ballot should be challenged (however, insufficient is not defined)
- K.S.A. 1992 Supp. 25-3002 states that no ballot should be invalidated by any technical error unless the voter's intention cannot be determined

Officials in Nemaha, Saline, and Wyandotte Counties stated that they challenged ballots if the envelope was not signed, and that their county boards of canvassers concluded that these ballots should not be counted. (Nemaha County accepted ballot envelopes that were not completely filled out, so long as they were signed). However, Cloud County accepted and counted ballots from unsigned envelopes, arguing that the signature can be interpreted as a technicality.

After the 1990 general election, a district court judge in eastern Kansas ruled that failure to sign a ballot declaration was a technicality and should not invalidate a ballot. However, this issue subsequently was brought before the Select Committee on Election

Contest of the 1991 Legislature, which concluded that voters must fill out and sign the declaration for the vote to be counted. The 1992 Legislature amended K.S.A. 25-1120 to require ballot envelopes to carry language stating that the declaration must be completed and signed. However, in a December 1992 district court case contesting the outcome of the 1992 Cloud County sheriff's election, a judge allowed some unsigned ballots to be counted because the voters testified in court that those were ballots they had filled out.

Other statutes also are unclear. For example, there is considerable variation between the counties on whether absentee ballots can be delivered to the voter by messenger, or whether State law requires them to be mailed or handed directly to the voter. Officials in Cloud, Nemaha, and Saline Counties allow ballots to be picked up and delivered to voters by messengers. This often happens in the case of adult care homes. Nemaha officials said they have occasionally delivered ballots to adult care homes themselves, while officials in Cloud and Saline Counties said staff from the homes would be responsible for picking up ballots.

Our review showed that K.S.A. 25-1123 allows ballots to be distributed only to the voter or to the person making application on behalf of the voter, and that the ballot can either be mailed out or given to the person making application in the office of the county election officer. Further complicating the issue is K.S.A. 25-1122e(d), which relates to timeframes for applying for an absentee ballot, but which also states that ballots can be delivered to sick or disabled voters by a messenger. Nemaha County officials relied on this statute in deciding to deliver ballots directly to adult care homes.

### **Concerns about Absentee Voting Procedures at Adult Care Facilities**

During this audit, we became aware of several types of allegations or concerns related to absentee balloting by nursing home residents, such as the following:

- candidates, elected officials, or others handing out absentee ballots to nursing home residents who had not applied for them
- residents receiving absentee ballots even if they were not mentally competent to vote
- campaign workers (or others) helping residents fill out their ballots, without filing affidavits of assistance

Distribution of ballots. County election officials and adult care home administrators told us that absentee ballots were not provided to nursing home residents unless an application form had been completed and filed. In several counties, we were told that residents were encouraged to apply for permanent absentee status, to eliminate the need to fill out application forms more than once.

Competency of voters. We did not attempt to determine whether "incompetent" residents were allowed to vote, but we did interview staff members of nursing homes in the sample counties. In general, they said they make judgments about which residents are alert or aware enough to vote. One staff member said she would like to have clear guidelines on determining who is competent to vote. She said that the children of some residents have filled out absentee ballots for residents who are not aware of who they are, where they live, or why they are in the adult care home.

Affidavits of Assistance. Adult care home personnel reported that they filled out affidavits of assistance when they assisted residents in marking their ballots, but could not ensure that affidavits were filled out when assistance was provided by residents' friends or family members. For example, five residents of a Cloud County nursing home did not have affidavits on file at the County Clerk's Office, even though the home's administrator told us they could not have voted without assistance.

There is no doubt that absentee balloting presents the possibility of abuse in a facility where a large number of absentee ballots are available and many of the voters are in poor health. Special restrictions could be implemented to reduce the risk, such as shortening the time for absentee voting or requiring that nursing home residents' votes must be witnessed by one or more parties. However, any such controls would probably involve greater expense to the counties or restrictions on senior citizens' constitutional rights.

## County Officials Had Inadequate Controls Over the Absentee Ballots They Received

In some cases, we could not determine whether county election officers complied with statutory requirements because they did not maintain sufficient documentation. In other cases, we observed situations that provided inadequate control over ballots, but which were not statutory violations. The following table summarizes our findings.

### Problem Areas in County Procedures

	<u>Cloud</u>	<u>Nemaha</u>	<u>Saline</u>	<u>Wyandotte</u>
<b>Authenticating</b>				
No time-stamp	x	x	x	x
<b>Handling/Counting</b>				
Mostly verbal instructions	x	x	x	x
Envelopes not retained			x	
Inadequate ballot security	x			

**We could not verify that counties excluded absentee ballots received after the polls closed.** To be counted, absentee ballots must be received by the county election officer by 7 p.m. on election day. We found that two of the four counties used a date stamp to show when ballots were received, but none of them used a time-stamp. Because of this, we were unable to determine whether ballots that were received on election day actually were eligible to be counted.

**Most of the instructions the counties provided to poll workers and election judges were verbal.** Officials in Nemaha County also provided absentee board members with an election law book for reference, and officials in Cloud and Wyandotte Counties provided limited written guidance.

By providing primarily verbal instructions, the counties are relying on absentee board members to correctly remember the instructions they received. In addition, if county officials inadvertently provide incorrect verbal instructions, the problem is less likely to be discovered and corrected.

**Envelopes with the voter's declaration are not required to be retained.** State law requires ballots to be sealed and retained for 22 months after a general election. However, it does not address the retention of ballot envelopes or return-mail envelopes, either of which may contain the voter's declaration and signature.

Three of the counties we visited retained the envelopes for at least the same length of time as the ballots (in fact, Nemaha County kept the envelopes in the sealed ballot sack). However, Saline County did not keep envelopes. As a result, we were unable to verify that only ballots submitted with a signed declaration were counted. In a recent contested election in Cloud County, return envelopes with the declaration were considered evidence by the district court judge in making a determination of the election outcome.

### County Election Officials Propose Changes

Election officials in the counties we visited identified several areas they would like to have changed or clarified.

- Provide clear statutory direction on what to do with unsigned ballot envelopes.
- Clarify the procedure for challenging absentee ballots based on knowledge that the information given was incorrect (an absent voter cannot be given an oath).
- Clarify how to handle residents of adult care homes who have permanent absentee status. Care home residents, if capable, should be encouraged to vote, but a method is needed to determine, from one election to the next, if the resident is capable of voting. For example, if a resident has become comatose, automatically mailing a ballot to the person could result in the ballot lying on a bedside table accessible to anyone who enters the room.
- Clarify what should be done with ballot envelopes after an election.
- Eliminate the mandatory purge for voters that miss two general elections; rather, send non-forwardable letters after every general or Presidential election to verify addresses of people who did not vote.
- Print the affidavit of assistance on the ballot envelope to help ensure that a ballot will not be invalidated because the voter was unable to sign the envelope.
- Modify the computer programs for voter registration so when a person applies for an absentee ballot, it can be noted directly on the computer screen. This would have to be deleted following each election.
- Clarify whether ballots can be delivered to absentee voters by a messenger.
- Compile a manual to provide guidelines to eliminate some of the variance in election procedures throughout the State. Elections are only one of the major responsibilities that fall upon the county clerks. A procedural manual would allow quick help on issues that now require a call to the Secretary of State's Office or waiting for clarification from the County Attorney.

**Cloud County stored absentee ballots in an unlocked ballot box.** When absentee ballots are returned to county election officers, they are placed in a ballot box until the election board is ready to begin counting them. In Cloud County, the ballot box was stored behind the front counter in the County Clerk's Office, and was not locked. This situation did not adequately protect ballots from being destroyed or tampered with before the election.

### **The Secretary of State Has Not Provided Guidance to County Election Officers On Absentee Voting, Although He Had the Authority to Do So**

As noted earlier, some election statutes are conflicting, unclear, or virtually impossible to follow. Consistency in the absentee voting process would be greatly increased if State laws were clarified and county election officials received more guidance from the Secretary of State's Office.

The statutes place minimal requirements on the Secretary of State's Office with regard to absentee voting procedures. By law, the Secretary of State must prescribe the general forms of absentee ballots to be used in all primary and general elections, as well as the form of the printed instructions to voters, and must transmit the prescribed forms to county election officers 35 days before the election. The Secretary also must approve the ballot distribution plan used by counties that do not number their ballots. (Ballots that are machine voted or read by a scanner are not numbered, although the ballot envelopes are numbered).

Although K.S.A. 25-1131 allows the Secretary of State to issue rules and regulations related to absentee ballot process, the Secretary's Office has not done so. The Office sends out mailings from time to time that may address issues related to absentee voting. In addition, officials from the Secretary of State's Office said they review the statutes with the county officers who have questions, and, depending on the circumstances, may suggest that county personnel follow up with their county attorney or the Attorney General.

The Secretary's Office indicated it does not receive many questions about absentee ballots, and officials said they were not aware of any problems with the absentee voting process. They acknowledged that counties probably varied in their methods for carrying out statutory requirements.

### **Conclusion**

Our audit work has shown that county election offices varied in their procedures for handling absentee ballots and in their level of compliance with State law. The State has the responsibility to see that its voters and their ballots are treated consistently, and are judged by the same standards, regardless of where those voters live. Unless actions are taken to clarify State laws and to provide sufficient guidance to county election officials regarding the distribution, authentication, handling, and counting of absentee ballots, it is unlikely that the problems we identified will be resolved.

Although we did not find evidence of widespread abuse, we identified instances in which people could have, and did, vote more than once. And as the November 1992 elections showed, a small number of votes can change the outcome of an election.

### **Recommendations**

1. The Secretary of State's Office and county election officers should work together to identify all areas of the statutes related to absentee voting that are conflicting, unclear, or impractical to follow. This information should be presented to the Legislature's elections committees for consideration of statutory changes.
2. The Secretary of State's Office should issue regulations to provide guidance to county election officers in areas that are not covered by the statutes. This could include such things as whether to keep ballot envelopes, and if so, how to store them, what level of security is necessary for ballots that have been returned, circumstances under which voters may be added to the permanent absentee list, and how

affidavits of assistance should be handled. County election officers may wish to identify other areas in which they would like guidance.

3. County election officials in Cloud, Nemaha, Saline, and Wyandotte Counties should take steps to bring their procedures into compliance with State laws related to absentee voting, or should actively seek to change those laws.

## **Have County Officials Established Adequate Procedures For Updating Voters' Names and Addresses On Voter Registration Records?**

State laws require county election officers to void the registration of anyone who fails to vote in two consecutive State general elections. In addition, county election officers must update voter registration records when a registered voter moves, dies, or fails to vote in one presidential election. In the four counties we visited, we found that two counties did not properly update voter registration records for those who failed to vote in a presidential election, and one county did not take the required steps to determine the names of registered voters who had died. These findings will be discussed in more detail after a brief overview of the statutory requirements for updating voter registration lists.

### **The Requirements for Updating of Voter Registration Rolls Are Specified in Kansas Statutes**

Updating voter registration is done by county election officers on an on-going basis. County election officers are responsible for adding the names and addresses of new registrants and updating addresses of registered voters who have moved within the county. However, legislative concerns for this audit related mostly to county election officers' duties in removing the names of registered voters who have moved, died, or failed to vote in at least one general election.

Under State law, a county election officer must remove the names of voters from the registration rolls under the following circumstances:

- **When a voter moves** and registers to vote in another jurisdiction,
- **When a registered voter dies** and the death is reported in a local newspaper or in an official list provided by the Department of Health and Environment,
- **When a voter fails to vote in two consecutive State general elections,**
- **When a voter fails to vote in one presidential election,** and the county election officer determines that the voter's listed address is no longer correct,
- **When a voter requests in writing or a court orders** a voter's name to be removed from registration.

In addition to these steps, each county election officer has the option to check the addresses of voters who have failed to vote in a non-presidential general election, in the same manner as required after a presidential election.

The following timeline illustrates how long a voter could have remained on the voter registration books as an eligible voter, even if the county election officer did all required updates.

<b>Maximum Time a Voter Could Stay on County Registration Rolls Without Voting</b>			
Nov. 1988 Presidential Election	Nov. 1990 State General Election	Nov. 1992 Presidential Election	
Δ	Δ	Δ	Δ
<i>Voter Votes</i>	<i>Voter Does Not Vote in this Election</i>	<i>Voter Does Not Vote in this Election</i>	<i>Voter's Name Should Be Purged — Missed Two Straight Elections</i>
<p>In this example, the voter's name could stay on the active registration rolls for four years after the voter last voted in 1988. So, if the voter had moved right after voting in 1988, the voter's listed address would be incorrect throughout the entire four years.</p>			

As the timeline shows, a voter who moved right after voting in 1988 could remain on the active registration roll for about four years. The county election officer would not

#### **Some Candidates Have Had Problems When Using Addresses from Voter Registration Rolls for Their Political Mailings**

The State Republican Party obtained a list of registered voters from the Saline County Clerk's Office at the end of April 1992. Using that list, the Party sent a political mailing in early October on behalf of the incumbent Senator from Saline County. Soon afterward, the Senator learned that a high percentage of his mailings could not be delivered because the registered voters no longer lived at their listed addresses. Another mailing done at the end of October, using a more recent list of registered voters, did not result in any significant problems.

Our review suggested that using a list that was nearly six months old could have been a major part of this problem. In Saline County, more than 4,500 people were added to the registration rolls in the six months before the November 1992 election. In addition, an unknown number of registered voters notified the County Clerk that they had moved within the County. The fact that the County Clerk had failed to do one of the required updates of voter registration rolls was probably a less significant factor.

A State Representative from the Cloud County area also told us that some of his (first-class) political mail had been returned because the registered

voters had died or moved. When we examined a sample of those instances, we found six for which the County Clerk's Office had no reason to know that the voters' addresses had changed. In one case, the voter's address had been entered incorrectly on the county's computer. In another case, the voter's address on the computer was incomplete, despite the fact that the correct address was shown on the voter's application for an absentee ballot.

In both these situations, it is important to remember that a registered voter could move out of the county, but the voter's name could remain on the registration rolls for as long as four years — or at least until the voter failed to vote in two straight general elections.

When we contacted postmasters in our four sample counties, the only one who reported any problems with political mailings was the postmaster in Salina. For the 1992 general election, he estimated that about 14,000 pieces of political mail were thrown away. Representatives of the State's two major political parties told us they were not aware of any significant problems in using voter registration rolls for their political mailings.

be aware of the voter's address change unless the voter notified the officer or registered in another county. If the county had decided to do the optional update of its voter registration rolls after the November 1990 election, the voter's name would have been removed from the registration rolls at that time.

**Two of the Four Counties Did Not Update Their  
Voter Registration Rolls as Required by State Law**

Those two counties were Saline and Cloud. The following table shows which counties conducted the required updates of their voter registration rolls.

**Sampled Counties' Performance of Required Updates  
of Voter Registration Lists for People  
Who Failed to Vote in Statewide Elections**

<b>For People Who Failed to Vote in These Elections</b>	<b>Did These Counties Update Registration Lists as Required?</b>			
	<b><u>Cloud</u></b>	<b><u>Nemaha</u></b>	<b><u>Saline</u></b>	<b><u>Wyandotte</u></b>
1992 only (one presidential election)	No	Yes	No	Yes
1990 and 1992 (two consecutive general elections)	Yes	Yes	Yes	Yes

**Saline and Cloud Counties did not follow the required address verification and registration update for people who did not vote in a presidential election.** If a voter fails to vote in a presidential election, the county election officer is supposed to send the voter a nonforwardable letter to determine whether the individual has moved. If the undelivered letter is returned to the county election officer, the officer should remove the individual's name from the voter registration rolls.

Officials from Saline and Cloud Counties told us they thought this was an optional procedure; however, it is clearly required by K.S.A. 1992 Supp. 25-2316c. By failing to perform this registration update after each presidential election, these two counties have had registration lists that were not as current as they should have been. In both counties, some voters who moved out of the county have remained on the voter registration books longer than they should have, until they missed two consecutive general elections.

**For people who failed to vote in two consecutive general elections, Saline County did not remove those names from its voter registration rolls until 11 months after the 1990 election.** All four of the sampled counties conducted the required purge

of voters who failed to vote in two consecutive State general elections. However, Saline County did not do its update until October 1991, or 11 months after the November 1990 election. The other three counties all removed the names of non-voters within two months after the election.

The counties have followed the same pattern after the November 1992 general election. Saline County officials are planning to wait until after the Spring 1993 local elections before removing the names of people who did not vote in the last two general elections. The other three counties completed the purge of non-voters' names before the end of January 1993.

Saline County's tardiness in updating its voter registration rolls did not violate any State law, because the laws do not address deadlines for removing the names. However, if a county does not update its registration list promptly, people whose names should have been removed still would be eligible to vote in local elections. In addition, the failure to update registration lists promptly could cause local candidates to spend more money than necessary in mailing political information to registered voters.

During this audit, we noted that State law requires county election officers to send a nonforwardable letter to each person whose name has been deleted from the registration rolls because they failed to vote in two consecutive general elections. The letters are sent to notify people that they are no longer registered and to encourage them to register. However, it appeared to us that forwardable letters would more effectively reach the formerly registered voters.

**Saline County officials did not check the obituaries in local newspapers for names of individuals who have died, so that those names could be removed from the voter registration rolls.** State law requires a county election officer to remove the name of any registered voter whose death is published in an obituary notice or in a list of deceased residents provided by the Department of Health and Environment. Saline County removed the names of people on the lists it received monthly from the Department of Health and Environment, but did not check the obituaries in any local newspaper.

Checking obituaries in local newspapers is important because the Department of Health and Environment's lists would not include the names of people who had moved to another county, or who died outside Kansas.

Saline County election officials told us they did not realize they had any duty to check local obituaries, but a representative of the Secretary of State's Office confirmed that every county has an implied duty to do so. Failure to check local obituaries increases the risk that voter registration rolls include the names of deceased persons, which could increase the risk of fraudulent voting.

**Only one of the four counties did the optional update of voter registration records for individuals not voting in one non-presidential election.** If any county

election officer decides it is necessary to maintain accurate voting records, State law allows the officer to send address verification letters to registered voters who did not vote in one non-presidential general election, and then remove the names of those whose letters are returned as undeliverable. (This is the same procedure that is required to be followed after a presidential election.)

Of the counties in our sample, Wyandotte County was the only one that updated voter registration records for individuals who did not vote in one non-presidential general election. The Wyandotte County Election Commissioner thought the procedure was necessary because of the frequent movement of county residents.

In a county such as Wyandotte, the primary benefit of conducting the optional update is the removal of voters who have moved out of the county. A secondary benefit is the identification of registered voters who have moved within the county, so they can be notified to re-register. Updating the registration rolls in this manner also would save money for candidates who use the voter registration lists as a source of addresses for their political mailings. On the other hand, optional updates take up the time of county election officials, and cost money to send letters to the persons who have failed to vote.

### **The Secretary of State's Office Has Not Yet Established a Centralized Voter Registration Database, as Required by Law**

The 1990 Legislature passed a law requiring the Secretary of State to establish a centralized voter registration database. The law gave the Secretary of State the authority to adopt rules and regulations on how county election officers should maintain voter registration records and transmit data to the central database, but did not set a deadline for the database to be in place.

As of January 1993, the Secretary of State had not adopted any rules and regulations to implement the centralized voter registration database. The Secretary of State had voter registration information from 103 counties, but the information was not in an integrated database. Officials in the Secretary of State's Office told us that little progress had been made because of problems getting the data in a compatible format from all counties in the State. They said it would cost about \$30,000 for additional computers to set up the integrated data base, and an additional \$600 per month to keep the data up-to-date. Because of these problems, officials told us they did not plan to devote additional time or resources to this project.

A central voter registration database could have several benefits. First, it could help ensure that a person is not registered to vote in more than one county at the same time. Second, a central database could make it easier and quicker for the Secretary of State's Office to verify petitions filed in the Office. And third, it would be more convenient and efficient for candidates and political parties to have one source for the names and addresses of all registered voters in the State.

## **Conclusion**

In the four counties we visited during this audit, Nemaha and Wyandotte Counties properly followed all requirements for updating voter registration rolls, while Cloud and Saline Counties fell short of full compliance. The counties that have not conducted required updates undoubtedly have allowed some voters to remain registered after their names should have been removed, which increases the risk of voting fraud and causes problems for political candidates who use voter registration lists for sending political mailings. All county election officers need to ensure that their voter registration rolls are kept up-to-date, as required by law.

## **Recommendations**

1. The county clerks in Saline and Cloud Counties should comply with State laws requiring letters to be sent to registered voters who fail to vote in one presidential election, and to delete the voters' names if the letters are returned undelivered because the voter's address has changed.
2. The Saline County Clerk should comply with State laws requiring the review of obituaries in local newspapers to identify registered voters who have died, so that their names can be removed from the registration rolls.
3. To ensure that voter registration records are updated promptly and consistently across the State, the Legislature should consider amending K.S.A. 25-2316d to specify when the required voter registration updates should be accomplished. In addition, the Legislature should consider amending that law to require the county election officer to send a forwardable (rather than nonforwardable) notice to people whose registration has been voided for failure to vote in two consecutive general elections.
4. The Secretary of State's Office should provide the 1993 Legislature with a written proposal for fully implementing the centralized voter registration data base. The proposal should include the current status of the project, the timetable for a fully computerized system, and an estimate of the costs involved at the county and State levels. If the Secretary of State does not think the cost of implementing the database can be justified, he should recommend the law be amended or repealed.



**Appendix A**  
**Agency Responses**

On January 15, we provided copies of the draft audit report to Secretary of States Office, and County Clerks in Cloud, Nemaha, Saline, and Wyandotte Counties. Their responses are included as this Appendix.



Bill Graves  
Secretary of State

2nd Floor, State Capitol  
Topeka, KS 66612-1594  
(913) 296-2236

STATE OF KANSAS  
January 25, 1993

Ms. Barbara J. Hinton  
Division of Legislative Post Audit  
Suite 1200  
Merchants Bank Tower  
800 S.W. Jackson  
Topeka, KS 66612



Dear Ms. Hinton:

Thank you for the opportunity to respond to your study of county election procedures. My impressions are as follows:

- Elections are fair, and accurately reflect the wishes of Kansas voters.
  - The report implies that many of the great strengths of our election system, such as local control, are weaknesses.
  - There is a danger that post audit could become a convenient tool for political dissatisfaction resulting from election losses.
  - The report should raise legislative awareness of the unique system of elections in Kansas.
1. As expected, the report substantiates what I have observed during the past 13 years in this office—that no instance of fraud or misconduct has occurred, which either affected the outcome of an election or went without discovery or punishment. Considering the magnitude of conducting an election, this is a remarkable achievement. From the 1992 general election (in which a record 1.3 million voters visited nearly 3,000 polling places staffed by more than 15,000 board workers) to the smallest municipal election, our system works.

Elections officials clearly place integrity and honesty before all other considerations, including personal embarrassment. For example, workers in the Wyandotte County Election Commissioners office discovered five unopened absentee ballots after the election. They reported this to election

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commissioner Liz Malloy who promptly informed the secretary of state's office as well as the press and public of the discovery. I believe this forthright and candid response is typical throughout the state.

2. The election process in Kansas has evolved into a partnership between our citizens, locally elected election officials, the Secretary of State, state legislators and the judicial branch. Over many years we have painstakingly constructed a fragile system that is inclusive, flexible and locally controlled, yet which provides substantial conformity to state statutes as well as state involvement and direction.

The secretary of state's office serves as a liaison in this delicate relationship—communicating legislative desires to the county election officers and acting as an advocate for the county clerks before the legislature. The suggestion that this office adopt rules and regulations is contrary to the historical development of elections as well as the desires of voters and legislators. The authority to establish rules and regulations were given to this office in 1967—yet in more than 25 years this is the first suggestion that this office use this authority. The recommendation to adopt rules and regulations raises an obvious question: If rules and regulations are as important as the study suggests, why hasn't the legislature insisted the secretary of state's office adopt rules and regulations? The answer is apparent—legislators desire to be intimately involved in shaping election law.

Through the years the legislature has maintained an active role in writing and defining state election law. For example, in the past four years the legislature reviewed more than 200 pieces of elections-related legislation. Because they are elected state officials, legislators clearly have a greater interest in and understanding of election law.

In any study of elections, it is also important to recognize that county clerks are independent, autonomous public officials. They are elected at the county-level and are, ultimately, answerable to the voters who elected them. It is difficult to believe that stronger state oversight would serve to improve this system nor is it likely that Kansas voters desire to surrender local control in favor of further state government intrusions.

The report also addresses a lack of "consistency" in the electoral system. Because the system is "by the people, for the people" it often cannot be

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Ms. Barbara J. Hinton  
January 25, 1993

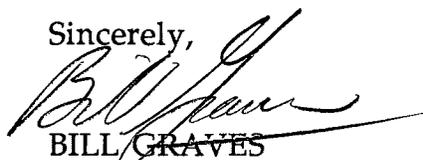
defined in black and white terms. Flexibility must be preserved to allow officials to exercise their discretion as they adapt to unique local circumstances. Flexibility is especially important in a state as widely diverse as Kansas. Johnson County has 245 precincts, compared to three precincts in Greeley County.

3. It is my belief that the motivation for this study stemmed as much from political dissatisfaction with the outcome of the 1992 election as it did with concern about the integrity of the electoral system. The study clearly finds that elections in the State of Kansas are fair and accurate. While this conclusion should surprise no one, the legislature should be keenly aware of the potential for undermining public confidence in the electoral process.
4. This office has always embraced efforts to improve the conduct of elections in Kansas. We have taken an aggressive role in the education of county election officers. Communication from this office to the counties is frequent and takes many forms: letters, newsletters, telephone calls and presentations at state and regional conferences. Education is an essential part of a sound electoral process and, within the limitations of our budget, we will continue to provide education to county election officers.

Perhaps, the study's greatest contribution will be to increase legislative awareness of our state's unique election system. The legislative process is so often caught up with the pulse of events that there is little time for a thoughtful examination of existing state structures.

In conclusion, I am pleased that the post audit report confirms what I have always known—elections in Kansas are fair, and accurately reflect the wishes of Kansas voters. An intricate partnership between the legislature, the Secretary of State and county election officers allows state guidance while preserving the integrity of local control. The need for conformity must be balanced by the need for flexibility in a diversely populated state. County officials apply laws to suit the unique needs of their county, but integrity is consistent throughout the state.

Sincerely,



BILL GRAVES  
Secretary of State

Betty L. Musick  
Cloud County Clerk  
811 Washington  
Concordia, KS 66901

January 25, 1993



Barbara J. Hinton  
Legislative Post Auditor  
800 S.W. Jackson, Suite 1200  
Topeka, KS 66612-2212

Dear Ms. Hinton:

Given the time and financial constraints under which they worked, added to a fairly recent acquaintance with the intricacies of election law, the committee did a good job of identifying and articulating the problems with which election officials have to deal. I believe the report makes it very clear that current statutes and regulations are, in many cases, unclear, and, in some cases, contradictory. The recommendations presented are reasonable. In fact, they echo what election officials have been requesting.

I would like to point out, however, that, if and when changes are made to election law, we must also take into consideration federal election requirements and postal regulations. Both of these areas have a substantial impact on whether statutes and regulations can be practically complied with.

One other area I would like to address is the suggestion (not a recommendation) that some sort of competency guidelines be developed for residents of adult care homes. This could set an extremely dangerous precedent that could evolve into competency testing for other groups or persons in other situations. Far better to let things take their natural course and allow the registration methods we now have to handle the situation. We should not become so enamoured of absolute security that we erode the rights of suffrage for any person or group.

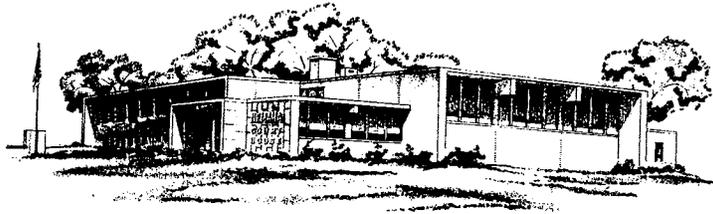
Lastly I would like to point out that whenever a problem or the appearance of a problem arises, we hear calls for stricter black-and-white laws. But we must remember that no law can cover every situation that might arise. One of the strengths of our voting system is that it is flexible enough to assure that no one who is eligible to vote is denied that right and, at the same time, protect the validity of that vote. We must remember also that we are dealing with human beings, not computers, human beings who, whether they are election officials, election board members, or voters, occasionally make errors, whether of commission, omission or judgement, but human beings who for the most part want to do what they have to do correctly. There must be a basic trust underlying the whole election process or neither the most stringent nor the most lenient laws will provide satisfaction.

I would like to thank the committee for their efforts in updating and clarifying election law and procedure.

Sincerely,

A handwritten signature in cursive script that reads "Betty L. Musick". The signature is written in dark ink and is positioned above the typed name.

Betty L. Musick  
Cloud County Clerk



**NEMAHA COUNTY**

607 NEMAHA  
SENECA, KANSAS 66538  
FAX: 913-336-3373



Legislative Division of Post Audit  
Merchants Bank Tower  
800 S.W. Jackson, Suite 1200  
Topeka, KS 66612-2212

Barbara J. Hinton

We are in receipt of the draft copy of the audit report. Kathy Heinen and I have reviewed the copy and submit the following response.

We would like to comment on controls to prevent voting absentee and at the poll, page 6. Election boards receive a list of all absentee ballots issued within their precinct up to the time the supervising judges left with their supplies, approximately 2:30 on Monday, November 2. The only applications received after that time were for a care home resident, requested by a staff member on her behalf, and two hospital patients, requested by hospital staff. The staff who requested the ballots for the three individuals stated they were unable to travel. Any other circumstance would have warranted notification to the Board at their precinct.

In regard to the reference on page 10 concerning the time at which an absentee ballot is received and if the absentee ballots received after 7:00 P.M. election day are counted. The law does state the absentee board must hold back 25 ballots that may not be counted until 7:00 P.M., the deadline for ballots to be accepted. This is done so that any ballot received at 7:00 will not be counted by itself. At 7:00 they empty the ballot boxes holding the uncounted ballots and complete the counting procedure. These instructions are contained in KSA 25-1135 and are on page 7 of the election law book that we supply to the Boards.

Thank you for your cooperation and for permitting us to review the draft and submit our comments.

Sincerely,

Anita Heiman  
Nemaha County Clerk



# Saline County Clerk

Shirley J. Jacques - County Clerk  
Phone: (913) 828-6650

300 West Ash  
Salina, Kansas 67401



January 26, 1993

Response to Post Audit Committee draft report:

Comments: Re page 15 box- The estimated 14,000 pieces of political mail referred to as being undeliverable was political mail from all sources-including presidential candidates-confirmed by Salina Postmaster Richard Brake-1-25-93. On November 3, 1992 the Saline County voter registration records contained 27,450 names; of these 23,737 or 86% are recorded as having voted. I believe this indicates reasonably up to date records.

The two ballots that were issued to apparently non-registered voters have been researched and no explanation other than office error can be found; as noted in the report-the ballots were not returned.

In Presidential years we purge after the city-school elections because of experiences with mail being returned as "undeliverable" and later finding the voter was still at that address-thus risking denying someone the right to vote.

Staff and budget constraints have a bearing on when and if optional procedures are done.

Obituaries will be used for deletions.

While nursing homes do present a problem, personally I would not want to be in a position of deciding whether or not any voter is "competent".

# WYANDOTTE COUNTY ELECTION COMMISSIONER'S OFFICE

9400 STATE AVENUE  
KANSAS CITY, KANSAS 66112-1588

ELIZABETH MALLOY  
ELECTION COMMISSIONER

(913) 334-1414  
FAX (913) 334-0418

January 21, 1993



Ms Barbara J. Hinton, Legislative Post Auditor  
Merchants Bank Tower  
800 S.W. Jackson, Suite 1200  
Topeka, Kansas 66612-2212

Dear Ms Hinton:

I have attempted to give some of my opinions regarding the post audit draft report.

Some of our problems were caused in the process of changing our system of listing absentee applicant's names onto a computer system causing a backlog. Therefore, our records were not kept updated as in previous elections.

Page 5, 6 and 7  
Authenticating

Inadequate control to prevent voting absentee and at poll.

Board Members are instructed at class and in their Instruction Manual furnished each Board Member to make an "A" in the Poll Book after each person who has applied for an absentee ballot. The list is posted in front of the Poll Book - see Pages 6 and 7. If Board Members follow instructions, it would prevent a voter from voting absentee and at the polls. Also, there is a time period from Monday the day before the elections when Supervising Judges pick up their supplies until Monday noon for absentee and Tuesday noon for sick and disabled where a voter may vote absentee or sick and disabled and their name will not appear on the absentee list. The only possible solution to update the list is to hire a courier or attempt to contact the Supervising Judge by telephone.

Page 5 and 7, K.S.A. 25-1135

I understand we are not in strict compliance with this Statute, but the auditor's concern with anonymity of ballots and given the number of absentee ballots, I do not feel this is a problem. Our Absentee Board Members reported at 7:00 a.m. and did not complete counting the votes until after midnight.

No one has ever been present as a Poll Watcher to listen or object regarding a voter who is deceased, has moved or already voted. It would be more feasible and practical to check the list of absentee applicants in our office, both in precinct order and alphabetical order.

Page 2

Page 5

### Handling/Counting

With approximately 14,000 (Candidacy, Constitutional Amendment, Judicial, Two County Questions and a School Bond Question), it is difficult to place each folded ballot in a ballot box and maintain an efficient and practical way of counting ballots. The Board Members remove the ballots from the ballot envelopes and place envelopes in separate boxes. When ballots are removed they are unfolded and are kept in order as received and immediately given to the Counting Board. Several Board Members are present during this procedure to prevent anyone in comparing names with ballots. The Supervising Judge is at all times circulating around and observing to prevent any improprieties. With the number of absentee ballots, there is no time to stop and check to see how a person has voted.

On page 5 regarding a voter voting twice, this information was reported to the District Attorney.

Also, to prevent a voter from obtaining two ballots, we are furnishing the Absentee Clerk with a separate registration book to mark the absentee applicants.

Thank you for the opportunity to respond to your findings.

Sincerely,



Elizabeth Malloy  
Election Commissioner

