The Impact of County Election Officials on
Citizen Participation in Kansas Elections

All Democracy is Local

ACLU
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Contents

Introduction

The more that citizens participate in a democracy, the stronger that democracy becomes. Voting, one of our most cherished rights as Americans, is the lifeblood of a healthy democratic system. When the right to vote is not robustly defended, or when a culture that minimizes the importance of citizen participation in elections is cultivated, it saps the strength and soul of our democracy.

When it comes to the strength and soul of our democracy, something is not right in Kansas. In the 2016 presidential general election, Kansas's voter turnout was just 59.2%—good enough to be 34th in the country and far below the nearly 75% rate in states with the highest turnout. In the 2018 midterm general election, turnout was slightly over 50%, which still put Kansas in the bottom half of state turnout rates.[1] Kansas ranks 40th in the country for the percentage of eligible voters who are actually registered.[2] In terms of the representation of its actual population in the electorate, a 2016 report noted that Kansas ranks 46th in the country, with racial minorities and young people dramatically underrepresented in the state's electorate. Most troubling of all, a recent research report found that Kansas was the 9th hardest state in which to cast a ballot.[3]

These realities indicate that Kansas can, should, and must do better at increasing citizen participation in elections. The reasons for relatively low voter turnout in Kansas are many, and commonly cited culprits like voter disinterest or the uncompetitive nature of some state elections do play a role. However, Kansas clearly has not taken many of the proactive measures that other states have implemented to increase voter turnout.

WHEN A CULTURE THAT MINIMIZES THE IMPORTANCE OF CITIZEN PARTICIPATION IN ELECTIONS IS CULTIVATED, IT SAPS **THE STRENGTH AND SOUL OF OUR DEMOCRACY.**

KANSAS IS AT THE BOTTOM OF MANY MEASURES OF DEMOCRACY

- In the 2016 election, Kansas's voter turnout ranked **34th** in the country.
- Kansas ranked **40th** in the country for percentage of eligible voters who are actually registered.
- Kansas has a high percentage of mail-in ballots that are rejected, ranking **43rd** in the country. In the 2016 and 2014 elections, Kansas ranked in the **top 5 for rejected provisional ballots**.
- A 2016 report noted that Kansas ranks **46th in voter representation**.

THE JOB OF COUNTY ELECTION OFFICIALS IS MUCH MORE THAN JUST COUNTING VOTES—IT IS TO FOSTER A CULTURE WHERE **DEMOCRACY THRIVES.**

Kansas and other states have not taken more proactive steps in part because of the way elections are administered in the United States. Under the American federal system, elections in the United States are among the most decentralized in the world. There is no uniform national standard for who is eligible to vote, when elections are held, how they are run, or how cumbersome it is for citizens to participate in them. The 2018 elections highlighted for many Americans the vast differences in election administration between states. For example, states that have aggressively adopted vote-by-mail laws often did not have final results for days after November 6 because of the time needed for those ballots to make their way to election authorities.

Of course, Kansans know well the impact state law can have on individual citizens' access to their right to vote. Until a federal judge struck it down as unconstitutional in 2018, Kansas's "papers please" law deprived tens of thousands of citizens of their right to vote based on their inability to produce paperwork demanded by Secretary of State Kris Kobach.

Although this attention to the differences between states is important, what still escapes the attention of many is that **differences in voting rights policy exist not just state by state, but county by county**. The hyper-decentralized nature of our election administration system gives an enormous amount of power to local election officials to decide how to run elections and how to protect voting rights in their communities. These decisions in turn influence election participation rates and how representative the electorate is—or is not—of the citizens in these communities.

There is an old adage that "all politics is local"—that is, local relationships and local issues determine who wins and loses elections, the strength of any political movement is based on the sum of local conditions, and the ultimate test of whether a policy is helpful or harmful is how it is felt at the local level.

This concept can be taken one step further. Not only is all politics local, but **all democracy is local**, too. The strength of our democracy, the richness of our civic culture, and the extent of citizen engagement are lived and experienced at the local level. Thus, the strength of our democracy relies on decisions that local election officials make. While the range of decisions county election officials can make is somewhat constrained by state statute, these officials actually have much broader power over voting rights policy at the local level than is usually recognized. Contrary to public belief (and perhaps even contrary to some election officials' perception of their own roles), the job of county election officials is much more than just counting votes—it is to foster a culture where democracy thrives.

Even as election officials should be encouraged to fully embrace their role as advocates for expanded participation in elections, this must be done cautiously and in the shadow of an outgoing Secretary of State who managed to expand his authority as he railed against voting rights. The achievement standard for the men and women serving as county election officials should be climbing registration and a simultaneous decrease in the reliance on provisional ballots.

This report explores the extent to which Kansas's local election officials are doing that work. It examines the wildly divergent policies and practices used by Kansas's 105 local election officials. Kansas counties have a patchwork quilt of policies and practices related to election administration, with very real consequences for voting rights and the strength of our democracy.

Some local election officials across Kansas are using powers of their office to protect voting rights and strengthen democracy and should be

WHO HAS THE POWER TO DEFEND OR UNDERMINE VOTING RIGHTS? COUNTY ELECTION OFFICIALS.

Many people have heard of the Kansas Secretary of State, but the occupant of that office is not the most powerful person in determining whether voting rights will be defended or denied. Not many Kansans recognize that the most important decision-makers in the administration of our elections—and in deciding how voting rights will be protected or harmed—are county election officials.

Each of the 105 counties in Kansas has a local election official. In 101 of the counties, these officials are called county clerks and are themselves elected by the voters of the county. Elections in Johnson, Sedgwick, Shawnee, and Wyandotte County are administered by an election commissioner, each of whom is appointed by the Kansas Secretary of State—with no formal input from anyone else. The election commissioner is therefore not chosen by or accountable to the voters of the county.

County clerks are elected by the voters every four years on the same cycle as the presidential election. County clerks perform a variety of duties, ranging from clerical support to taxation responsibilities. Among their most important duties, though, are voter registration and election administration in accordance with Chapter 25 of Kansas Statutes. These election duties of county clerks and election commissioners include, but are not limited to:

- Maintaining accurate voter registration rolls;
- Recruiting, appointing, and training board workers for all elections;
- Administering all aspects of an election such as printing ballots, determining polling sites, purchasing and maintaining voting machines;
- Keeping records;
- Making decisions about early voting;
- Counting the votes themselves.

The authority that county clerks and election commissioners have is defined by state law but is still quite broad. In a very real sense, these often over-looked officials have the power to decide whether voting rights will be protected, expanded, or undermined within their counties.

commended for doing so. However, enormous work remains to be done because too many local election officials have adopted policies that do not actively foster a culture where democracy can thrive, including:

- **Under-utilizing in-person early voting**, through short early voting periods, restricted early voting hours, or a minimal number of early voting locations.
- **Reducing the number of polling places**, sometimes to unjustifiable levels.
- **Failing to conduct outreach** to young voters on college campuses and voters with disabilities and mobility issues.
- **Creating obstacles to voter registration** and contributing to a serious problem of under registration.
- **Over-using provisional ballots and rejecting far too many votes that should be counted.**

These decisions by local election officials have a direct and immediate impact on voter turnout and the overall health of our democracy. Jurisdictions that made extensive use of early voting, had ample and accessible polling places, and conducted outreach to a wide variety of groups were ones that had higher voter turnout.

Reforms that would address these problems have been tried successfully elsewhere. These reforms are easily implemented, readily affordable, and well within the purview of local election officials. They also demonstrate that despite our society's considerable political rancor, citizens want to participate, and they do—once arbitrary barriers to voting are removed.

This report recommends that ***local election officials*** use the power and discretion they already have to improve their policies and practices by:

- **Expanding early in-person voting periods to the full 20-day maximum allowed by current state law and expanding poll access into evenings and weekends.**

Voters in Dodge City, Kansas.
Photo: Michael Schweitzer/*Dodge City Daily Globe* via *Associated Press*.

- **Expanding the number of polling places to reduce wait times and ensuring that those polling locations are geographically distributed across the jurisdiction and in locations that are safe and welcoming for all voters.**
- **Taking greater pains to ensure that voters with disabilities have full and equal access to the polls with curbside voting.**
- **Beginning or expanding outreach efforts to groups under-represented in the electorate, especially younger Kansans, Black Kansans, and Hispanic Kansans.**
- **Prioritizing the identification of strategies for reducing the number of provisional ballots cast and rejected, and converting those provisional ballots to "regular" ballots.**

In far too many ways, the health of our democracy—and the extent to which an individual citizen's vote counts—is based on the county in which one lives. The ***Kansas Legislature*** should institute common-sense reforms to our state's election laws that will better empower local officials to create a culture of citizen participation. These modest, proven reforms include:

- **Expanding the maximum number of days of in-person early voting permitted by law.**
- **Establishing a minimum number of days of in-person early voting.**
- **Requiring counties to offer a minimum number of hours of weekend and after-hours in-person early voting.**
- **Providing better guidance on provisional ballots, so that there is more consistency from county to county in which ballots are counted.**
- **Enacting an Election Day Registration statute in Kansas.**
- **Passing legislation that gives all of the state's voters the right to elect their own election officials.**

Having endured an 8-year long experiment in voter suppression, Kansans understand better than most the costs that low levels of citizen participation have on our democracy. Strengthening democracy and restoring our civic health begins at the local level, because **all democracy is local**.

CITIZENS WANT TO PARTICIPATE, AND THEY DO—ONCE **ARBITRARY BARRIERS TO VOTING** ARE REMOVED.

Kansans should work directly with their local election officials and state legislators to embrace the recommendations featured here. We can ensure that Kansas leads the nation in citizen participation in elections and defense of the constitutionally protected right to vote.

METHODOLOGY

The ACLU of Kansas surveyed all 105 county election officials (county clerks and election commissioners) in the state of Kansas. We received partial or complete survey responses from 85 of the officials. Seven counties declined to fill out the survey and instead indicated they would respond to a Kansas Open Records Act (KORA) request. Of these seven, one clerk responded via a KORA request without requesting payment. Responses from the remaining 6 are absent from this report. 13 counties did not respond to the ACLU at all. The objective of the survey was to determine how the policies and practices implemented at the county level either increase citizen participation or impose unnecessary barriers for citizens to exercise their right to vote. In addition to self-reporting by the clerks, the ACLU of Kansas conducted research using materials from the Kansas Secretary of State, peer-reviewed studies from academic researchers, and national associations such as the National Conference of State Legislatures. In order to evaluate polling locations for Americans with Disabilities Act compliance, ACLU of Kansas volunteers documented disability access at a random sampling of voting sites. This data was compiled and cross-referenced in order to achieve the most accurate estimate of voter turnout, provisional ballots, registration levels of the voting eligible population, and number of polling locations. It should be noted that sources often varied by decimal points of a percentage, however these small discrepancies are minimal and do not alter the findings of the report.

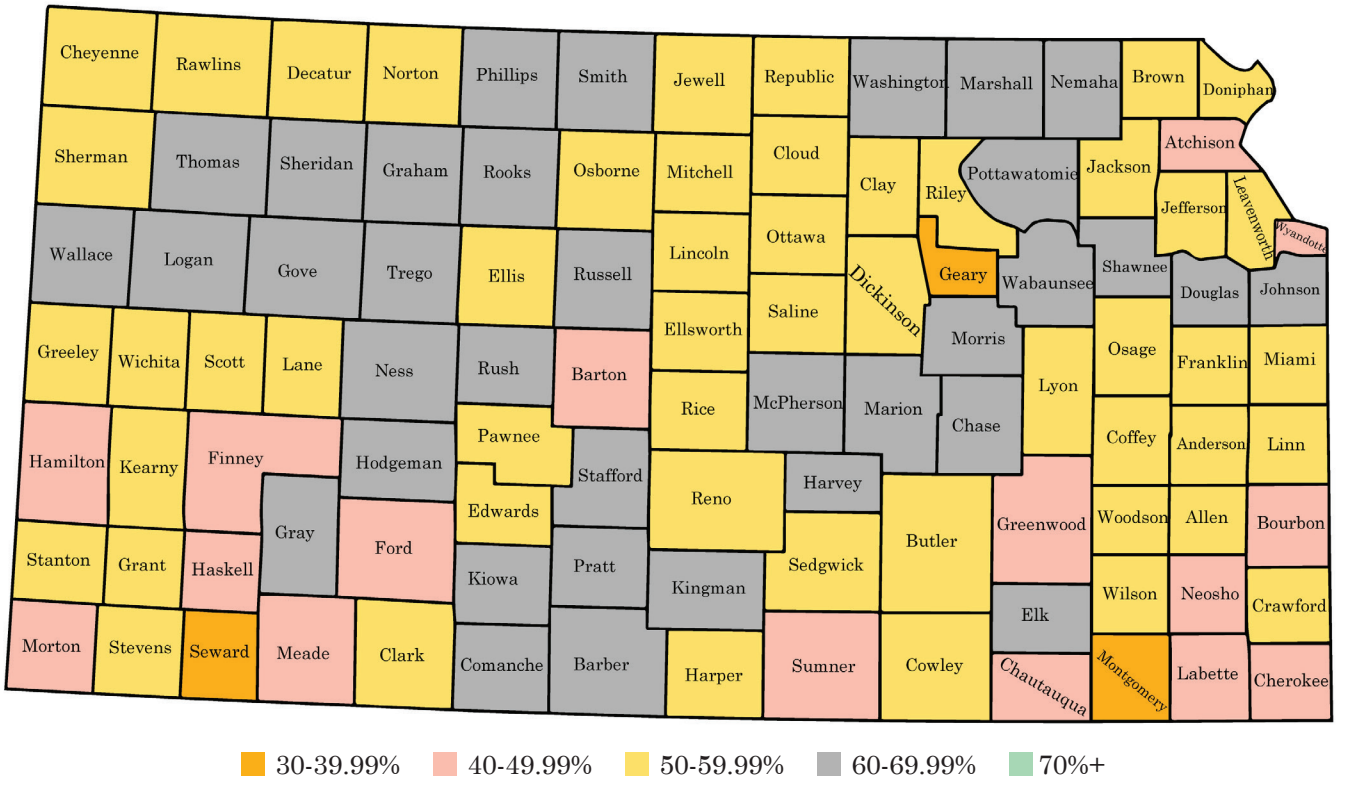
Local Election Policies Are Reducing Voter Turnout and Hurting Democracy

Kansas consistently ranks near the bottom in voter turnout in the United States, while the country itself regularly has some of the lowest voter turnout rates of any modern democracy. In the 2018 midterms, preliminary calculations show Kansas ranked 27th in the country for voter turnout. Nearly half of the registered voters in Kansas did not participate in the midterm elections. In 2016, Kansas ranked 34th in the country, with more than 40% of registered voters sitting out the elections.

Although low voter turnout is often ascribed to apathy, disengagement, or lack of confidence in the electoral system, the reality is very different. The reality is that certain policies and practices have a proven record of increasing citizen participation in elections. These proven solutions are not a well-guarded secret or some bit of unknowable arcana. They are instead practices that have been widely adopted in the United States and even within Kansas. Thus the phenomenon of low voter turnout is easily reversible with the adoption of some basic measures, like making early voting widely available.

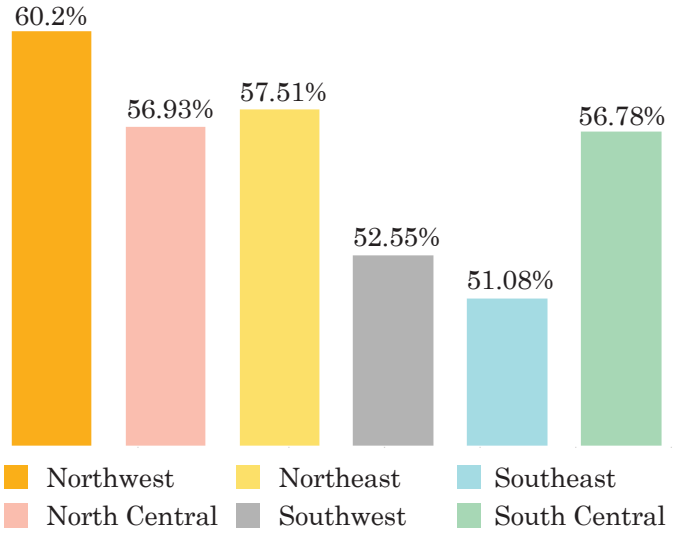
In Kansas, county clerks and election commissioners have the power to implement some of these measures on their own. In exploring the policies set by local election officials, we found that some Kansas counties are utilizing a few of these measures—and they should be commended for doing so. However, a number of county clerks

VOTER TURNOUT, 2018 GENERAL ELECTION

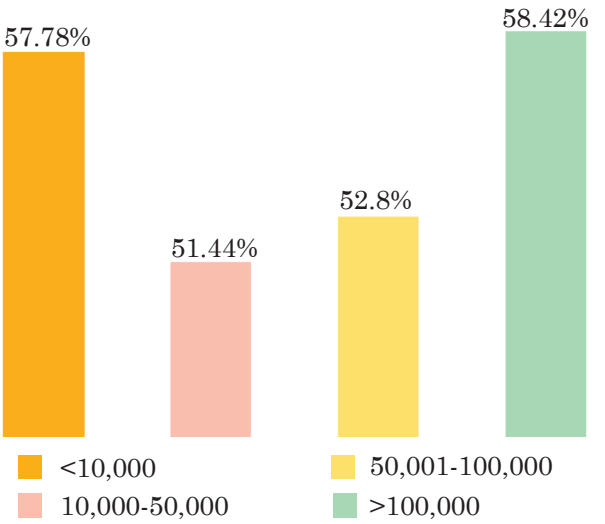


VOTER TURNOUT, 2018 GENERAL ELECTION

BY REGION



BY POPULATION



are not taking these minimal steps. By not adopting policies to increase voter turnout in their county, these officials are effectively **reducing citizen participation in elections and directly hindering voters' ability to participate in democracy.**

Convenience Matters: More Early Voting Boosts Turnout

By Kansas law, early in-person voting may begin up to 20 days before Election Day, a period shorter than that of at least 18 other states.[4] The decision on when within that 20-day period to begin is entirely at the discretion of county clerks and election officers. Thus, **a citizen's access to early in-person voting depends entirely on which county they live in and on the arbitrary number of days of early voting the local election official decides to make available**. Election Day is not always the most convenient time for registered voters to make it out to the polls, and the busiest times at the polls are usually before and after normal business hours. When the artificial barrier of making voters come to a polling place only between limited hours on one specific day is removed, citizen participation in elections increases. Simply put, longer early voting periods result in higher turnout. In addition, in-person early voting actually helps local election officials do their jobs—increased early voting days lead to shorter lines on Election Day, reduce the workload and stress poll workers face, and minimize poll worker error.[5]

Every county in Kansas takes advantage of in-person early voting, but our research shows that some local election officials are not implementing early voting in the robust way that improves participation rates. These counties provide very few days of early voting, omit weekend dates, and/or do not offer times outside of normal business hours. The more days of open polls that counties have, the higher their average turnout.

BY NOT ADOPTING POLICIES TO INCREASE VOTER TURNOUT IN THEIR COUNTY, THESE OFFICIALS ARE **EFFECTIVELY REDUCING** CITIZEN PARTICIPATION IN ELECTIONS.

VOTER TURNOUT BASED ON DAYS OF EARLY VOTING, 2018

Days of Early Voting	% (Number of Counties)	% Voter Turnout
<10 days	12.38% (13)	51.91%
10-13 days	30.48% (32)	54.42%
14 days	46.67% (49)	57.04%
15+ days	9.5% (10)	58.23%

Sixty Kansas counties—over half—have chosen to implement in-person early voting using the statutory maximum of 20 days before Election Day. This does not translate into 20 days of open polls, however. The highest number of open poll days was 16, and only five counties made themselves available to voters for that many days. Counties with 15+ days of voting averaged 58.23% voter turnout, while those with only 14 days of early voting (the vast majority of counties) averaged 57% turnout. The averages go down from there, with counties that had less than 10 days of open polls averaging 51.91% turnout.

The same principle applies to open polling hours. The longer the polls are open, the more voters will participate, with counties that offered more than 120 hours of voting time averaging a 57.44% voter turnout, counties with 100-119 hours averaging 56.66% turnout, 50-100 hours averaging 54% turnout, and less than 50 hours averaging only 52% turnout. This indicates a clear correlation between availability of open polls and a citizen's ability to vote. (Full details on the policies, practices, and other data described in this report for every county in Kansas can be found in Appendix B.)

THE 60 COUNTIES WITH THE LONGEST EARLY VOTING PERIODS HAD THE **HIGHEST TURNOUT.**

VOTER TURNOUT BASED ON EARLY VOTING PERIOD, 2018

Early Voting Period	% (Number of Counties)	% Voter Turnout
7-8 days	7.6% (8)	49.93%
9-14 days	10.5% (11)	53.04%
15-19 days	24.8% (26)	52.39%
20 days	57.1% (60)	56.42%

The 60 local election officials offering citizens the longest early voting periods allowable under Kansas law should be commended for doing so because their choice actively increases turnout. The 10 counties with the most days of early voting had the highest turnout, with rates nearly 7 percentage points higher than the counties with the fewest days.

If every local election official in the state used their existing authority to provide 20 days of early voting, thousands of additional Kansas citizens might become regular voters.

Voting Is Not an 8-to-5 Job: Availability of Early Voting Outside of Normal Business Hours

While many Kansas counties are providing citizens with the longest in-person early voting period allowed by state law (although that period is relatively short by national standards), very few counties implement their early voting periods in a way that recognizes the struggles citizens face in carving out time to vote.

For example, weekend voting is widely used across the country. Numerous jurisdictions make weekend early voting available because many voters have work and family obligations during the week, and the flexibility of voting on a weekend increases the likelihood that citizens will vote. The same principle applies to providing extended hours for early voting; the pull of other obligations hinders citizens' ability to appear at an

early voting location between 8:00 a.m. and 5:00 p.m. With extended hours, citizens who might otherwise lack time to vote are better able to do so.

Neither weekends nor extended hours for early voting are widely available in Kansas. For this year's primary election, only 14 of 105 Kansas counties made early voting available on the Saturday before Election Day. Those statistics improved slightly for the general election, where 28 counties gave voters the opportunity to cast their ballot on the Saturday before Election Day. A number of counties closed their offices at lunch during the early voting period or closed before 5:00 p.m. Only 23 counties offered early voting at times outside of normal 8 a.m. to 5 p.m. business hours. The impact these additional early voting opportunities has on turnout is unclear; however, some of the counties in the state that have the highest participation rates, like Elk County (62% in 2018) and Shawnee County (64% in 2018), make good use of these options.

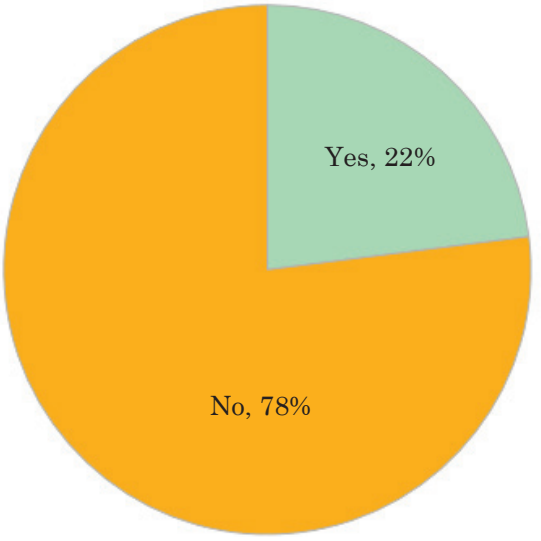
Just as important as providing convenient times for voters to cast their ballot early, is the need for county election officials to make early voting facilities widely accessible. Particularly in counties that are large in geography or population—and where Election Day itself typically features many, neighborhood-based polling places—having to travel a long distance to use a single, centralized early voting location can discourage citizens from participating. Most counties across Kansas have chosen to offer early voting only at a single, centralized location, typically the county courthouse or county clerk's office. For the 2018 general election, only 18 county election officials made the decision to offer early voting at multiple locations. Turnout in the handful of counties that provided satellite early voting was a full percentage point higher than those that did not.

Increasing early voting hours and location is simple for local election officials. County election officials do not need any additional authority from the Legislature or additional guidance from the Secretary of State to offer weekend early voting,

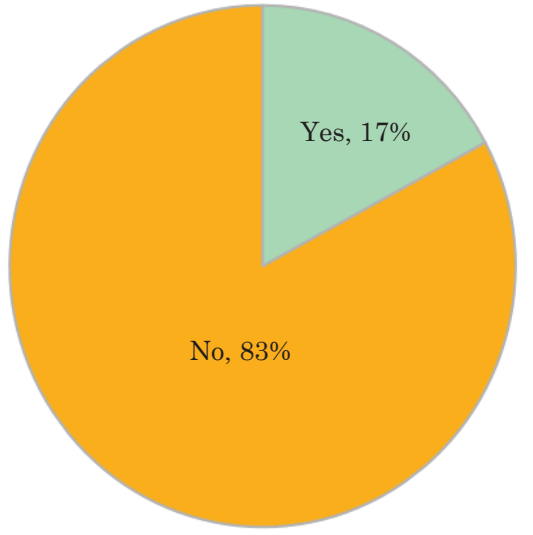
VOTER TURNOUT BASED ON EARLY VOTING HOURS, 2018

Hours of Early Voting	% (Number of Counties)	% Voter Turnout
0-49 hours	7.62% (8)	52.06%
50-99 hours	33.33% (35)	54.00%
100-119 hours	20.95% (22)	56.66%
120+ hours	37.14% (39)	57.44%

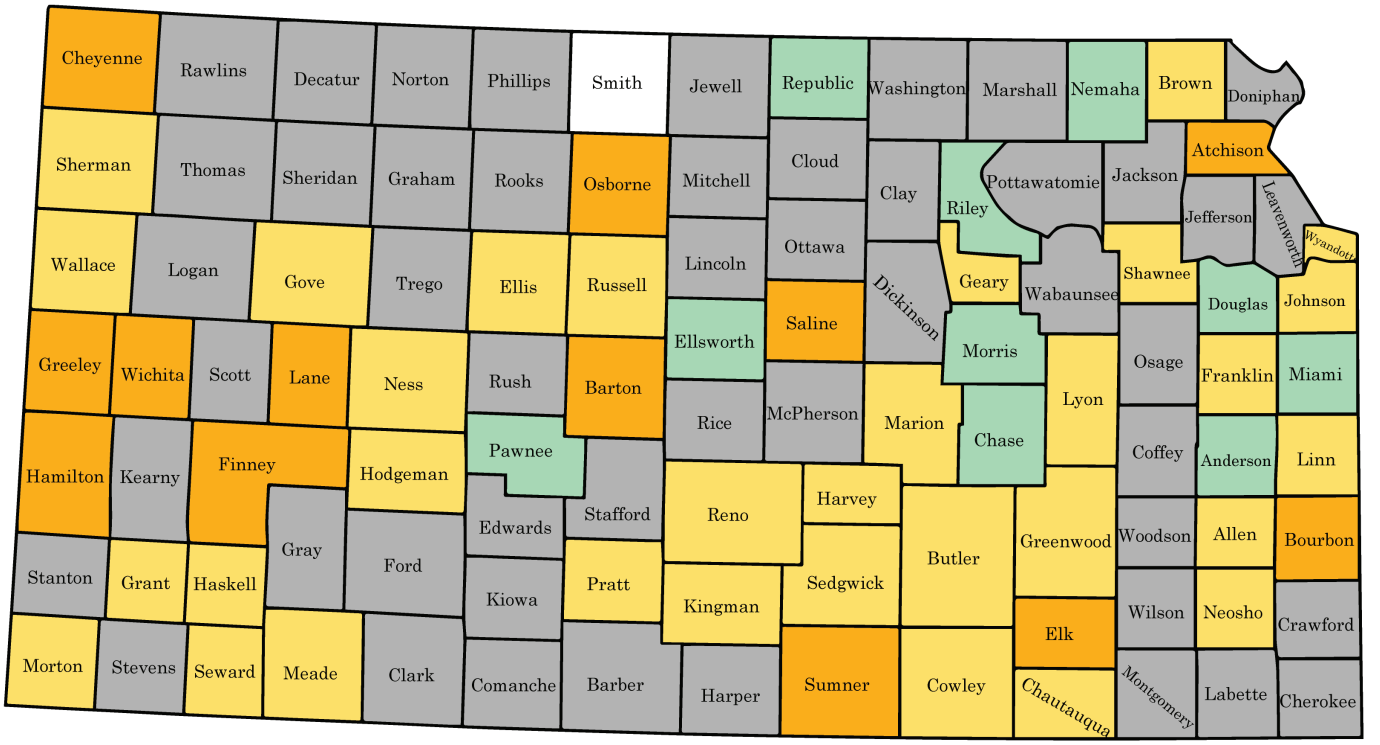
COUNTIES WITH EARLY VOTING OUTSIDE OF NORMAL BUSINESS HOURS



COUNTIES WITH EARLY VOTING AT MULTIPLE LOCATIONS



DAYS OF EARLY VOTING BY COUNTY, 2018



after-hours early voting, or multiple early voting locations. These measures are also incredibly easy for local election officials to implement, requiring minimal additional resources or effort. Yet the impact of these modest steps is significant: the three Kansas counties that take all of these steps have participation rates of about 59%, five percentage points higher than counties that do not.

Counties that offered these types of early voting opportunities were relatively evenly distributed across size and geography. Small, rural counties in all parts of the state were just as likely as larger, more urban counties to offer early voting outside of normal business hours. This indicates quite clearly that the size of the county and its election office staff do not and should not be an impediment to holding early voting outside of business hours.

The lesson to be learned from the way early voting is implemented in Kansas is quite simple: convenience matters. When voting is more convenient for citizens and less wrapped up in government red tape, more citizens participate.

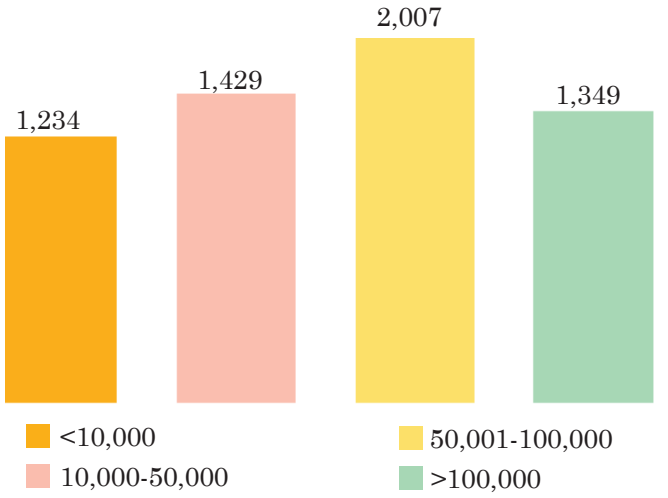
THE LESSON TO BE LEARNED FROM EARLY VOTING IN KANSAS IS SIMPLE: **CONVENIENCE MATTERS.**

Polling Place Locations Should Match Community Needs

As important as early voting is, the majority of ballots in Kansas are still cast on Election Day itself. Citizens converging on a neighborhood school, church, government building, or other civic institution to cast an in-person ballot on a designated Tuesday is an important and beloved American tradition.

What is not always immediately apparent is the extent to which this tradition is shaped by the decisions of county election officials. County clerks and election commissioners unilaterally make important decisions about the number and locations of polling places that will be made available on Election Day. These polling location decisions should reflect the demographic, geographic, and other needs of the county. When those needs are not reflected in the number and location of polling places, voters are forced to travel unnecessarily far distances, wait in unreasonably long lines, or enter locations that are not safe and welcoming. Failure to think about the needs of a county's voters—or disregarding those needs when they are voiced—when selecting polling locations can result in election administration choices that are disturbing, illegal, and constitutionally suspect.

VOTERS PER POLL BY COUNTY POPULATION, 2018



The number of polling locations and the number of voters assigned to each polling location varies widely by county. Smaller, less-populated counties typically have fewer polling places and fewer voters per polling place, but the difference in county size makes far less difference than might be assumed—with enormous variation between counties of all sizes and regions. On average, though, polling locations in Kansas had 1,332 voters assigned to them. This is roughly comparable to the national figure for the same

SEDGWICK COUNTY RESPONDED TO VOTER NEEDS

During the 2018 elections, Sedgwick County Election Commissioner Tabitha Lehman posted what seemed like an unremarkable Tweet: "Due to the amount of in person voter registrations, the Elections Office is extending their office hours to 7 p.m. Oct. 15 and Oct. 16 to give voters more time to register."

Sedgwick County stands out because Lehman did not just recognize that there was a problem in giving eligible citizens the opportunity to register and vote – she did something about it. In addition, Lehman counted provisional ballots that other counties, such as Johnson, would have thrown out in the 2018 primaries because of the way party affiliation forms were filled out. Finally, Lehman expanded hours beyond normal work hours for early voting.

Sedgwick County voters should commend Lehman for her work on these issues. It is unfortunate that a government official supporting voting rights in the way that Lehman did is so remarkable. It should simply be part of the job.

THERE IS A **CLEAR RELATIONSHIP** BETWEEN THE NUMBER OF VOTERS ASSIGNED TO POLLING PLACES AND THE TURNOUT RATE IN THE COUNTY.

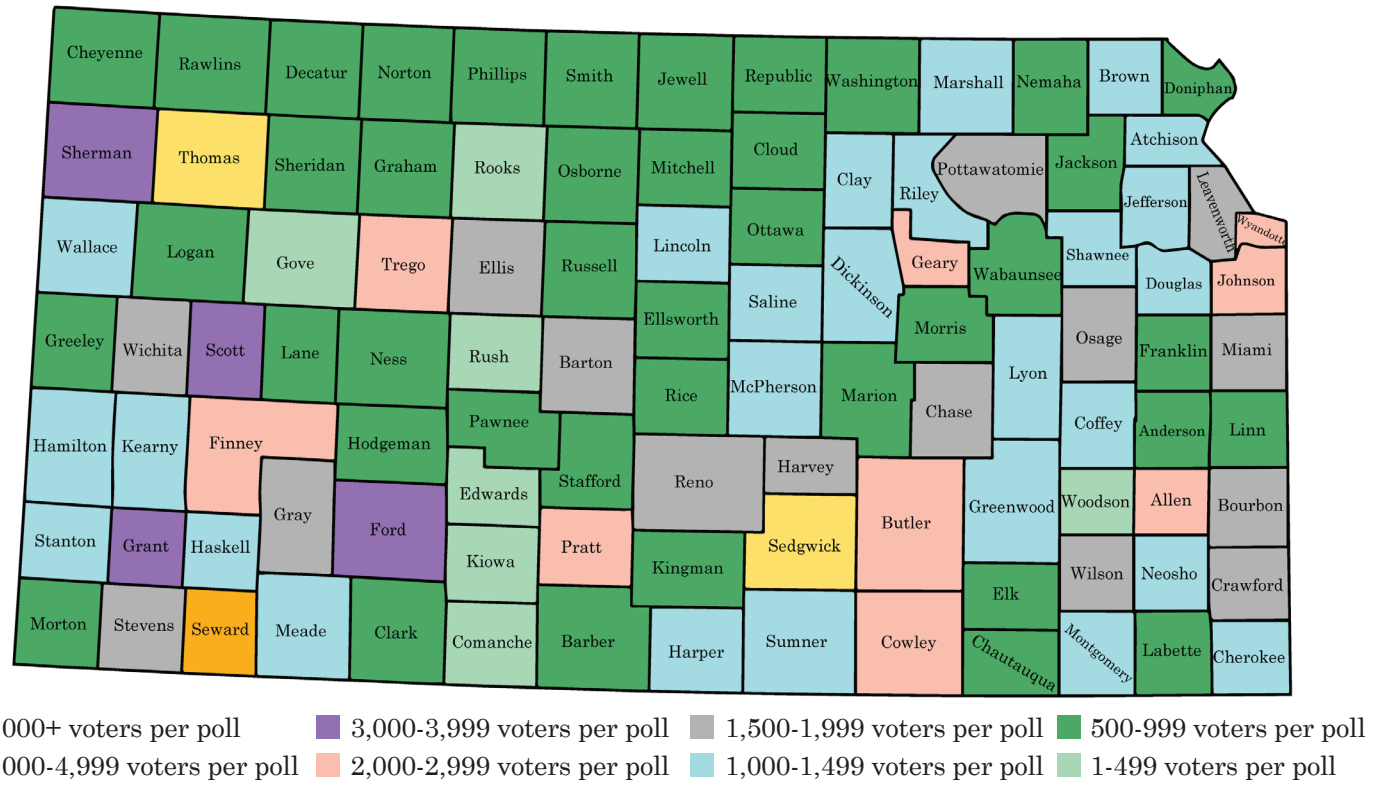
metric; nationwide, the average polling place has 1,547 voters assigned to it.[6]

Kansas has no laws or regulations that guide or constrain county election officials in making these decisions, which opens the way for some counties to have an absurdly low number of polling locations or to pack an unreasonable number of voters into a single location. Single polling locations are assigned to accommodate anywhere from 261 voters in Comanche County to 23,189 in Reno County. Seventeen counties have an average of over 2,000 voters assigned to their polling places. Contrary to some assumptions, the counties with such large polling locations actually tended to be relatively small and had such high averages because they operated few polling places. Nine of the 17 were counties with fewer than five polling places.

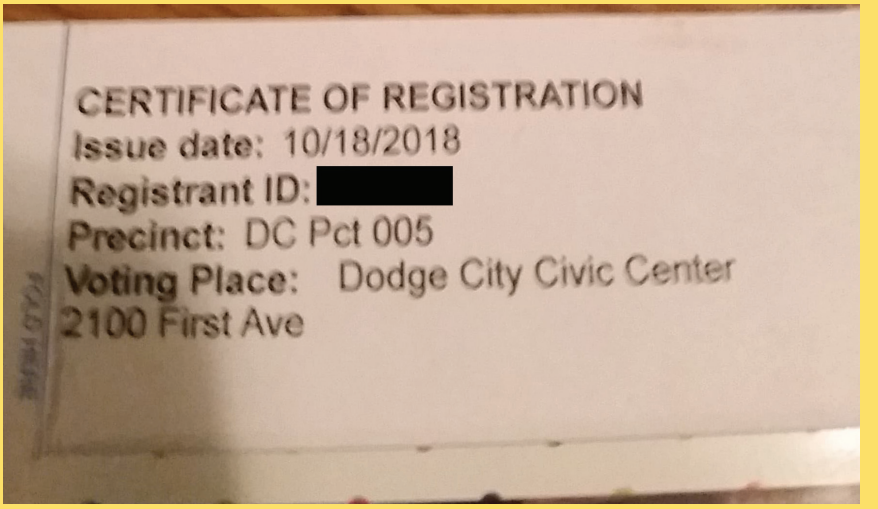
As with the decisions that county election officials make about early voting, decisions about Election Day polling locations have real world consequences. In general, counties with higher voter turnout are also counties that assign lower numbers of voters per polling place. For example, Shawnee County (Topeka) had nearly 62% voter turnout in the 2018 general election, and the average polling place in the county had just 1,116 voters assigned to it. By contrast, Wyandotte County (Kansas City), where the average polling place had 2,682 voters assigned to it, managed just 49% turnout in 2018 (itself a new record for the county). Seward County had the worst average of voters per poll in the state at 5,142 voters per poll—and had the second lowest voter turnout rate for the 2018 general election. (See Appendix B.)

In general, there is a clear relationship between the number of voters assigned to polling places

AVERAGE VOTERS PER POLL BY COUNTY, 2018



FORD COUNTY MAKES A BAD SITUATION WORSE



In this photo provided to us by a Dodge City voter, the voter registration card sent by Ford County Clerk Debbie Cox gave the wrong information for the voter's polling location.

During the 2018 general election, Ford County became a flashpoint in the national conversation about voting access. For the past two decades, the 13,000 voters of Dodge City, a city that is over 60% Hispanic, had been assigned to just one polling place. Meanwhile, the four other polling locations in Ford County had around only 600 voters assigned to them. The Kansas average is about 1,332 voters per polling place. Maintaining just one polling location for so many voters, in a part of the city perceived as not always safe and welcoming for everyone, has contributed to low voter turnout rates in the Dodge City community. For example, in 2014, the Hispanic voter turnout rate in Ford County was 17%, compared to 61% for White voters.

As outrageous as the situation was prior to 2018, Ford County Clerk Debbie Cox found a way to make the situation even worse. Using her discretion as the local election official, Cox unilaterally changed the location of the only polling site in Dodge City. Just a few weeks before the election, Cox finally informed voters of the polling location change, but many of those notices were not delivered and did not reach constituents. After prompting, Cox did update her website, and submitted a few limited notices to the press about the polling location change. New voters registering before the election, however, were sent a notice reporting the wrong polling place on it, furthering the confusion over the location.

In addition to poor communication with voters, another hurdle to citizen participation became evident: the single site was outside of the city limits, at a location with no public transportation access, and required pedestrians to cross a highway and a railroad in order to gain access. After a national outcry and legal action by the ACLU of Kansas, Dodge City volunteered to provide voters transportation to the polls, but Cox and Ford County itself did not.

In order to try and compensate for Cox's unilateral decision to make in-person voting more difficult, many organizations and voting rights activists put enormous effort into encouraging citizens to make use of early voting. Those efforts paid off, with the number of advance ballots rising dramatically compared to 2014. However, as a direct result of Cox exercising her power to make the polling location itself a barrier to participation, 2018 voter turnout in Ford County did not rise nearly as significantly as it did in the rest of Kansas.

AVERAGE VOTER TURNOUT BASED ON NUMBER OF VOTERS PER POLLING SITE, 2018

Avg. Number of Voters Per Polling Place in County	Less Than 500	500-1,000	1,001 – 1,500	1,501 – 2,000	Over 2,000
Number of Counties	7	40	27	14	17
Average Turnout	61%	56%	53%	54%	52%

and the turnout rate in the county. **The higher the average number of voters assigned to a polling place, the lower the voter turnout.**

One highly effective strategy that county election officials could—but too infrequently do—use to increase citizen participation in elections would be to increase the number of polling locations and thereby decrease the average number of voters per polling location. County election officials frequently maintain that they would like to increase the number of polling locations and have fewer voters assigned to each location. However, they contend that there are not enough facilities available to make that a viable option. Although local election officials deserve sympathy for the difficulties they face in trying to identify polling locations, many counties appear to be passing over a major opportunity for ADA-accessible polling places. The research conducted for this report indicated that fewer and fewer counties were making use of public school buildings as polling locations, despite a state law that grants county election officials priority use of these facilities.

When polling locations are close to where voters live, are located in neighborhoods/facilities where they feel safe and welcome, and are small enough that voters do not experience long lines and administrative burdens, the barriers to participation decline and voters respond accordingly.

Polling Places Should Be Accessible to All Voters

In addition to determining the number and size of polling locations, local election officials are responsible for ensuring that those locations are accessible to all voters, including those with disabilities. County election officials are responsible for ensuring that all polling places are compliant with the Americans with Disabilities Act (ADA).

ADA compliance at the polls is important, not just because it is the right thing to do or because it is required by law, but because for many voters, ADA compliance means the difference between being able to vote and not being able to do so. Voter turnout for individuals with disabilities lags significantly behind that of other groups, at least in part because of persistent problems with the accessibility of polling places. In 1998, national voter participation of those with disabilities was 20% lower than that of voters without disabilities. That gap narrowed to 7% over the years, as accessibility was improved and the Americans with Disabilities Act was enforced at the local level.[7]

CURBSIDE VOTING IS A VITAL SERVICE FOR CITIZENS WHO HAVE MOBILITY CHALLENGES BUT IS GENERALLY **A WELL-KEPT SECRET.**

In Kansas, as many as 180,000 people—or nearly 7% of the voting age population—have disabilities affecting their mobility. It is unclear how many citizens with disabilities take advantage of the option to receive a mail-in ballot, but we can be certain that many voters with disabilities desire and attempt to exercise their right to cast a ballot in person on Election Day.

Beyond ensuring that polling locations are ADA-compliant, county election officials are responsible for ensuring that elections are actually accessible to citizens with disabilities. Local officials are responsible for training election workers to provide notifications and services required for voters with disabilities. For example, Kansas law allows for people with disabilities to vote curbside. Curbside voting is a vital service for citizens who have mobility challenges but is generally a well-kept secret. It is up to local election officials to advertise this service so people know it is available, yet the research conducted for this report provides little indication that county election officials are doing so. Inquiries into the training provided by counties to poll workers on this subject turned up only one (1) county that addressed the issue in their training materials: Barber County created a short pamphlet to emphasize best practices about curbside voting to poll workers. Poll workers who were surveyed for this report also seemed unaware of the curbside voting service.

To make sure that citizens are aware of curbside voting, local election officials could be guided by the *Kansas Election Officer Handbook for Disability Accessibility in Voting*, a resource published by the Kansas Secretary of State's Office and the Disability Rights Center of Kansas. The handbook goes into significant detail about how to raise awareness that curbside voting is available. One of the easiest and least costly methods is to post signs at each handicap accessible parking spot at polling places. During the 2018 general election, we investigated whether such signs were posted at a small sample of the state's polling places. Of the 66 polling places selected for inclusion in this sample, just 6 (10%) had posted signage. (A full list of the surveyed polling places is available as a web-only asset at: aclukansas.org/ElectionReportAppendixC)

The Handbook also recommends that county election officials install systems whereby people with disabilities in the parking lot can send a notification to a poll worker inside to alert them that assistance is needed. The handbook points out that "many vendors sell inexpensive ADA accessible buttons and wireless door-bell type systems to alert poll workers when someone wants to vote curbside." However, research for this report indicates that very few county clerks have followed this recommendation, and only one included instructions on setting up a bell system in their poll worker training.

OUT OF 66 POLLING PLACES WE EXAMINED, **ONLY 6** HAD POSTED SIGNAGE FOR CURBSIDE VOTING.

There is much work that local election officials could do to ensure that democracy is fully accessible to every eligible citizen and that accessibility does not stand in the way of having a citizen's vote and voice count.

Local Election Policies Result in Under-Registration of Voters

Local policies that encourage registered voters to exercise their right to participate are important, but they are only part of the battle. Just as important is taking steps to ensure that as many eligible citizens are registered to vote as possible. Making voter registration difficult is a highly effective, deeply harmful method of voter suppression. Kansans know full well the impact that making voter registration difficult can have: between 2014 and 2018, Kansas implemented Kris Kobach's unconstitutional and illegal restrictions on voter registration, which caused both voter registration and voter turnout to lag behind their expected growth. Even other policies that are not expressly designed to suppress voter registration, as the Kobach policies were, can unintentionally discourage registration.

The impact that policies can have on voter registration is very clear in Kansas. In 2016, just 71% of the state's voting eligible population was actually registered to vote, causing it to rank an embarrassing 40th in the nation on this metric.[8] That year's performance was actually a modest improvement from 2008, when Kansas ranked an abysmal 46th in the country. Between 2012 and 2016, voter registration in Kansas actually decreased by less than 1%, even though the state's population increased by over 2%. Even after controlling for the growing share of the state's population that is not voting eligible (either due to age or citizenship), this is a troubling statistic.

MAKING VOTER REGISTRATION DIFFICULT IS A HIGHLY EFFECTIVE, **DEEPLY HARMFUL** METHOD OF VOTER SUPPRESSION.

Kansas has a serious problem with under-registration of eligible voters.

It is not just the fact that large numbers of eligible citizens are going unregistered that is troubling, it is that the demographic profile of those who are registered is not reflective of the actual voting eligible population of Kansas. For example, 74.4% of voting eligible White Kansans are registered, compared to only 55% of voting eligible Hispanic Kansans and 62% of voting eligible Black Kansans.[9] The under-registration of Hispanic and Black Kansans carries over into low turnout rates in elections, resulting in an electorate that is deeply unrepresentative of the state's population. A 2016 report noted that Kansas is the fourth worst state in the nation in the extent to which its electorate reflects its population.[10]

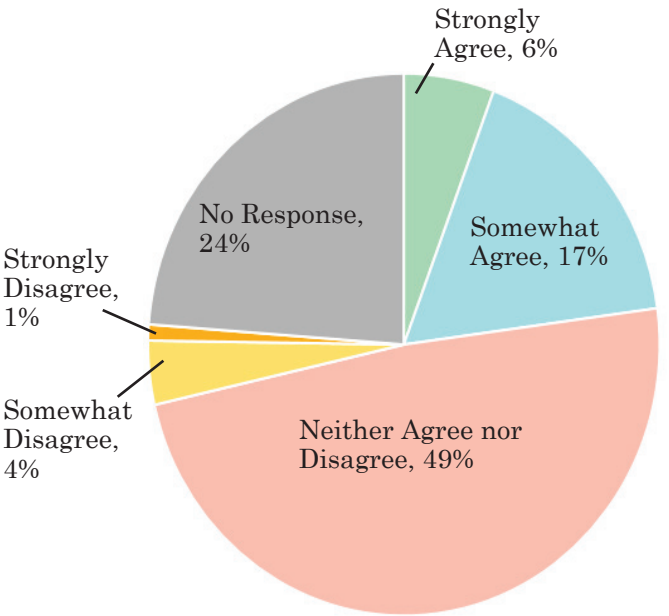
Although policies on voter registration are largely set by the state, local election officials have an important role to play in ensuring that as many eligible citizens as possible are actually registered. The impact that local election officials can have is demonstrated by the wide variation in voter registration growth that Kansas counties have experienced. For example, 68 of the state's counties saw declines in the number of registered voters between 2012 and 2016, with decreases as high as an eye-popping 23% and an average decline of roughly 3%. During the same period, 90 Kansas counties had overall population declines, with none of them losing more than 10% of their population and an average decline of roughly 3%. That means that some counties succeeded in boosting their registration numbers even with smaller populations, and that some counties experienced outsized, troublingly non-proportional declines in their registration numbers. Among the 37 counties that increased their registrations, the average gain was about 5%, while the average increase in population in counties that grew was just 2%. That registration rates and growth vary so widely county by county demonstrates that

local conditions and local policies are impacting outcomes and that there is much that local election officials can do to address the problem of under-registration.

We asked all 105 county election officials in Kansas how much they agreed with the following statement: "Our county reaches out to groups that typically might not engage in local, state, and federal elections (e.g., low-income, youth, and racial minority voters)." Eighty-three county election officials responded to this question, and 46 of these officials did not provide specifics about their voter outreach efforts. County election officials were very forthcoming in their responses, with many officials recognizing the importance of this work and lamenting that they did not conduct outreach for registration purposes. One clerk from a smaller, rural county responded to the question about outreach to groups with the comment, "Sadly, I do not." Other county election officials, though, did not recognize low registration rates as a problem. A clerk from a different small county answered the question about outreach by writing, "Our county is a small county and [we] never have to address these issues."

OFFICIALS' ANSWER TO VOTER OUTREACH QUESTION

Question: *"Our county reaches out to groups that typically might not engage in local, state, and federal elections (e.g., low-income, youth, and racial minority voters)."*



THAT REGISTRATION RATES AND GROWTH VARY SO WIDELY BY COUNTY DEMONSTRATES THAT **LOCAL CONDITIONS AND POLICIES ARE IMPACTING OUTCOMES.**

But the facts are that low registration rates, particularly in certain demographic groups, are an issue in every Kansas county. That is also something that county election officials have the power and tools to address. **When local election officials perceive themselves as more than just counters of votes, and instead as cultivators of local democracy, they use their power and tools to address this issue.** For example, the Douglas County Clerk has a robust outreach program, despite limited resources, that works by mobilizing and partnering with respected community organizations.

County election officials who are conducting outreach for registration and turnout purposes often self-reported that they focus their outreach on senior citizens and high school students (for the latter, usually by making a presentation at the local high school's Government Day). These efforts are laudable and necessary but do little to address the problem of under-registration, much less under-registration of marginalized populations. Senior citizens are already heavily over-represented in the Kansas electorate, perhaps because local election officials' efforts to ensure these citizens can and do participate are effective. High school students may be nearing the age when they are eligible to vote, and instilling a culture of civic engagement at a young age is important. However, if election officials wanted to engage younger voters—the most under-represented component of the population in registration and turnout—the prime group for that sort of outreach would be college-aged or young adults. College students, in particular, frequently report difficulties in registering and

voting.[11] Yet, not one single local election official reported making any special effort to conduct outreach with college-aged Kansans.

Some things that drive civic engagement, registration rates, and turnout rates are out of the county election official's control, such as the competitiveness of gubernatorial or senate races. However, county election officials play a major role in creating a culture that stresses the importance of participating in democracy and educating citizens about the election process. Local election officials should duplicate the highly successful efforts they are making with senior citizens with younger voters and other demographic groups. If they did and generally prioritized their role as cultivators of a culture of democracy, Kansas's problem of under-registration could be easily fixed.

DIVERSITY ABOUNDS IN WYANDOTTE COUNTY—EXCEPT IN ITS ELECTORATE

Wyandotte County has one of Kansas's youngest and most diverse populations. The average age is 33, 40% of residents are white, and the other 60% are people of color or of more than one race. We know that young, low income people, and racial minorities are often under-represented at the polls. Wyandotte County is a prime example. Wyandotte, Shawnee, and Douglas Counties have a similar number of registered voters but Wyandotte County under-performs its peers in voter turnout by double digit margins.

One reason for the low voter turnout and low representation of diverse populations could be the lack of convenient, accessible polling stations. Wyandotte County has nearly half the number of polling sites as Douglas County, which has just a few thousand fewer registered voters.

Another reason could be where the polling stations are. In the 2018 primary and general elections, Wyandotte County used a police station as a polling place. Police stations are not appropriate places to conduct electoral business, especially since many voters—including people of color, speakers of languages other than English, and low-income individuals—may feel intimidated and refuse to cast their ballot in a place where law enforcement is present.

Besides the location of polling places, the question is simply: how well informed are voters? Appointed Election Commissioner Bruce Newby responded to our survey question about community outreach. He strongly agreed that Wyandotte County reaches out to youth, low-income, and minority voters. However, his response also indicates that the office is not proactive, saying that the staff speaks to citizens about voting "anytime that we are invited to do so." This "wait and see if anybody needs our help" approach fails to bridge the gap between the election office and eligible voters.

Rejection Hurts: Policies on the Counting of Mail-in and Provisional Ballots

A healthy democracy depends not just on eligible citizens registering or turning out, but also on their votes actually counting. Local election officials are unquestionably responsible for making sure that every eligible vote counts, yet many Kansas counties are not counting eligible votes because of technicalities.

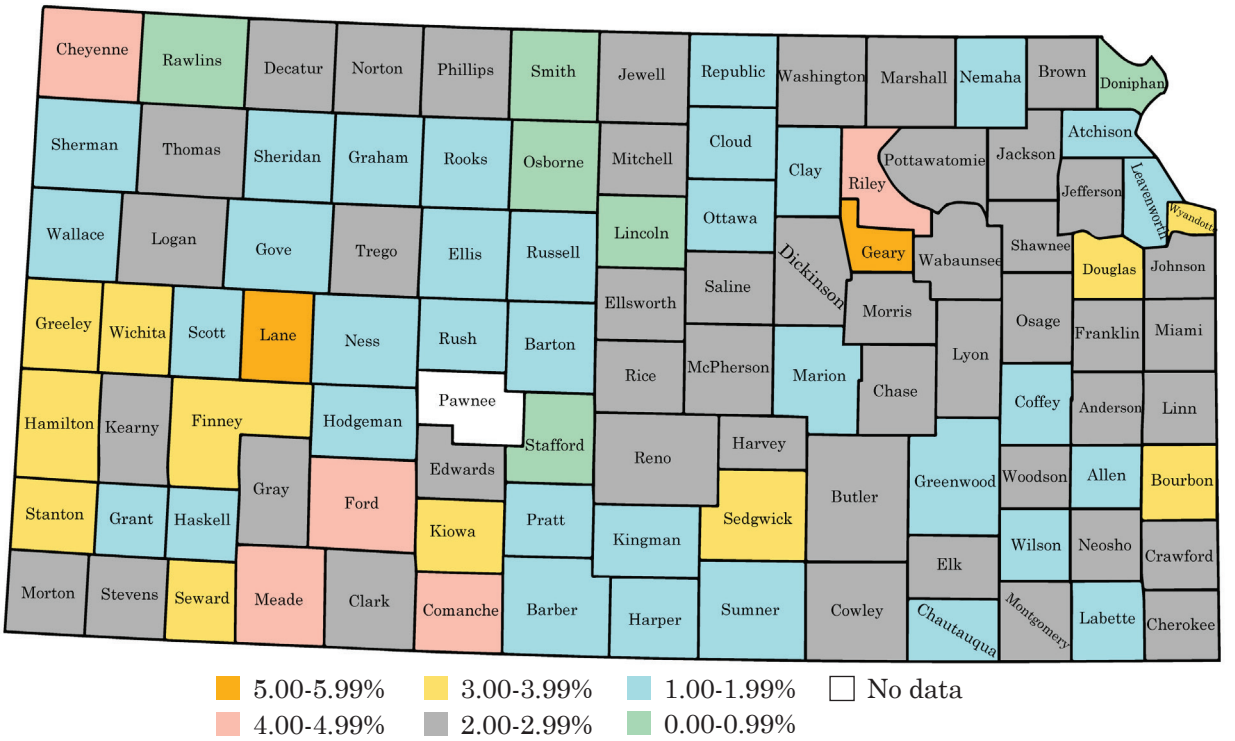
This is most prominent in the case of provisional ballots, a type of ballot used to record a vote when there are questions about a given voter's eligibility that must be resolved before the vote can count. **Kansas has a high number of provisional ballots—nearly 3% of the total ballots cast in the state in 2016 were provisionals, a rate three times higher than the national average.**[12] Only three other states in the country had higher rates of provisional ballots cast. Twenty-seven of the state's counties have provisional ballot rates higher than the statewide percentage; in some counties, nearly 6% of all ballots cast are provisionals. Provisional ballots serve a very important purpose, and it is far better for a voter to be allowed the opportunity to cast a provisional ballot than to be turned away. However, such high numbers of provisional ballots indicate underlying problems like voter confusion, barriers to participation, or inadequate and confusing training of election workers.

More troubling then the sheer number of provisional ballots cast is the way in which determinations about the validity of a provisional ballot are made. Although state statute lays down guidelines for which ballots are valid, the statute is vague. Local election officials must use their own discretion about which ballots are counted. The 2018 primary brought many of these issues to light. For example, Sedgwick County officials voted to count provisional ballots in which forms were filled out incorrectly when trying to switch from no-party affiliation to affiliating with a party so that they could vote in the primary. In contrast, officials from Johnson County decided not to count provisional ballots with the same issue. To take another example, Johnson County was much stricter with its "signature match" policy than other counties. These policies call for election officials to determine whether a voter's signature on an absentee/early ballot "matches" the signature the voter provided at the time of registration. Election officials receive minimal to no training in handwriting analysis, and voters' signatures frequently shift over time for perfectly understandable reasons like disability, age, and even a changed name. Johnson County adopted a particularly stringent policy on signature matches and discarded many ballots that would have been included in the election tally had they been cast in a different location. For example, Douglas and Shawnee County did not reject any ballots because of "mismatched" signatures. This discretion means that **every county uses different standards, and whether or not an eligible citizen's vote counts depends on the county in which that citizen lives.**

A report authored by scholars from the Massachusetts Institute of Technology ranked Kansas 48th out of 50 with regard to how well the

A HEALTHY DEMOCRACY DEPENDS NOT JUST ON ELIGIBLE CITIZENS REGISTERING OR TURNING OUT BUT ALSO ON **THEIR VOTES ACTUALLY COUNTING.**

PROVISIONAL BALLOTS AS PERCENT OF TOTAL BALLOTS CAST BY COUNTY, 2018



state handled the 2016 elections. The low ranking was almost entirely due to the state's third-in-the-nation rate of provisional ballot rejection, with **Kansas's local election officials throwing out at least three times as many ballots as any similarly sized state. One in every hundred ballots cast in Kansas was rejected**.[13] According to the Kansas Secretary of State's Office, it is typical for 40% or more of provisional ballots to be rejected. Some of the most common reasons cited for rejection are name changes, a recent change of address, and voting at the wrong polling location. Voters who face these issues are eligible. They should be able to cast a ballot, and have it count. But because of technicalities and the decentralized nature of election administration, with county election officials themselves setting the standards for which ballots will count and those standards varying by county, many of these valid ballots are rejected.

KANSAS ELECTION OFFICIALS THEMSELVES **REJECT** THE IDEA THAT FRAUD IS EITHER A MAJOR OR MINOR CONCERN.

Election officials sometimes contend that strict standards for provisional ballot acceptance are necessary because of the potential for "voter fraud." Abundant empirical evidence suggests that such fraud is non-existent. Kansas election officials themselves reject the idea that fraud is either a major or minor concern. When asked for this report to what extent voter fraud was a problem in their counties, 66 of the 77 (86%) county election officials who responded said it was "not a problem at all" and not a single responding election official deemed voter fraud a "significant problem."

It is unreasonable to expect that county election officials would accept every provisional ballot cast. But, particularly in the absence of any reasonable fear of fraud, it is not unreasonable to suggest that county election officials use their discretion in ways that ensure more provisional ballots are counted, or to bring their policies on provisional ballot acceptance into greater alignment with one another.

How We Can Strengthen Our Democracy

A culture, created and reinforced by policy, that encourages citizen participation is the foundation of a strong democracy. The statistical evidence and information gathered in this report point to a clear need for election reforms at the local and state level. Reforms are necessary because tens of thousands of eligible citizens are not being registered to vote, not turning out to vote, and not having their valid votes counted.

All democracy is local, and that means there is a great deal Kansas's county election officials can do to repair and improve this state of affairs. Local election officials have many tools at their disposal to increase registration rates, turnout rates, and provisional ballot acceptance rates. While some local election officials are taking steps to achieve these goals, too many of them are not.

A CULTURE, CREATED AND REINFORCED BY POLICY THAT **ENCOURAGES CITIZEN PARTICIPATION**, IS THE FOUNDATION OF A STRONG DEMOCRACY.

Almost all of the state's local election officials are elected by and accountable to the people. In those instances where election officials are not doing everything they can to strengthen local democracy, ***constituents*** should call on these officials to immediately use their power and discretion to:

- **Offer the full 20 days of in-person early voting permitted by state statute.**
- **Offer at least one weekend of in-person early voting.**
- **Offer after-hours opportunities for in-person early voting.**
- **Expand in-person early voting to multiple locations.**
- **Increase the number of polling locations in the jurisdiction, so that the average number of voters per polling location is equal to or less than the current state average of 1,332.**
- **Ensure that polling locations are evenly distributed across the jurisdiction and in locations that are safe and welcoming for all voters.**
- **Publicize the availability of curbside voting for voters with disabilities, including with signage and call button systems.**
- **Begin or expand outreach efforts to groups that are under-represented in the electorate, especially younger Kansans, Black Kansans, and Hispanic Kansans.**
- **Prioritize the identification of strategies for reducing the number of provisional ballots cast and rejected, and converting those provisional ballots to "regular" ballots.**

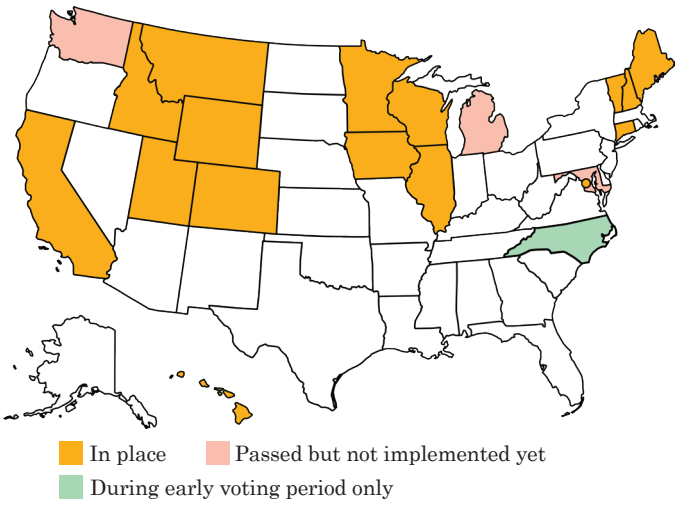
In addition to these recommendations which should be implemented at the local level, there is a role for the Kansas Legislature to play in ensuring that our democracy is strengthened.

Based on the findings of this report, the ***Kansas Legislature*** should:

- **Expand the maximum number of days of in-person early voting permitted by law.** The record is clear, both within and outside of Kansas, that more opportunities for early voting results in higher turnout. Kansas already offers fewer days of early voting than many other states.
- **Establish a minimum number of days of in-person early voting.** There is significant disparity in the number of days of early voting that counties offer, and this disparity results in much lower turnout rates in some counties.
- **Require counties to offer a minimum number of hours of weekend and after-hours in-person early voting.**
- **Provide better guidance on provisional ballots**, so that there is less inconsistency from county to county in which ballots are counted.
- **Enact an Election Day Registration statute in Kansas.** Election Day Registration (EDR) has been implemented in 19 states. It has increased voter turnout and decreases opportunities for voter fraud. With EDR, eligible voters who provide documentation by Kansas law would not be turned away at the polls simply because they are not on an out-dated roll. This virtually eliminates the need for provisional ballots and the confusion that they cause. This also removes the burden from county clerks to provide the provisional ballots, and determine which ones should be counted. States with EDR have the highest voter turnout in the country, and consistently post turnout rates 11-12% higher than other states (including Kansas). Enacting an EDR statute in Kansas would address issues with registration, turnout, and provisional ballots simultaneously, and minimize the patchwork quilt nature of election policies at the local level.
- **Pass legislation that gives voters in Johnson, Sedgwick, Shawnee, and Wyandotte Counties the right to elect their own election officials.** It is unconscionable that voters in the four largest jurisdictions in the state are denied the right to determine their own election policies, while voters in the remaining 101 counties are granted that right.

If local election officials and the Kansas Legislature take all of these steps, democracy in Kansas will be dramatically strengthened in ways that enrich the lives of all Kansans.

ELECTION DAY REGISTRATION IN THE UNITED STATES



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11 The ACLU of Kansas helped organize an Election Protection Hotline during the 2018 general election. The hotline provided voters with a resource they could consult, and secure assistance from, if they encountered difficulties voting. Almost 6% of all the calls fielded by the hotline on Election Day came from college students who were encountering difficulties with their registration or casting a ballot.

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Acknowledgments

The ACLU of Kansas thanks the following individuals whose work made this report possible: Ellen Glover, Letitia Harmon, Micah Kubic, Mark McCormick, Austin Spillar, and Esmie Tseng.

The ACLU of Kansas also thanks the many county clerks who voluntarily responded to the survey for this report.

Appendix A - Abbreviated Responses from Officials to Survey

County	Election Official	Years in Office (as reported)	Total Staff (as reported)	Survey Answer to Problem of Voter Fraud
Allen	Sherrie L. Riebel	25	4	Not a Problem at All
Anderson	Julie Heck	2	3	Not Much of a Problem
Atchison	Michelle Phillips	No Response	No Response	No Response
Barber	Debbie Wesley	24	4	Not a Problem at All
Barton	Donna Zimmerman	23	6	Not a Problem at All
Bourbon	Kendell Mason	No Response	No Response	No Response
Brown	Melissa Gormley	3	4	Not a Problem at All
Butler	Tatum Stafford	1/2	7	Not a problem at all
Chase	Connie Pretzer	2	2	Not a Problem at All
Chautauqua	Niki Collier	No Response	No Response	No Response
Cherokee	Rodney Edmondson	6	5	Not a Problem at All
Cheyenne	Scott Houtman	No Response	No Response	No Response
Clark	Rebecca Mishler	25	3	Not a Problem at All
Clay	Kayla Wang	10	4	Not a Problem at All
Cloud	Shella Thoman	No Response	No Response	No Response
Coffey	Angie Kirchner	13	5	Not a Problem at All
Comanche	Beth L. Bayne	1.5	2	Not a Problem at All
Cowley	Karen Madison	No Response	No Response	No Response
Crawford	Don Pyle	11	7	Not a Problem at All
Decatur	Nora Urban	11	3	Not a Problem at All
Dickinson	Barbara M Jones	9	4	Not a Problem at All
Doniphan	Peggy Franken	23	3	Not a Problem at All
Douglas	Jameson (Jamie) Shew	14	4	Not Much of a Problem
Edwards	Gina L. Schuette	26	2.5	Not a Problem at All
Elk	Kerry Harrod	2	3	Not a Problem at All
Ellis	Donna J. Maskus	6	3.75	Not a Problem at All
Ellsworth	Shelly D. Vopat	3	2.5	Not a Problem at All
Finney	Dori J. Munyan	<1	4	No Response
Ford	Debbie Cox	3	5	Don't Know
Franklin	Janet Paddock	6	4	Not a Problem at All
Geary	Rebecca Nordyke	No Response	No Response	No Response
Gove	Shelly Holaday	2	3	Not a Problem at All
Graham	Jana Irby	18	3	Not a Problem at All
Grant	Sheila Brown	8	3	Not a Problem at All
Gray	Ashley Rogers	4	2	Not a Problem at All
Greeley	Jerri Young	9	2	Not a Problem at All
Greenwood	Kathy Robison	No Response	No Response	No Response
Hamilton	Angie Moser	6	2	Not Much of a Problem

County	Election Official	Years in Office (as reported)	Total Staff (as reported)	Survey Answer to Problem of Voter Fraud
Harper	Ruth A. Elliott	2	3	No Response
Harvey	Rick Piepho	4	4	Not much of a problem
Haskell	Pam Carrion	3	2	Not a Problem at All
Hodgeman	Sarah Rains	6	2	Not a Problem at All
Jackson	Kathy Mick	24	4	No Response
Jefferson	Linda Buttron	18	3	Not a Problem at All
Jewell	Carla J Waugh	23	3	Not a Problem at All
Johnson	Ronnie Metsker	No Response	No Response	No Response
Kearny	Jana Jenkinson	30	2	Not a Problem at All
Kingman	Carol D. Noblit	23	3	Not a Problem at All
Kiowa	Kristi Cooper	6	3	Not a Problem at All
Labette	Peggy Minor	No Response	No Response	No Response
Lane	Stephanie M. Terhune	3	2	Not a Problem at All
Leavenworth	Janet Klasinski	10	6	Not Much of a Problem
Lincoln	Dawn Harlow	17	2	Not a Problem at All
Linn	David L. Lamb	No Response	No Response	No Response
Logan	Crystal Rucker	No Response	No Response	No Response
Lyon	Tammy Vopat	9	6	Not a Problem at All
Marion	Tina Spencer	6	6	Not Much of a Problem
Marshall	Sonya L. Stohs	No Response	No Response	No Response
McPherson	Hollie D. Melroy	No Response	No Response	No Response
Meade	Janet Hale	No Response	No Response	No Response
Miami	Janet White	No Response	No Response	No Response
Mitchell	Chris Treaster	18	3	Not a Problem at All
Montgomery	Charlotte Scott-Schmidt	25	7	Not a Problem at All
Morris	Michelle Garrett	30	3	No Response
Morton	Gina Castillo	6	3	Not a Problem at All
Nemaha	Mary Kay Schultejans	10	2	Not a Problem at All
Neosho	Randal E. Neely	11	4	Not a Problem at All
Ness	Renee S. Kerr	13	2.25	Not a Problem at All
Norton	Robert D. Wyatt	22	3	Not a Problem at All
Osage	Rhonda Beets	18	5	Not a Problem at All
Osborne	Vienna M. Janis	15	2	Not a Problem at All
Ottawa	Mary Arganbright	27	2	Not a Problem at All
Pawnee	Ruth M. Searight	No Response	No Response	No Response
Phillips	Linda McDowell	28	3	Not a Problem at All
Pottawatomie	Nancy McCarter	7	5	Not Much of a Problem
Pratt	Sherry Kruse	15	2	Not a Problem at All
Rawlins	Rachel Finley	6	3	Not a Problem at All
Reno	Donna Patton	5	8	Not Much of a Problem
Republic	Kathleen L. Marsicek	5	3	Not a Problem at All
Rice	Alicia Showalter	No Response	4	Not a Problem at All

County	Election Official	Years in Office (as reported)	Total Staff (as reported)	Survey Answer to Problem of Voter Fraud
Riley	Rich Vargo	22	5	Not a Problem at All
Rooks	Ruthmary Muir	2	4	Not a Problem at All
Rush	Corinne Baldwin	6	3	Not a Problem at All
Russell	Mary Nuss	11	4	Not Much of a Problem
Saline	Jamie R. Allen	No Response	No Response	No Response
Scott	Alice Brokofsky	5	2	Not a Problem at All
Sedgwick	Tabitha Lehman	No Response	No Response	No Response
Seward	Stacia D. Long	20	4	Not Much of a Problem
Shawnee	Andrew Howell	No Response	No Response	No Response
Sheridan	Heather Bracht	3	2	Not a Problem at All
Sherman	Ashley N. Mannis	4	3	Somewhat of a problem
Smith	Sharon Wolters	16	2	Not a Problem at All
Stafford	Nita J. Keenan	13	2	No Response
Stanton	Sandy Barton	8	2	Not a Problem at All
Stevens	Amy Jo Tharp	1.5	3	Not a Problem at All
Sumner	Debra A. Norris	8	6	Not a Problem at All
Thomas	Shelly Harms	13	4.5	Not a Problem at All
Trego	Lori Augustine	15	3	Not a Problem at All
Wabaunsee	Jennifer Savage	No Response	No Response	No Response
Wallace	Jacalyn Mai	30	2	Not a Problem at All
Washington	Diana L. Svanda	2	3	Not a Problem at All
Wichita	Lynda Goodrich	3	2	Not a Problem at All
Wilson	Rhonda Willard	25	3	Not a Problem at All
Woodson	Tammy Porter	2 months	2	Not a Problem at All
Wyandotte	Bruce Newby	13	10	Not Much of a Problem

Appendix B - Kansas Election Data by County

** Indicates based on ACLU research because of no response from county's election official*

*** Barton County Clerk reported 19 polling places for the primary but provided a list with only 9 locations. However, as reported by local news in the general 2018 election: Barton County officials reduced the number of polling places from 23 to 11, meaning some voters had to drive up to 18 miles to vote. (Ross, Michelle. "Barton County polling locations cut in half." KSN, October 19, 2018)*

**** Per the Kansas Secretary of State's Office.*

*Note: **"Early voting period"** is based on the date early voting begins up to the election and includes days the polling location is not actually open to voters, such as the weekend. **"Days of early voting"** refers to the total days that a county's polling location(s) is actually open for early voting.*

County	Population per 2010 census	Registered Voters***	Early Voting Period (days)	Days of Early Voting	Number of Polls in 2018 General Election	Average Number of Voters per Poll	Voter Turnout in 2018 General Election***	Provisional Ballots as % of Total Votes Cast in 2018 General Election***
Allen	13,371	8,620	20	13	4	2,155	51.20%	1.77%
Anderson	8,102	5,457	*20	15	*7	780	51.30%	2.72%
Atchison	16,924	11,474	*15	8	*10	1,147	48.10%	1.49%
Barber	4,861	2,887	20	14	3	962	61.00%	1.53%
Barton	27,674	17,578	*15	8	**11	1,598	48.40%	1.19%
Bourbon	15,173	11,992	*7	5	*7	1,713	41.80%	3.69%
Brown	9,984	6,095	*15	11	5	1,219	56.60%	2.38%
Butler	65,880	42,133	*15	12	19	2,218	50.00%	2.28%
Chase	2,790	1,834	20	16	1	1,834	67.20%	2.27%
Chautauqua	3,669	2,367	*15	11	*4	592	48.80%	1.91%
Cherokee	21,603	15,850	20	14	11	1,441	43.60%	2.27%
Cheyenne	2,726	1,934	*7	5	*2	967	59.40%	4.09%
Clark	2,215	1,495	20	14	2	748	56.30%	2.02%
Clay	8,535	5,664	*20	14	4	1,416	55.60%	1.81%
Cloud	9,533	5,859	*20	14	*8	732	54.90%	1.87%
Coffey	8,601	6,094	*20	14	*6	1,016	57.60%	1.60%
Comanche	1,891	1,044	20	14	4	261	61.60%	4.20%
Cowley	36,311	19,586	*15	11	*9	2,176	52.50%	2.10%
Crawford	39,134	26,355	20	14	*16	1,647	59.50%	2.12%
Decatur	2,961	2,159	*20	14	4	540	54.70%	2.88%
Dickinson	19,754	12,935	20	14	11	1,176	51.50%	2.13%
Doniphan	7,945	5,009	20	14	7	716	52.50%	0.76%
Douglas	110,826	79,895	20	16	*59	1,354	61.30%	3.75%
Edwards	3,037	1,917	20	14	*4	479	59.50%	2.19%
Elk	2,882	1,753	15	9	*3	584	61.60%	2.22%
Ellis	28,452	17,909	*15	11	*10	1,791	59.10%	1.98%
Ellsworth	6,497	4,149	20	16	6	692	54.70%	2.73%
Finney	36,776	20,657	13	9	7	2,951	42.30%	3.04%
Ford	33,848	15,206	19	14	4	3,802	47.00%	4.39%
Franklin	25,992	18,115	15	12	22	823	52.20%	2.13%

County	Population per 2010 census	Registered Voters***	Early Voting Period (days)	Days of Early Voting	Number of Polls in 2018 General Election	Average Number of Voters per Poll	Voter Turnout in 2018 General Election***	Provisional Ballots as % of Total Votes Cast in 2018 General Election***
Geary	34,362	17,362	*18	13	*7	2,480	36.40%	5.16%
Gove	2,695	1,840	*15	11	5	368	66.80%	1.79%
Graham	2,597	1,782	20	14	3	594	60.90%	1.84%
Grant	7,829	3,543	15	11	1	3,543	52.00%	1.85%
Gray	6,006	3,009	20	14	2	1,505	60.00%	2.66%
Greeley	1,247	866	*7	5	1	866	57.50%	3.61%
Greenwood	6,689	4,388	*15	11	*4	1,097	49.60%	1.33%
Hamilton	2,690	1,287	8	6	1	1,287	49.70%	3.75%
Harper	6,034	3,830	20	14	3	1,277	52.80%	1.63%
Harvey	34,684	22,371	14	11	12	1,864	60.90%	2.80%
Haskell	4,256	2,409	14	10	2	1,205	46.70%	1.96%
Hodgeman	1,916	1,408	15	11	2	704	63.00%	1.24%
Jackson	13,462	8,499	*20	14	*10	850	54.10%	2.30%
Jefferson	19,126	13,385	20	14	13	1,030	56.00%	2.34%
Jewell	3,077	2,126	20	14	3	709	56.70%	2.29%
Johnson	544,179	419,403	*15	13	*196	2,140	62.50%	2.67%
Kearny	3,977	2,193	*20	14	2	1,097	58.40%	2.26%
Kingman	7,858	4,837	*14	10	6	806	63.10%	1.51%
Kiowa	2,553	1,312	20	14	3	437	62.20%	3.06%
Labette	21,607	13,582	*20	14	*17	799	47.30%	1.88%
Lane	1,750	1,273	*13	9	2	637	57.90%	5.70%
Leavenworth	76,227	45,582	20	14	*26	1,753	57.00%	1.73%
Lincoln	3,241	2,137	*20	14	2	1,069	59.20%	0.71%
Linn	9,656	6,968	*14	11	*11	633	54.80%	2.46%
Logan	2,756	1,932	*20	14	*2	966	61.20%	2.79%
Lyon	33,690	20,239	*15	12	16	1,265	53.10%	2.62%
Marion	29,180	7,916	*15	12	8	990	60.40%	1.90%
Marshall	12,660	6,568	*20	14	*6	1,095	60.60%	2.21%
McPherson	10,117	17,382	*20	14	*16	1,086	64.10%	2.33%
Meade	4,575	3,231	*15	11	*3	1,077	44.10%	4.00%
Miami	32,787	23,274	*20	15	*13	1,790	55.40%	2.58%
Mitchell	6,373	4,089	*20	14	*6	682	55.60%	2.42%
Montgomery	35,471	19,457	20	14	*19	1,024	31.60%	2.49%
Morris	5,923	3,806	20	15	4	952	60.00%	2.02%
Morton	3,233	1,947	*15	11	2	974	47.90%	2.47%
Nemaha	10,178	7,311	20	15	*8	914	62.80%	1.15%
Neosho	16,512	11,558	*15	11	10	1,156	46.30%	2.32%
Ness	3,107	1,933	14	11	3	644	61.90%	1.92%
Norton	5,671	3,403	20	14	4	851	56.00%	2.26%
Osage	16,295	11,330	*20	14	7	1,619	56.30%	2.84%

County	Population per 2010 census	Registered Voters***	Early Voting Period (days)	Days of Early Voting	Number of Polls in 2018 General Election	Average Number of Voters per Poll	Voter Turnout in 2018 General Election***	Provisional Ballots as % of Total Votes Cast in 2018 General Election***
Osborne	3,858	2,760	8	6	4	690	54.60%	0.93%
Ottawa	6,091	4,304	20	14	7	717	56.50%	1.15%
Pawnee	6,973	3,876	*20	15	*4	969	57.10%	0.00%
Phillips	5,642	3,706	20	14	6	618	61.40%	2.59%
Pottawatomie	21,604	15,565	20	14	8	1,946	63.80%	2.84%
Pratt	9,656	5,175	*19	13	2	2,588	63.50%	1.04%
Rawlins	2,519	2,096	20	14	3	699	58.20%	0.74%
Reno	64,511	40,582	11	10	27	1,503	51.20%	2.12%
Republic	4,980	3,562	20	16	*5	712	57.50%	1.61%
Rice	10,083	5,945	*20	14	6	991	53.10%	2.85%
Riley	71,115	36,057	20	16	31	1,163	55.00%	4.57%
Rooks	5,181	3,537	20	14	8	442	61.00%	1.53%
Rush	3,307	2,161	20	14	6	360	61.90%	1.87%
Russell	6,970	4,534	15	11	7	648	60.00%	1.65%
Saline	55,606	36,426	*14	6	*31	1,175	50.80%	2.22%
Scott	4,936	3,337	20	14	1	3,337	56.30%	1.65%
Sedgwick	498,365	302,631	*15	12	*73	4,146	55.20%	3.59%
Seward	22,952	10,284	*15	11	2	5,142	36.80%	3.86%
Shawnee	177,934	110,495	*15	11	*99	1,116	64.00%	2.78%
Sheridan	2,556	1,857	20	14	2	929	62.10%	1.74%
Sherman	6,010	3,606	*15	11	1	3,606	58.10%	1.86%
Smith	3,853	2,657	20	no data	4	664	61.30%	0.86%
Stafford	4,437	2,649	20	14	3	883	61.20%	0.99%
Stanton	2,235	1,149	*20	14	1	1,149	54.00%	3.39%
Stevens	5,724	3,010	*20	14	2	1,505	50.90%	2.68%
Sumner	24,132	16,859	7	5	14	1,204	46.90%	1.63%
Thomas	7,900	4,921	20	14	1	4,921	60.50%	2.79%
Trego	3,001	2,131	15	14	1	2,131	60.30%	2.03%
Wabaunsee	7,053	4,958	*20	14	*7	708	64.80%	2.68%
Wallace	1,485	1,072	14	10	1	1,072	63.50%	1.47%
Washington	5,799	3,397	20	14	6	566	67.80%	2.52%
Wichita	2,234	1,370	8	6	2	1,370	55.80%	3.14%
Wilson	9,409	5,087	20	14	*3	1,696	59.30%	1.00%
Woodson	3,309	2,148	20	14	3	430	56.50%	2.97%
Wyandotte	157,505	83,154	14	12	31	2,682	49.10%	3.43%
STATE TOTAL OR AVERAGE	2,853,118	1,841,848	-	-	390	1,332	55.76%	2.31%

Appendix C - ADA Accessibility for Select Polls *can be accessed at https://www.aclukansas.org/en/publications/all-democracy-local.*

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