Kansas State Board of Canvassers
2020 Primary Election Overview
Friday, August 28, 2020

The August 4 primary election saw historical turnout despite the coronavirus pandemic. Local election officials did a tremendous job in responding to the impact of COVID-19 on the primary election while maintaining the security of Kansas elections and ensuring the health and wellbeing of voters and election workers.

For the 2020 primary election, the following contested races appeared on the ballot (local races excluded):
- U.S. Senate – democrat nomination (two candidates), republican nomination (11 candidates)
- U.S. House of Representatives, District One – democrat nomination (two candidates), republican nomination (four candidates)
- U.S. House of Representatives, District Two – democrat nomination (two candidates), republican nomination (three candidates)
- U.S. House of Representatives, District Three – republican nomination (five candidates)
- Kansas Senate – 13 contested primary races (two democrat, 11 republican)
- Kansas House of Representatives – 41 contested primary races (12 democrat, 29 republican)
- District Court Judge – nine contested primary races
- District Magistrate Judge – 10 contested primary races
- District Attorney Races – two contested primary races

2020 Primary Election Turnout

In the 2020 primary election, 636,032 votes were cast meaning 34.2 percent of Kansas voters participated. There were 1,861,264 registered Kansas voters prior to the 2020 primary election. It is important to note 30 percent of registered voters in Kansas are unaffiliated with a political party and unable to participate in the primary election unless they choose to affiliate with a party. For reference, roughly 487,000 registered voters, or 27 percent, participated in the highly contested 2018 primary election.

2020 Primary Voting Trends

Advance by mail ballots	261,180
Advance in-person ballots	51,664
Election Day in-person ballots	323,188

Historical Primary Election Statewide Turnout Figures

2018	|	27.1 percent
2016	|	23.5 percent
2014	|	20.2 percent
2012	|	23.2 percent
2010	|	25.2 percent

Historical Voter Statewide Registration Numbers (Primary Election)

2018	|	1,801,023
2016	|	1,749,640
2014	|	1,735,395
2012	|	1,719,469
2010	|	1,706,900

2020 Primary Election – advance by mail ballots

Since 1996, state law has allowed Kansas voters request an advance by mail ballot without providing an excuse (K.S.A. 25-1119). On July 15, 263,046 advance by mail ballots were sent to Kansas voters who completed and returned an advance by mail ballot application. Voters had until July 28 to request an advance by mail ballot from their local election office. Advance by mail ballot applications had to be post marked on or before election day (August 4, 2020) and received in their local election office by 5:00 p.m. on Friday, August 7, 2020. Voters could also return their advance by mail ballots by depositing them in secure county election office drop boxes; hand delivering them to their local election office; or dropping them off at any polling location in their respective county.

As part of the 2020 primary election, 315,096 advance by mail ballots were sent to Kansas voters. Comparatively, 51,455 ballots were sent to Kansas voters during the 2018 primary election and 54,302 advance by mail ballots were mailed during the 2016 primary election. Of the 315,096 advance by mail ballots sent to Kansas voters, 261,180 advance by mail ballots were returned to local election offices for a return rate of 82.9 percent. For the 2018 primary election, 30,169 advance by mail ballots (58.6 percent) were returned and 36,532 advance by mail ballots (67.3 percent) were returned for the 2016 primary election.

2020 Primary Election – advance in-person ballots

Pursuant to K.S.A. 25-1122(g), Kansas voters could begin casting their ballots through advance in-person voting on July 15. All counties were required to offer advance in-person voting by July 28, 2020. The deadline to cast a ballot through advance in-person voting was 12:00 p.m. (Noon) on August 3, 2020. For the 2020 primary election there were over 150 advance in-person voting locations in Kansas.

A total of 51,664 ballots were cast through advance in-person voting for the 2020 primary election. For the 2018 primary election, 40,406 advance in-person ballots were cast. For the 2016 primary election, 28,452 advance in-person ballots were cast.

2020 Primary Election – Election Day voting

Polling locations in Kansas are required to be open for a minimum of 12 hours on election day. Generally, polling locations are open from 7:00 a.m. to 7:00 p.m., local time. Counties may open their polling locations for more than 12 hours, an option exercised by Sedgwick County which opens polling locations at 6:00 a.m. and closed them at 7:00 p.m., local time.

For the 2020 primary election, 16,037 provisional ballots were cast. This compares to 9,662 for the 2018 primary election and 9,246 for the 2016 primary election. Historically, Kansas has a higher number of provisional ballots than other states since state law allows everyone to cast a provisional ballot for any reason.

Post-Election Audits

The 2020 primary election was the first post-election audit for a major, statewide election. In presidential election years, state law (K.S.A. 25-3009) requires counties to audit "one federal race, one state legislative race, and one county race." For even numbered, non-presidential years, state law requires counties to audit "one federal race, one statewide race, one state legislative race, and one county race." State regulation requires (K.A.R. 7-41-1), in each even numbered year, the Secretary of State's

office to select races to be audited by Kansas counties following each candidate election. The office must transmit audit orders to each county no later than 24 hours after the close of polls on election day.

The selection was done by the Secretary of State's office through a randomized selection process the morning of Wednesday, August 5. The options for each category were limited to races that met the statutory and regulatory definition of an auditable race. Practically, an auditable race is considered one that has at least two candidates. Counties were then provided with the randomly selected, prioritized list for their county on the afternoon of August 5. Counties worked through their respective list until they reached an aforementioned "auditable race". On occasion a county may not have an "auditable race" in one of the categories. In that case, all races in that category are available for random selection. The top selection will be audited even though the race is unopposed.

Overall, the audit process went well across the state. Each county audited at least one percent of precincts within their county and three races. There were 82 counties that conducted audits that matched exactly to the unofficial election night returns. There were 23 counties (AL, AN, CN, CM, EL, EW, FO, FR, GO, HP, HS, JF, KW, LV, LY, MS, MG, OT, PL, RC, SC, ST, TH) with minor, explainable discrepancies. Most discrepancies centered around manual review determining voter intent was different than the machine count due to odd marking of the ballot, or the voter marking the oval too lightly for the machine to read. Nearly all of these audits were only a single vote off on one race. Comanche County was the only county ordered by the Secretary of State's office to conduct further audits of a state legislative race due to unexplained discrepancies found in the original audit. The second audit of a state legislative district by Comanche County matched exactly to election night results.

COVID-19 Impact

COVID-19 created an unprecedented situation requiring the Secretary of State and local election officials to evaluate all scenarios in preparation for the 2020 elections. Our office routinely visited with federal, state and local officials, our colleagues in other states and with the National Association of Secretaries of State (NASS) on the impact of COVID-19 to elections. As part of these conversations, election experts have urged caution in making substantial changes to election timing or voting methods out of concern it could undermine trust in the elections and create voter confusion. Our goal has been, and will continue to be, maintaining the accuracy and security of elections while also protecting the health and welfare of our citizens.

In late March, the United States Congress passed the Coronavirus Aid Relief and Economic Security Act (CARES Act). Included in the $2.2 trillion economic stimulus bill was $400 million in additional Help America Vote Act (HAVA) Funding. This batch of funds is separate from 2018 and 2019 HAVA funding for election security expenditures. HAVA CARES Act funds must be used in 2020 to help states prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle.

Kansas received $4.6 million from the CARES Act. Of those funds $2.6 million was set aside to reimburse counties with unplanned and unexpected expenses resulting from COVID-19. The use of this reimbursement varies based on local need. However, several local election offices have used a portion of their funds to mail advance by mail ballot applications or send mailers with election dates, deadlines and other information to registered voters in their respective counties. Counties also used their additional funding to increase election worker pay, purchase additional ballot counting machines, improve virtual election worker training and more.

Approximately $1 million of the funds were used to purchase Personal Protective Equipment (PPE) for polling places statewide. The Secretary of State's office purchased 2,200 plexiglass shields from Binswanger Glass in Topeka, Kansas. Two plexiglass shields, storage bags and hardware were provided to each polling location in Kansas. The plexiglass shields provide better separation between election workers and voters at polling locations. In addition, PPE kits containing hand sanitizer, disinfectant, disposable gloves and face masks were also purchased by our office to encourage proper sanitization at every polling location in Kansas.

To limit voter contact with common touchpoints, election equipment vendors provided every local election office with instructions for how to properly sanitize their election equipment. Stylus pens were also purchased to allow voters to use one end for electronic voting machines and the other end for paper ballots. Finally, social distancing best practices and greater distance between voting booths were among the COVID-19 precautions taken at polling locations.

Two policies were implemented for the 2020 elections in direct response to COVID-19. Pursuant to Executive Order 20-55, voters may use a driver's license or identification card that expired between March 12, 2020 and September 15, 2020. The second was a directive from the Secretary of State's office that no voter may be turned away for wearing, or not wearing, a face mask in a polling location.

<u>Conclusion</u>

The Secretary of State's Office acknowledges the pandemic has created several unique factors, not present in prior elections. Under normal circumstances, local election officials have a difficult task and the uncertainty with COVID-19 only compounded their challenges. However, they rose to the challenge and were steadfast in their diligence to successfully administer the 2020 primary election amidst a global pandemic.

Kansas voters should also be commended for turning out to vote in historic numbers. Voters were incredibly proactive in requesting advance by mail ballots and, also, in returning them. Voters who chose to cast their ballots in-person, whether it be through advance voting or on election day, showed up at numbers on par with previous primary elections.

Unlike many states which struggled to implement mail balloting for the first time, Kansas' election system has 25 years of experience with mail ballots and has developed the institutional knowledge, procedures, and infrastructure to securely process the anticipated increase in mail ballot use at the general election. The Kansas election system's ability to handle the surge in mail ballots in the primary election demonstrates the election system's capabilities.

As we close the books on the 2020 primary election and turn our attention to the general election, the Office of Secretary of State will continue to inform the electorate of their options on how to vote; encourage voter registration through legitimate government venues; encourage the recruitment of poll workers; and meticulously monitor issues that could impact the administration, security and accessibility of the November 3, general election.