

Administration (ADM)

Consequences of Not Funding this Program

The Administration Program would not be able to fulfill its statutory responsibilities if the program was not funded.

	<u>Statutory Basis</u>	<u>Mandatory vs. Discretionary</u>	<u>MOE/Match Rqt.</u>	<u>Priority Level</u>
Specific	K.S.A. 45-106-107; 77-430; 77-415-436; 75-430; 45-401-45-414; 45-408;75-438; 75-444	Mandatory	No	1

Program Goals

- A. Document retention updates to ensure records are accurately and appropriately filed and to improve record modernization and maintenance (record filing modernization).
- B. Migration off the AS400 operating system by FY 2024.
- C. Establish an online store on the agency website for constituents to order publications, Kansas flags, and obtain other services from the agency.
- D. Establish an electronic regulations process to improve speed and transparency of the regulatory process.
- E. Produce a full set of Kansas Administrative Rules & Regulations in FY2022.

Program History

The Administration Program consists of four divisions: Administration, Publications, Legal Services, and Information Technology. Not funding this program would mean critical functions of the agency would be inoperable including, payroll; financial transactions; official publications including the Kansas Register, Kansas Administrative Rules and Regulations, and the Session Laws of Kansas; legal review and retention schedules; IT operations and AS 400 migration.

The Administration Division provides operating services for the entire agency and is led by the Deputy Assistant Secretary for Administration. This Division is responsible for overseeing human resources, payroll, financial transactions, fiscal and office management and emergency response policies and training.

The Publications Division is led by the Deputy Assistant Secretary for Communications and Policy. This Division is responsible for all public affairs, press inquiries, policy matters, official agency website content, and official publications including the Kansas Register, Kansas Administrative Rules and Regulations, and the Session Laws of Kansas.

The Legal Services Division is led by the General Counsel. This Division is responsible for overseeing office litigation, providing legal counsel to the Secretary and staff regarding office-related matters, reviewing and responding to all KORA requests, and maintaining all contracts and official documents.

The Information Technology (IT) Division is led by the IT Director. This Division is responsible for developing and maintaining security and recovery plans for the agency network and data, developing and maintaining software applications, assessing and installing upgrades to the servers and workstations when appropriate, providing expert technical support to both employees and customers, and developing technical relationships with both public and private partners.

Kansas Secretary of State

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. Document Retention Update (record modernization)	A			90%	100%	100%	0%	0%	95%
2. Agency system upgrade	B			20%	65%	65%	90%	100%	43%
3. Online Store	C			20%	30%	30%	65%	90%	25%
4. Electronic Regulations	D			20%	65%	0%	5%	25%	10%
5. Kansas Administrative Rules & Regulations (Full-Set Publication)	E			80%	100%	100%	0%	0%	90%

Funding

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	-	2,435,026	2,411,021	2,664,781	4,330,383	2,738,310	2,582,166	3,058,810
Federal Funds	-	-	-	-	-	-	-	-
Total	\$ -	\$ 2,435,026	\$ 2,411,021	\$ 2,664,781	\$ 4,330,383	\$ 2,738,310	\$ 2,582,166	\$ 3,058,810
FTE	16.00	19.00	20.25	23.74	21.00	23.74	23.74	20.10

Business Services (BS)

Consequences of Not Funding this Program

The Business Services Division would not be able to fulfill its statutory requirement to file business formation and related business filings if the program was not funded.

	<u>Statutory Basis</u>	<u>Mandatory vs. Discretionary</u>	<u>MOE/Match Rqt.</u>	<u>Priority Level</u>
Specific	K.S.A. 17-7903, K.S.A. 17-7904, K.S.A. 17-7905, K.S.A. 17-7906	Mandatory	No	1

Program Goals

A. In FY 2020, approximately 25% of business entity filings could be filed online. The agency is developing and plans to implement a new business entity filing system that will enable additional filings to be submitted online. The agency has a goal of achieving any necessary legislative, regulatory, and internal policy adjustments to enable at least 80% of filings to be able to be submitted online by the end of FY 2023. With additional legislative changes the agency anticipates 80% of this goal will be achieved by end of FY 2024.

B. The agency has a goal to increase customer use of the existing online business services filing system. Currently, most business formation documents can be filed online. In FY 2019, 73% of business formation documents were filed online. In general, online filing has increased from year to year. The agency has a goal to increase online filing to 80% by the end of FY 2022. For FY 2021, the agency exceeded its goal of 78% of business formation documents filed online by the end of FY 21. Therefore, the agency is revising this goal to further increase online formation filings to 83% in FY 23.

C. The agency has a goal to increase customer use of the existing online business services filing system. Currently, most annual reports can be filed online. In FY 2019, 74% of annual reports were filed online. In general, online filing has increased from year to year. The agency has a goal to increase online filing to 80% by the end of FY 2022. In FY 2021, the agency met its FY 22 goal of 80% of annual reports filed online. Therefore, the agency is revising this goal to further increase online annual report filings to 85% in FY 23.

Program History

The Business Services Division is primarily responsible for administering Kansas business entities filings and the Uniform Commercial Code (UCC) and places a high value on delivering outstanding customer service. Business Services files formation, annual report, and amendment documents for corporations, limited liability companies, limited partnerships, limited liability partnerships, cooperatives, banks and other entities. The Division also maintains records on active, forfeited, withdrawn, merged, canceled, and dissolved business entities. In FY 2022, the number of annual reports processed exceeded 208,000.

Other documents filed by the Business Services division include notary applications, service agents, warehouse bonds, cemetery corporation filings, and health care card suppliers. The Division administers the UCC by filing financing statements, amendments and terminations, performing searches and issuing copies to the public. The program currently has over 326,000 active UCC filings on record. In FY 2022, over 94% of nearly 91,500 annual UCC transactions were filed electronically.

Kansas Secretary of State

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. Online filing availability	A	NA	25%	32%	40%	40%	50%	80%	32%
2. Percentage of annual online filings: Annual Reports	B	74%	74%	81%	83%	81%	85%	86%	79%
3. Percentage of annual online filings: Business Formation	C	73%	76%	79%	81%	79%	83%	84%	78%

Funding

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	-	784,959	916,808	833,928	801,340	1,037,712	1,087,608	834,369
Federal Funds	-	-	-	-	-	-	-	-
Total	\$ -	\$ 784,959	\$ 916,808	\$ 833,928	\$ 801,340	\$ 1,037,712	\$ 1,087,608	\$ 834,369
FTE	12.0	12.0	11.75	12.73	12.00	12.73	12.73	11.9

Elections (ELM)

Consequences of Not Funding this Program

The Elections Division would not be able to fulfill its statutory requirements if the program was not funded.

Specific	Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rgt.	Priority Level
	K.S.A. 25-2504; K.S.A. 25-124	Mandatory	No	1

Program Goals

A. Increase electronic filings of statement of substantial interests [SSI] forms. Current law does not require individuals to file SSI's electronically. Filing SSIs electronically streamlines the process and allows for efficient public access of these documents. In FY 2021, approximately 90% of SSIs were filed electronically. This is not a significant change from FY 2020. The agency anticipated a 95% electronic filing rate by the end of FY 2022 and exceeded that goal with 97% filing online. The agency anticipates a 100% filing rate by the end of FY 2023. In future years, the agency will work to maintain this goal as new filers use the system.

B. Increase electronic filing of campaign finance reports for state officeholders and candidates for state office. Current law only requires candidates for statewide office to file electronically. Electronic filing of campaign finance reduces the amount of time and resources needed to provide services to the public and modernizes the process. In FY 2021, 40% of all candidates filed campaign finance reports electronically. The agency has a goal to increase electronic campaign finance report filings to 55% by the end of FY 2022. The agency exceeded this goal in FY 2022 with 76% of filings submitted electronically. As a result, the agency has adjusted its goal from 75% to 80% by the end of FY 2023. Migrating off the AS400 computer system will enable the agency to redesign and improve the user experience of the campaign finance system, which is anticipated to occur once the new system is implemented. The agency estimates that 90% of filings will be filed electronically once a new system is implemented.

Program History

The Elections Division is primarily responsible for overseeing national and state elections, candidate filings for national and state offices, and assisting local election officers administer elections. The Division is also responsible for lobbyist registrations, issuing lobbying badges, providing public access to state campaign finance documents and public disclosure documents, implementing federal legislation pertaining to election administration, selling and distributing Kansas Statutes Annotated, Kansas Session Laws, Kansas Administrative Rules and Regulations, and selling Kansas flags. The Division also serves as a repository for statements of substantial interest for state officers and certain state employees. The Division places high importance on excellent customer service and ensuring the administration and integrity of elections.

Kansas Secretary of State

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. SSI Electronic Filings	A			90%	95%	97%	100%	100%	94%
2. Electronic filing of campaign finance reports	B			40%	55%	55%	75%	90%	48%

Funding

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	-	414,373	480,838	520,681	523,041	573,176	457,465	472,751
Federal Funds	-	-	-	-	-	-	-	-
Total	\$ -	\$ 414,373	\$ 480,838	\$ 520,681	\$ 523,041	\$ 573,176	\$ 457,465	\$ 472,751
FTE		4.0	5.0	5.0	5.0	5.0	5.0	5.0

Help America Vote Act (HAVA)

Consequences of Not Funding this Program

Functions of the HAVA program are essential to the administration of elections by the State of Kansas. The HAVA program would not be able to fulfill its requirements if the program was not funded.

Specific	<u>Statutory Basis</u>	<u>Mandatory vs. Discretionary</u>	<u>MOE/Match Rgt.</u>	<u>Priority Level</u>
	P.L. 107-252; K.S.A. 25-2504; K.S.A. 25-124	Mandatory	Yes	1

Note: A one time state match is occasionally required for new HAVA grant funds, but not ongoing. The state is requesting a match of \$200,000 for the most recent HAVA grant of \$1,000,000 received May 2022.

Program Goals

- A. The agency has a goal to purchase cyber security services within the HAVA program for counties statewide. The state, in coordination with a private vendor, worked with counties to enhance existing security profiles and network security. Due to COVID-19, the agency had to delay implementation of this goal for FY 2020. The agency had a 50% completion rate in FY 2021 and met its 100% completion goal by the end of FY 2022. Continued efforts for maintenance will likely continue in FY 2023 and FY 2024.
- B. The agency has a goal to ensure the security of voting equipment across the state within the HAVA program. The agency has a goal to work with counties to ensure paper trail ballots for voting equipment in the state. The agency achieved a 100% completion rate by the end of FY 2022.
- C. In FY 2021, the agency has a goal to continue its coordination with the National Guard and Department of Homeland Security to provide virtual statewide security training to all county election officials. Approximately 98% of county election officials participated by the end of FY 2021. The agency has a goal to continue training with 100% completion by the end of FY 2022. The agency is reviewing this training and will implement a cybersecurity training program with 100% expected participation in FY 2024.
- D. The agency has a goal to implement a new training program for all 105 county election officers specifically for the administration of elections. K.S.A. 25-124 requires the Secretary of State to provide instruction to county election officers in a method determined by the Secretary of State. This program is in addition to other mandated annual training for local election offices. The goal is to have at least one certified election official in every county prior to the 2024 General Election.
- E. The agency has a goal to begin preparation for the expiration and replacement of the current statewide voter registration and election management system contract.

Program History

The Help America Vote Act (HAVA) Program is administered by the Elections Division. The Help American Vote Act [HAVA] of 2002 created new mandatory minimum standards for states to follow in the several key areas of election administration. These areas included provisional voting, providing voting information to the public, updating and upgrading voting equipment, creating a statewide list of registered voters, creating a process to file administrative complaints, and developing voter identification procedures. Since 2002, the Program has accomplished the following objectives:

- Designed, purchased, developed and installed a statewide computerized voter registration and election management database that is the system of records for all 105 counties;
- Negotiated contracts with voting equipment manufacturers and oversaw the purchase of more than 2,000 voting machines to enable counties to provide at least one ADA-compliant voting machine per polling place to allow voters with disabilities, including visual impairment, to vote secret and unassisted ballots. These contracts have expired and counties now negotiate their own contracts for voting equipment;
- Received and administered more than \$30 million in federal funds

States received federal funds for use in paying the costs of complying with HAVA and each state is audited by the U.S. Election Assistance Commission, Office of the Inspector General. The Kansas audit took place beginning January 31, 2011. A final audit report was filed by the Inspector General with the federal Election Assistance Commission in August 2011. In FY 2016, a new statewide voter registration and election management system was procured. The current contract ends January 18, 2026. Per federal law, the state must have a centralized voter registration system. While the program is focused on post-implementation responsibilities including management, oversight and upgrades in FY 2023, the agency will begin preparation for the expiration and replacement of the current statewide voter registration and election management system contract.

Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. Cyber-security for counties	A			50%	100%	100%	0%	0%	75%
2. Voting equipment updates	B			99%	100%	100%	0%	0%	100%
3. Virtual security training	C			98%	100%	100%	0%	0%	99%
4. Local election official training/certification program	D			0%		25%	50%	100%	13%
5. Statewide registration system	E			0%	0%	0%	5%	15%	0%

Funding

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	-	-	-	-	-	-	-	-
Federal Funds	-	1,989,514	7,174,917	1,963,713	798,582	1,348,564	1,095,330	3,321,004
Total	\$ -	\$ 1,989,514	\$ 7,174,917	\$ 1,963,713	\$ 798,582	\$ 1,348,564	\$ 1,095,330	\$ 3,321,004
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Note: A majority of HAVA expenditures in FY 2020 and 2021 included one-time funding for COVID-19 through the HAVA program. These funds were appropriated for states to prepare for elections during the pandemic.