

HB-2086

Senate Fed and State Committee

3/16/2023

Missy Leavitt

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Virtual – Opponent

Thank you, Chairman and Committee members, for the opportunity to testify today. My name is Missy Leavitt, and I am here today to represent myself personally and the many Kansas Citizens who feel the same despite not having an “official” group to site as representation for their cause.

I am submitting this testimony as I have worked all through the night trying to stuff my thoughts into a quick few pages. I apologize in advance if I end up getting cut off as I have a lot to say, but couldn't even make it past section 3 before I decided I adamantly oppose this bill. Unfortunately, I am also aware that we will not have time for me to speak to everything this bill is written to say.

I stand in grave opposition to this bill and believe 100% that it should die right here in this committee. Quite frankly it reminds me of our late U.S. congress packing 1,000's of pages of stuff as an all-encompassing bill with some very concerning and unnecessary junk.

Additionally, I have very valid distain for the current administration within the Secretary of State's Office. His office has recently denied suggested directives provided by our legislative audit department's research on elections, he has removed documents from public access, after judgements in court to provide them, made slide shows for training, for all county clerks, LARGELY containing politically motivated Hit-Jobs on so-called 'election deniers', which happen to be the 40% + of Kansas citizens who voted for Mike Brown in the primary. – Take from that what you will, but I certainly know where I stand on that. But giving this current administration the opportunity to persuade the legislature to pass this bill is something I simply will not stand by and watch.

I have attached copies of the training slides provided to me be by the SOS office, in case anyone is interested in how our tax dollars are spent to provide your local election officials with a fresh dose of political indoctrination.

This bill is too large and should likely just be rejected by the committee full stop today. I find it abusive to the law-making process to have a cram session bill like this. YES, we need some major clean-up on our election laws, but quite frankly this bill pretty much misses the mark in case anyone plans to use it as a campaign, “I VOTED FOR THAT” or “WE PROPOSED THAT” talking point opportunity in the future while pandering for donations and votes.

When you think of changing over 60 statutory factions of election law, is this going to be what you picture as the “CLEAN-UP” bill? I would certainly hope not, since I'm quite sure nobody showed up to ask the SOS at a town hall meeting to put this nonsense on their list of concerns. I'm quite sure constituents

do not have these things at the top their election integrity list, but since Scott Schwab barely campaigned, I understand how he missed the mark so badly with this bill.

I'm going to spend a moment outlining a bit for you all what are some priorities for citizens like me who have spent countless hours researching and trying to gather elections data, or possible recourse since there is no oversight for the Secretary of State's office.

Section 1(a):

- Authority without oversight – who is checking?
- No legal liability – statute allows him to pass the buck
- No scope of defined duties – (VAGUE) certification procedures, technology education, duty to the people
- THE LEGISLATURE HAS FULL LEGAL AUTHORITY – implementing election law, why allow secondary rules?

Section 1(b):

- ALL THE LIABILITY is on the county – seems contradictory, always the fall guy
- VITAL STATUTE – less centralized government, but why does the SOS seem to have all the power?

Section 2:

- This section deserves its own committee hearing, as removal of ones right to provide a public service, should not be part of a "CLEAN-UP BILL", the legislature should not just skip over this without scrutiny.

Section 3:

- WHERE'S YOUR EVIDENCE???? --- HIDE IT, NOT FOR PUBLIC DISCLOSURE, GOTO JAIL-DO NOT PASS GO!
- ANALYSIS/PRIVACY/PROOF – OPEN RECORDS
- SOS DOES NOT NEED MORE AUTHORITY – really written permission???
- COUNTY PROPERTY– COUNTY AUTHORITY, keep it that way!
- CHEROKEE COUNTY – believe the media, it was only a glitch, RIGHT? PROVE IT.....

County election officials are often and most likely not technology educated or extensively knowledgeable about computer coding. The Secretary of State's office should not be granted the authority to force the county officials to seek written approval or permission to copy or allow inspection by a chosen entity or person to assist them in any way with their hard drive data. Transparency is the overwhelming catalyst as to why there is lack of trust in our election process. Public disclosure of hard drive data would not allow someone seeking its disclosure to determine how a voter voted. Most generally, computer data is displayed by numbers and computed in the same fashion. Without the opportunity to directly inspect an election computer hard drive, you are missing imperative data points that could ultimately prove or disprove matters of concern. Additionally, a voter's identity never is displayed on his or her ballot after

being placed into the electromechanical election machines and therefore should directly place hard-drive data into the OPEN RECORDS category at minimum. Copying data will in no case directly affect an original file and additionally gives no validity to the purpose of this section other than to place the proverbial thumb of power down and instill fear into county election officials.

What is clear is that the Secretary of State wants to keep his pass the buck, zero liability, zero oversight, limitless rule making, centralized authority, and continue hiding valuable data from the public.

Our group of hundreds of very concerned citizens have stepped up and tried relentlessly through KORA requests, testimonies, and yes even court action, to find the answers to hundreds of questions. Is this Kansas' definition of free and fair elections?

I hardly find a bill like this productive, as I am sure we all can agree it is hardly fair to try and cram all the discussions regarding this many changes into a short 1-hour testimonial opportunity. Members of our group have been speaking up about needed changes to our election statutes and seemingly cannot bend an ear to promote action even if it were a mere one sentence proposed change, like "all election related documents SHALL be OPEN RECORDS, except...personal and private identifying information, i.e., social security numbers, and driver's license numbers". Yet here we are discussing this massive "Clean-up" bill, courtesy of our Secretary of State who just doesn't want the responsibility to even provide legal oversight as proven by him passing on his prosecutorial duties to the Attorney General.

By now I'm sure I'm running low on time if not exceeded it by now. I will try to be very quick with the rest of my testimony. But again I will reiterate that such a massive cleanup bill deserves more testimonial time and committee conference than what will be allotted here today. As this is very difficult not just as a citizen providing testimony, but additionally for legislators who are burdened by the entire legislative process and every faction of our government daily.

It is impossible for legislators to know the direct outcome upon citizens from bills passed until they are passed. So this bill in its entirety is highly alarming to me should it hit the Senate floor, because I fear that it may have very critical and unintended consequences should it be passed. I would additionally like to implore the entire legislature to consider extensive review of the final result of the post audit committee election research. I have seen the results from the first half of the post audit and would like this committee in particular to be aware that the Secretary of State's office has directly refused any of the audit suggestions in order to increase security and transparency and trust. From a personal standpoint, the office of the Secretary of State in its current administration does not care and is not concerned with the opinions of that of even the top minds employed by our audit research department.

I will conclude my testimony by saying we simply should not allow this bill to see the honorable Senate floor within the Kansas legislature. Quite frankly transparency is the issue on almost every level! I pray that our government we'll find it best to designate every faction of our election process as a completely open record, with exceptions to private information regarding those who cast a legal ballot. If we cannot see the data, analyze the data, nor verify proper procedures, then how in the world can you ever guarantee are constitutionally protected right to an honest election? Indeed, without transparency you have nothing, and quite frankly I find it a disservice of government to force citizens into a legal discovery process in order to verify such honesty!

Thank you for your time and I will be happy to stand for any questions at the appropriate time.

# ELECTION THEORIES & ELECTION RECORD REQUESTS



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Office of the Kansas Secretary of State

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## CHANGING ROLE OF CONTY ELECTION OFFICERS

- County Election Officers have gone from only administering elections to also being public communicators, system defenders, and targets of attack.

The image shows a screenshot of a podcast player interface. On the left, there is a vertical stack of two podcast covers. The top cover is titled "HIGH TURNOUT" and the bottom cover is titled "WIDE MARGINS". Both covers feature a yellow vertical bar with black dots. To the right of the covers is a "PLAY" button. The main content area displays the title "High Turnout Wide Margins" and "High Turnout Wide Margins" below it. It also shows the category "Government", a 5-star rating, and "59 • 28 Ratings". A "Listen on Apple Podcasts" button is visible. Below this, the date "APR 27, 2022" is shown, followed by the episode title "S2E2 - Crisis Management, Part 2: Maricopa County with Stephen Richer" and a description: "In the second of their two-part exploration on crisis management in local elections, Brianna Lennon and Eric Fey spoke with Stephen Richer from Maricopa County, Arizona. Maricopa County was the national center of attention following the 2020 election for its multiple recounts." A "PLAY" button with "23 min" is at the bottom.

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## WHY DOES IT MATTER?

*You can run the best election ever, but if people do not trust the process, they will not trust the result.*

*For Politicians, since 2016, election integrity has gone from a non-issue to being an issue.*

*7% of Kansans have concerns about election integrity. 93% are confident in our election system.*

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## WHERE DOES IT COME FROM?

- Disappointed in 2020 Election Outcome

- Covid – changed procedures – errors – lawfare
- AZ, MI, PA, GA, WI: It Must be Fraud!

- Therefore. . . . Fraud in Kansas too!

- 2021: Preferred Candidates loses close race: Fraud!

- MIXTURE: Many issues: Shots, Masks, Schools, SC, O, Ukraine

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## EXAMPLE

- Claim: In 2020 Johnson County voted for a democratic presidential nominee for the first time since 1916. True But. . . . .

Reality (in JoCo):

- 2016: Trump got 46%. 2020: Trump got 45%
- 2018: Dem candidate won 4 of 5 statewide races
- In last 20 years: Dems won 5 of 10 congressional elections, GOP won 5 of 10.
- In last 20 years: Dems won 3 of 5 Governor races, GOP won 2 of 5

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## HUMAN MINDSET

*Political: People do not want factual or analytical explanations that leave them emotionally unsatisfied. They want villains to hate and heroes to cheer – and they ignore explanations that do not give them that.*

*"Confirmation Bias": People actively seek out information that confirms their beliefs [**Systemic Vote Fraud**] and actively ignore information that contradicts their beliefs and attack the messenger [**You**].*

*Law: Marching under the banner of justice. Military: Reinforce a pre-conceived notion*

*"Pluralistic Ignorance": We think we know what other people are thinking & that they think like us. Everyone claims to represent "We the People"*

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## ADVICE ON APPROACH

Those public & aggressive will not change their mind

Address people who will listen, group speaking, videos, media contacts, websites

*Like trying to find a black cat in a dark room, when there is no cat.*

1. Transparency: Process & Data
2. Assertive counter-communication
3. Better uniformity of procedures
4. Fix the small stuff before it bites you

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## THE THEORIES OF VOTER FRAUD

### PAST

- Lyndon Johnson "Do you vote 'em or do you count 'em?"
- ie: illegal ballots/voters VS change the numbers

### PRESENT:

Phantom Voters (voter roll, ballot harvesting) vs Flipped Votes (hacking)

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## THEORIES 1: "2000 MULES" BALLOT HARVESTING & DROP BOXES

The Claim:

- Organization Collects Mail Ballots:
- By: Door to Door, at meetings, buy them, counterfeit ballots, request them for inactive voters, nursing homes, homeless
- Insure only ballots for their candidates are used
- "Mules" place in drop boxes- paid ballot harvesters
- Stuffed late on election day – overwhelms signature verification



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## THEORIES 1: BALLOT HARVESTING & DROP BOXES

"Drop Boxes are not Authorized by Law": Since 1978: KSA 25-1124(a) "the ballot envelope shall be mailed or otherwise transmitted to the county election officer."

- 94 counties use at least 1
- No proof of any ballot being invalid - only the delivery method was questioned
- Lots of time to do signature match
- Every recommendation from Movie already done in KS: (e.g., Signature Match, Voter ID, Request Ballot) & more



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## SIGNATURE VERIFICATION (new KS signature regulations)

### VOTE FRAUD

- Accepts fake signatures
- Untrained Staff Overwhelmed by strategic submission of mail ballots

### VOTE SUPPRESSION

- Screens out legitimate voters
- Lack of follow-up by counties for no-match signatures
- Standards and process varies between counties

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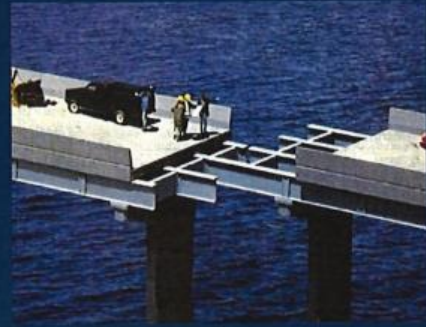
## THEORIES 2: "DIRTY" VOTER ROLLS

- Phantom Voters – Account to Draw Down
- Dead People Voting
- People Move: (10% of Americans each year)
- Data Oddities
- Too Many Registered

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## THEORIES 2:

- designed by Congress
- measure height standing on a box



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## THEORIES 2: *PHANTOM VOTERS*

- Dead People Voting:
  - Death index, death certificate, obituary
  - bury in back yard, autopsy delay, die out of state
- People Move: (10% of Americans each year)
  - Intrastate – re-register
  - Interstate – harder to flag
  - USPS change of address (only 40% of those who move)
- **NEW:** New reason to send address confirmation notice- inactivity (4 years )

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## ROUTINE NVRA LIST MAINTENANCE

### VOTE FRAUD

- Removing Phantom Voters to destroy evidence

### VOTE SUPPRESSION

- Removing legitimate voters

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## THEORIES 2: *ODDITIES*

- Birthday: Jan 1 & 1900 as year
  - DOB not required until 1970s
  - Constitution says – over 18, not date of birth
  - Consolidated voter rolls in 1996 required a filler date
- “Participant” = Safe at Home
- Names
  - initial only
  - Same person, name variation
- PO Box Address

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## THEORIES 2: TOO MANY REGISTERED VOTERS

- Registration numbers vs Census Numbers (VAP), (VEP)
  - Not always the same location (students, military, prisoners, temp work)
- Judicial Watch: claimed in Johnson Cty 105% of people registered: really 92% - their math was wrong
- Inactive voters



\*Kansas: Johnson County (105%)

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## VOTER ROLLS

“Canvassing”— seems to have died off

- People forget or Lie (1982 Study)
- Economic norm vs social norm
- Intense public resentment

Deep analysis of addresses,

- vacant lots, UPS Stores,
- DoB, number analysis, etc.



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## THEORIES 3: MACHINES FLIP VOTES

- Name vs timing mark: That is what the audit checks

OAN now publicly states 'There was no evidence of widespread voter fraud in the 2020 election.'

Dominion Machines-

- Sidney Powell: no reasonable person could have believed ...
- Giuliani: I had no facts. . . .
- Dr Halderman: "no credible evidence"
  
- Hacking was #1 theory, now rarely mentioned.



ELECTION/MARE COUNTY/ELECTION/MARE STATE  
FT ENGLISH (EVS 6.1.0.0)  
11/30/2019  
PRECINCT ONE, PRECINCT ONE  
FAVORITE DOG BREED----- LIG BEAGLE  
FAVORITE U.S. BEACH----- REP NANTUCKET BEACH, MASSACHUSETTS  
FAVORITE WAY TO SPEND FREE TIME----- REP EXERCISING  
DEM WATCHING TV  
PROPOSITION 1----- YES  
PROPOSITION 2----- YES

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## OVERALL RESPONSE

- 18 MONTHS SINCE THE 2020 ELECTION
  
- In KS not a single mail ballot cast that was not requested by a proper voter
  
- *Where is the specific actionable evidence?*
- *We need facts, not conclusions & hearsay.*
  
- 3 Houses = Election Law = house that has been remodeled constantly since 1861

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# NATIONAL

## SETH KESHEL

- Heat Maps based on registration trends to predict outcome



## DOUG FRANK

- “The Algorithm” controls the outcome to meet the vote goal established by “they.” Based on turnout varying in predictable ways by voter age.



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# WHO WROTE THE BOOK



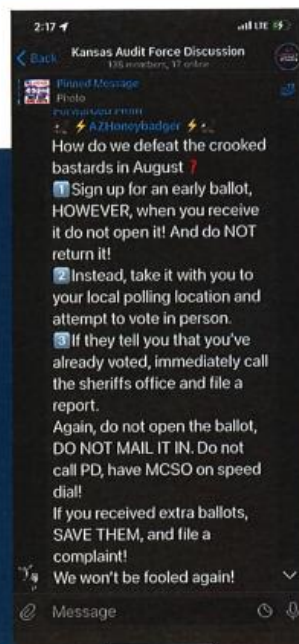
A Guide to Elections Forensics

Anomalies are not proof of anything

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## LOOK OUT FOR

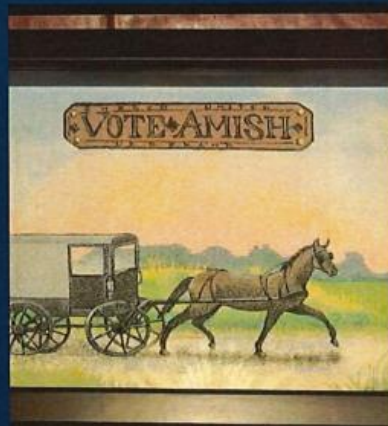
- Problem Poll Worker (OH)
  - Unplug the Machines
- People trying to trip up poll workers



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## VOTE AMISH SLOGAN

- No Mail Vote
- No Early Vote
- No BMD, Tabulators, e-pollbooks
- Can only vote on election day
- Ballots counted by hand at precinct
- Can only vote at precinct polling place
- *A Slogan, not a Strategy*



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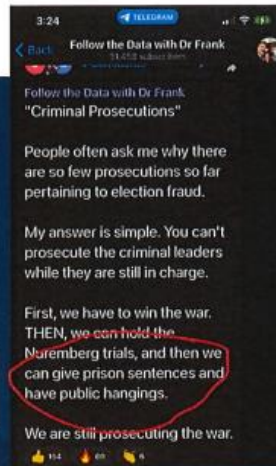
# THREATS

- Threats of violence against election workers
- Doxing election workers
- Disrupting election operations
- Intimidating voters – in electioneering zone

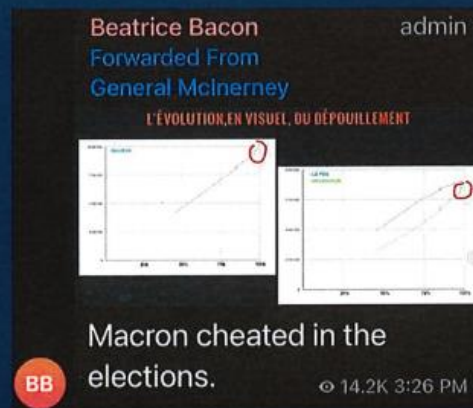
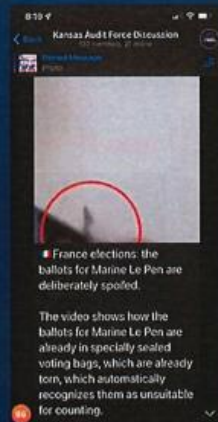
**US election officials fear for their safety amid threats and disinformation, report finds**

**Election officials under siege, some receive death threats**

**Election Officials Steel Themselves for Threats as Midterm Season Gears Up**



# FRANCE TOO .....





## BEST THEORY:

Claimed that AZ state elections officials shredded their ballots, fed them to chickens, and then had the chickens incinerated to cover up the evidence.



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## ELECTION RECORDS REQUESTS

Requests for election records have surged everywhere

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## OPEN RECORDS REQUESTS

DISCLAIMER: Legal opinion on KORA - *ask your county counselor.*

- We will help with practical advice, materials, and ideas

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## THE FOCUS IS ON DETAILS

Chain of Custody Forms

Oaths

Drop Box video

It must be a forgery!

Wrong County on school board election county canvass abstract

Website statement confusing.

"R" or "D" on ballot code

*KSA 25-702(a) notwithstanding the provisions of law may not have been fully complied with in noticing and conducting the election, so that the real will of the people may not be defeated by any technical irregularity of any officer. (1861 – oldest election law still on the books)*

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## OPEN RECORDS – BASIC PROCESS

- 1. Response w/in 3 business days
  - Receive day is Day Zero
  - Acknowledge request – give estimate on time and cost
  - You can require payment of all actual costs before producing
  - Clarify what they want
- 2. Election Work takes priority- explain that in a response or follow-up
- 3. If you respond to one – respond to all similar requests
- 4. You can choose the format- paper or scan

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## OPEN RECORDS - RESPONDING

- WHATEVER YOU WRITE IT WILL GO PUBLIC
- Option 1: Short & Direct
- Option 2: Educate, extra material, back & forth.
- Clarify what they are asking for- requestors often use words w/o comprehension

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## OPEN RECORDS - EXEMPTIONS

- Specific Exemptions in KORA 45-221(a)
- Other Exemptions sprinkled in KSA and USC
- Cybersecurity: added in 2021: plans, assessments, and vulnerabilities
  - consult with your IT
- Physical Security
- Trade Secret – equipment manuals

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## RETENTION SCHEDULE I

[HTTPS://WWW.KSHS.ORG/RECMGMT/RETENTION\\_SCHEDULE\\_ENTRIES/SEARCH/AGENCY:000-105](https://www.kshs.org/recmgmt/retention_schedule_entries/search/agency:000-105)

### Kansas Records Retention Schedules

#### Results of Query:

Agency Code: 000-105 (Local Government Records, County Election Office)

Page 1 of 1 showing 29 records of 29 total, starting on record 1

Agency Number: 000-105  
Local Government Records  
County Election Office

SERIES ID	0001-105
TITLE	Absentee Voter Applications, Certificates and Record Books
DESCRIPTION	Contains absentee lists, certificates of votes cast, applications and any supporting documents (correspondence, ballot envelope, etc.)
RETENTION	002-010-1yrs
DISPOSITION	Destroy
RESTRICTIONS	None
APPROVED	2000-01-13
K.A.R. NUMBER	53-2-122
SERIES ID	0002-105
TITLE	Abstracts of Election Returns - Final
DESCRIPTION	Includes date, office up for election, candidates' names and party affiliations, votes received, certification of authenticity of vote, signatures of county board of canvassers.
RETENTION	Permanent
DISPOSITION	Archive
RESTRICTIONS	K.S.A. 25-3109
APPROVED	2000-01-13
K.A.R. NUMBER	53-2-122

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## RETENTION SCHEDULE II THE LAW SINCE 1893:

KSA 25-2708(b) *The county election officer shall preserve all . . . .state and national ballots for 22 months. At the expiration of such time, the county election officer shall destroy them without previously opening any of the envelopes, in the presence of two electors of approved integrity and good repute, members of the two leading political parties.*

2020 Primary: early June 2022      2020 General: early Sep 2022

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## ISSUE (NATIONS IN ACTION= NIA)

NIA Call To Action Call AG Derek Schmidt and blast him. He doesn't find it necessary to protect election documents from destruction? . . . . . Alert your sheriff immediately . . . . . Request they send cease and desist letter to the supervisors of elections. . . . . Ask the sheriff if . . . . arrests should happen immediately. . . . . Contact Donald Trump and tell him shredding is or is going to occur in Kansas and he must rescind his endorsement of AG Derek Schmidt for Governor and they must be investigated.



**Maria Zack** @MariaSZack · 5h ·  
NIA Call To Action

🇺🇸🇺🇸🇺🇸 Urgent 🇺🇸🇺🇸🇺🇸

Contact Donald Trump and tell him shredding is or is going to occur in Kansas and he must rescind his endorsement of AG Derek Schmidt for Governor and they must be investigated.

[@realDonaldTrump](#)  
[#KSleg](#) [#KSAudit](#)  
[#stoptheshred](#)

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## RETENTION

Keep Records When:

1. Required by law- retention schedule
2. Litigation hold
3. Operations purpose

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## RECENT REQUESTS

- Equipment certification & de minimis Engineering Change Orders
  - VVSG process not understood
- "Any Data"- National Groups Tell What to Ask for
  - Poll pad recaps
  - Poll closing tapes
  - Cast vote records
  - Equipment Serial Numbers



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## · OPEN RECORDS – IS A BALLOT IMAGE A BALLOT?

KSA 25-2708 election staff can provide ballots to canvassing board and under court order

KSA 25-2422 makes it a crime of unauthorized voting disclosure

Clarkson v Lehman, 425 P.3d 372 (unpublished) (Kan Ct App 2018) 2018 WL 4167679  
2013 District Court found election commissioner was not required to disclose the RTAL:  
“[E]lection results, voting records are . . . . outside of the scope of what is considered  
open records information and should not be disclosed.”

New York Case: Kosmider v Whitney, 132 N.E.3d 592 (NY 2018) West Law: 2019 N.Y.  
Slip Op. 04757: Directly on whether ballot images fall under open records and said NO;  
follows the same logic as the Kansas opinion.

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ASK QUESTIONS

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