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STATE OF KANSAS
Senate Committee on Ethics, Elections and Local Government

Testimony on HB 2333

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Madam Chairwoman and Members of the Committee:

Thank you for the opportunity to testify in favor of House Bill 2333. This bill addresses three main points. One, this bill, if passed, would require a manual, i.e. hand count, audit of election results for one contested federal office and one contested Kansas legislative office. This audit would take place in every county after every election and would occur between Election Day and the date the county board of canvassers meets to certify the official election results. The audit would be open to the public, and the results of the audit would be presented to the county board of canvassers to include in the official county canvass.

Two, this bill would change the timing of the meeting of the county boards of canvassers to certify the official election results. Current law requires the meeting to take place on the Monday or second Thursday after the election. This bill would allow the canvass to take place on any business day no later than the 13th day following any election.

Third, this bill requires every voting system certified by the Secretary of State to produce a paper record of each vote cast, at the time the vote is cast. It will prevent voting systems from being purchased, leased or rented that do not include a paper record of each vote cast. This is accomplished by prohibiting counties from entering new contracts for voting equipment that do not have a paper record. Existing contracts, and equipment would be continued to be used and enforced. The purpose of this bill is to affect machines purchased, leased or rented under future contracts, and not retroactively require the replacement of existing equipment that has been certified by federal and state officials and meet all applicable guidelines for use.

The Secretary of State's office strongly supports this bill. This office has worked tirelessly to ensure that Kansas elections are safe, secure, and accurate. This bill is consistent with the work being done in combatting voter fraud. By requiring a manual review of election results, including ballots that are cast on electronic machines, the public will have greater confidence in the accuracy of the voting systems being used in this state. If a discrepancy is uncovered, this bill, through rule and regulation authority, would allow the Secretary of State's office to require further audits to ensure the accuracy of the election results.

Kansas is currently in the minority of states that do not require a post-election audit of election results. Some states have audits that occur before votes are cast, others have audits that occur weeks after the election had been certified. I believe conducting an audit immediately after Election Day and prior to the certification provides the most confidence to the voting public.

This bill does allow the office to adopt rules and regulations governing the conduct and procedure of the audit. This will allow collaboration with county election officers, and the general public, to ensure the procedures used will work both in Johnson County, and in Greeley County, and have roughly the same impact on those offices.

In conjunction with the audit, this office urges the committee to adopt the proposed language in the bill modifying the timing of the county board of canvassers meeting. This will allow counties the flexibility to conduct the canvass consistent with the needs of the county, while ensuring the canvass is completed in a timely fashion to allow for recounts, contests, and the issuance of certificates of nomination or election.

Lastly, the Secretary of State's office again strongly urges the committee to adopt the proposed language requiring a paper audit trail, verifiable by the voter, of every new piece of voting equipment purchased, leased or rented in this state. The Secretary of State's office believes the current fleet of voting equipment being used across the state is secure, and has been tested and certified to current national standards. However, the Secretary of State's office believes the added protection of having a paper ballot record that is reviewable by the voter before it is cast adds an additional layer of security and verification that improves the voting experience and adds confidence to the reliability and accuracy to election results.

Lastly, the Secretary of State's office recommends the bill be amended to become effective on January 1, 2019. This will allow the office sufficient time to work with county election offices in setting procedures in place for the audit. This will also allow county government the opportunity to assess the potential fiscal impact and budget accordingly.

Thank you for the opportunity to provide testimony in support of this bill this afternoon, and I stand for questions.