

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2570

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2570 would create and amend law related to election audits.

Biannual Elections Audit

The bill would create an election audit procedure to be conducted by the Secretary of State (Secretary) in the calendar year following the general election of an even-numbered year.

The Secretary would select four counties at random to be audited under the bill, pursuant to the following:

- One county would be required to have a voting-age population of more than 90,000;
- One county would be required to have a voting-age population of more than 20,000 but less than 90,000;
- Two counties would be required to have voting-age populations of less than 20,000; and
- A county could not be selected if it was selected in the three most recent audit cycles.

The bill would specify that voting-age population shall be set by the most recent federal decennial census.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would require the Secretary to adopt rules and regulations necessary to implement the audits, including specifying the specific records and procedures to be examined.

Audit of Elections within One Percent

Current law requires that in order for an election to be certified, a manual audit or tally of each vote cast in an election, regardless of voting method, in one percent of all precincts, with a minimum of one randomly selected precinct per county, must be conducted by a sworn election board.

The bill would amend current law to require such an audit be conducted in any even-numbered year federal, statewide, or state legislative race where the margin of victory is within one percent. The county election officer would be required to audit ten percent of all county precincts, with a minimum of one precinct, in the same manner as existing audit requirements. The precincts audited would be in addition to precincts audited under existing law.

The bill would also make technical changes to ensure consistency in statutory phrasing and to remove an outdated reference to the effective date of the statute.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Penn on behalf of the Secretary.

House Committee on Federal and State Affairs

In the House Committee hearing, **proponent** testimony was provided by a representative of the Secretary and a private citizen. The proponents stated that there is a constant need to improve and enhance the election audit process, and

that local election officials were involved in the development of this legislation to ensure unattainable mandates would not be imposed. A representative of Opportunity Solutions project provided written-only proponent testimony.

Neutral testimony was provided by a representative of Loud Light Civic Action, indicating the bill lacks procedural specificity and expands the traditional audit procedure, rather than utilizing alternative audit procedures than can provide greater overall certainty. A representative of the Kansas County Clerks and Election Officials Association provided written-only neutral testimony.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Secretary states the bill would have no fiscal effect on the agency. The bill would require the agency to develop training, education, documentation, and implementation of the new audit process.

The Kansas Association of Counties indicates the bill would increase labor costs necessary for conducting the additional audits. The costs associated with the audits are unknown as they would vary depending on how many personnel are necessary to conduct the audits based upon each county's population size.

Elections; audits; election procedures