

March 16, 2023

Bill number: HB 2086      Disposition: Opponent      Testimony type: Written only

Chairman Thompson and members of the Committee,

The fact that HB2086 includes changes to 66 sections of statutes is concerning. Many of these should be stand-alone bills. This bill provides the Secretary of State with additional powers with respect to elections and election processes and removes certain local checks and balances. I ask that you vote no on HB 2086 or, if you feel it must pass, please amend it as listed below.

Below are a number of items in this bill I would ask you to amend and remove the revisions or additions to current law cited if you feel the bill is worth saving.

**Page 1 lines 31-34 and Page 2 lines 1-2 read** *“New Sec. 3. No county election office or any employee or agent thereof shall create, or permit any other person to create, or disclose to any person an image of the hard drive of any electronic or electromechanical voting system, optical scanning equipment or any other voting system that contains a hard drive component without the written consent of the secretary of state.”*

Removing the ability of a county clerk or election officer to review, create a back up or provide a copy of an electronic voting machine’s drive eliminates that county’s ability to provide for local election security and hands all power to the SOS. Our political system is built on a distribution of power not a consolidation of power and, in a time of so much division over election security, further weakening local control will also weaken faith in the system.

**Page 33 lines 33-34 include this addition to current statutes** *“The supervising judge may expand such distance beyond three feet as needed”*

This simple line gives the polling station judge the power to move poll agents as far as they wish from voting machines and tabulators or tables used by the voting board. Current law requires poll agents stay at least 3 feet back which has served Kansas for unknown decades.

We saw in recent elections in Georgia, Pennsylvania, Michigan and Arizona the kind of chaos that occurs when poll agents are forced to move so far away from the operations that they might as well have stayed home. We need to consider what these changes would allow and why there is a sudden need for them when there has been no issue with the 3 foot rule.

**Page 39 lines 1-3 includes this section to be stricken from current law** *“The supervising judge of each voting place shall be in charge thereof and may direct authorized poll agents as to their conduct ~~within the voting place~~”*

This minor strike would give the election judge the legal power to dictate what poll agents do when not at the polling station. Where or when they are allowed to eat and when they may leave to speak on the phone outside of the polling station for instance. The strike needs to be removed so that the existing statute remains unchanged.

**Page 39 line 17 removes precinct committee members from those named in law as authorized poll agents. “(5) ~~any precinct committeeman or precinct committeewoman;~~”**

A key duty of precinct committee members is their ability to serve as poll agents (observers) without requiring special appointment by an outside authority so that they can ensure safe and secure elections within their precincts. Removing that legal authority only feeds election doubts.

Please remove this strike and maintain the power of locally elected precinct committee men and women to serve as poll agents.

**Page 39 lines 39 and 40 read “~~precinct committeemen and committeewomen, one each; (4)~~”** and would remove the power of precinct committeemen and committeewomen to appoint poll agents. Please remove this strike and allow existing law to stand as is.

There have been no issues with the current law, and most counties struggle to have adequate poll agents in place. Restricting who can automatically serve as or appoint poll agents further weakens the ability of county parties to provide adequate oversight of elections to quell election security concerns. These removals of longstanding legal authority serve no good purpose and will cause more people to question election integrity when we must do all we can to restore faith in elections.

**Page 40 line 28 adds these words to a statute regarding audit of ballots “or the corresponding ballot images”** and allows a virtual reproduction of a ballot to be used for audit purposes. Why would we allow digital reproductions to be used during an audit. If the goal was to spark controversy and increase doubts this would be the way to do it. Please remove this absurd addition.

**Page 52 lines 22-25 read “(2) *accessing without authorization or facilitating the unauthorized access to electronic or electromechanical voting system equipment, electronic poll book equipment, computer programs, operating systems, firmware, software or ballots;*”**

This measure is designed to prevent anyone but persons authorized by the SOS from accessing electronic voting equipment for review and defines that access as fraud. We need to remove this section and leave access up to the local county clerk and election director.

Thank you,

