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STATE OF KANSAS

House Committee on Elections

Testimony on HB 2251

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2251. This bill, if passed, would require a manual, i.e. hand count, audit of a defined percentage of election results. 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. In addition, 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. However, I want to ensure that counties may continue to use voting systems currently in place, and under contract. The purpose of this bill is to affect machines purchased, leased or rented under future contracts.

I am testifying as neutral on this bill. The Secretary of State's office is a proponent of a post-election audit bill, as evidenced by the Secretary's testimony on HB 2333. The Secretary of State prefers HB 2333 for the following reasons:

1) HB 2251 would allow counties to extend the date for the county board of canvassers to certify the county election results an additional four business days after the date proposed in HB 2333. This additional time would jeopardize the ability of the Secretary of State's office to adequately prepare for the meeting of the State Board of Canvassers to certify official election results for national and state office. For example, in November, 2016, Election Day was November 8th, 2016. 13 days after Election Day was November 21st. Four business days after would be November 29th (Due to Thanksgiving holiday). The state canvass must be held no later than December 1st (two days later). This would not give the Secretary of State's office adequate time to prepare for the state canvass.

2) HB 2333 contains additional language that allows only one race on each ballot to be audited. The office believes this to be preferable to auditing the entire ballot in the selected precincts.

There are also two points I would like to make when the committee works either bill.

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1) Clarify that existing voting equipment that has been certified by the Secretary of State and is currently in use, and under contract, without a paper record of each vote cast, is acceptable for use in the state of Kansas. The requirements in HB 2333 and HB 2251 should apply to any new purchases or certifications after the effective date of this act.

2) Clarify the timing of the random selection of precincts (and offices) that will undergo a manual audit. The random selection should take place prior to the beginning of advance voting, to allow county election offices to sort out ballots cast in advance that will be subject to the audit. This will save county election offices from having to review every ballot cast in advance to locate the correct ballots that will undergo the audit.

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