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STATE OF KANSAS

Testimony: HB2188 (Opponent)
House Appropriations Committee
Thursday, February 11, 2021

Chairman Waymaster and members of the Committee:

HB2188 would require a state agency to submit project information and accompanying contracts for information technology projects to the Joint Committee on Information Technology (JCIT). The Office of Kansas Secretary of State opposes HB2188.

Our office has several questions about HB2188 in its current form. The bill requires agencies to submit project information and contracts for information technology projects to JCIT – does that include constitutional office holders like the Secretary of State? The bill is unclear on the responsibility of the agency after JCIT reviews the project and contracts – are they required to adjust in response to JCIT feedback before signing the contract? What consequences are there if any agency does not submit the project and contract or adopt recommendations by JCIT? What recourse is there for agencies who need to quickly address emergency situations, system crashes or breaches?

The Office of Secretary of State is a constitutional office that is entirely fee funded. As the chief election officer for the State of Kansas, we are in a constant election security marathon that often requires us to execute information technology projects and updates, sometimes quickly, to protect the safety and security of Kansas election infrastructure. Our interpretation of HB2188 is that it would require the Secretary of State to wait for JCIT to review of contracts prior to signing. We respectfully believe this legislation could prohibit our ability to make and execute these decisions in a timely manner for election security IT projects.

After the 2016 elections, election infrastructure was reclassified as critical national infrastructure. With foreign entities doubling down on efforts to infiltrate and influence American elections, our office, and the federal government, place a high priority on ensuring multiple levels of security are placed on election systems. Unless technology and software involved in the operations of critical national infrastructure are exempt from this legislation, HB2188 could subject those systems to compromise.

Our office respectfully asks for an exemption from the provisions of HB2188. We believe this exemption would help ensure highly sensitive election security information is kept confidential and not inadvertently exposed to foreign or domestic bad actors.

Thank you for your thoughtful consideration.

Respectfully submitted,

Katie Koupal
Deputy Assistant Secretary of State
Communications & Policy