

2/15/2022

Dear Mr. Chairman & Committee Members,

I would like to offer my testimony as a Proponent to HB 2653, but also request an amendment for the committee's consideration:

**(Replaced to read as follows:)**

AN ACT concerning elections; relating to electronic or electromechanical voting systems, **cast vote records (CVR)** and optical scanning equipment requiring images of ballots counted by such systems and equipment to be provided to ~~the public candidate~~, on request.

**Section 1:**

**(a)** Within 48 hours after the close of the polls on Election Day, a ~~candidate~~ ~~may~~ request **of** a digital copy of all ballot images for those ballots counted **and cast vote records** included in the reported election results that were counted using electronic or electromechanical voting systems or optical scanning equipment. Such request shall be in writing and shall only be made to the county election officer for a county **where such ballots were distributed**.

**(b)** Any information provided pursuant to this section shall be provided in such digital format as prescribed by the secretary of state. To the extent possible, such information shall be provided in a format that allows for sorting the ballot images **and cast vote records (CVR)**, by voting precinct, except that any voting precinct having less than 20 ballot images shall not be provided to protect the privacy of the voters in such precinct.

**(b-2) Election Companies shall not be able to claim proprietorship over any records produced by electronic or electromechanical equipment, nor shall digital records ever be removed without written consent and authorization of the County Election Commissioner and Board of County Commissioners.**

- **Please add reference to federal and state laws for relative punishment and authority of investigation guidelines.**

As a matter of transparency, I would like to first say that by making the ballot images available you also should require the same from the cast vote records.

Both records are created within existing tabulators used in Kansas. There should be no reason to exclude other reports within the tabulators if the ballot images are made available.

In addition, none of the information stored on any of these digital copies would include any personal information identifying the voter's ballot, therefore should stand to be an Open Record to the public anyways upon request.

This bill would fix a major transparency issue that currently exists within our state election statutes. I do not believe that digital copies of ballots would put at risk the paper ballot's value as the true and standing representation of the election as recorded. For additional information, HB 2645 in the House Federal and State Affairs Committee would enhance some language of this bill as well if combined.

Lastly, I will add that I have seen a section regarding election security of digital records such a ballot images that is confusing to me and lumps the together with paper ballots as far as remaining sealed after the election.

Thank you for you time and I will stand for any questions if requested.

Missy Leavitt