

Opponent Oral Virtual Testimony on House Bill 2653

House Committee on Elections

Davis Hammet – Loud Light Civic Action

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Chair Bergquist, Members of the Committee,

The Secret Ballot

Any law that expands who may view ballots that have been cast should be treated with great caution. It is public record if someone voted and what method they used; however, Kansans have a right to cast a secret ballot and keep confidential who they actually voted for. As someone who researches Kansas elections, this is a concern I constantly must explain. When I get data about provisional ballots, I only know who cast the ballot and why they had to use the provisional method. I do not and should never know who the individual voted for. By expanding access to images of actual ballots beyond election officials, the state creates legitimate concerns about the status of ballot secrecy in Kansas.

Open Records or Not

As a government transparency advocate, I do not believe the legislature should create unique classes of open records that are only open to politicians instead of the greater public. The records should either be accessible to all Kansans under the Kansas Opens Records Act (KORA) or should maintain their current status as only viewable by those administering the election or engaged in a legal challenge that involves a court order for disclosure.

Technical Questions

Sec. 1 (a) The request must be made within 48 hours. Does it only pertain to ballots counted during that initial period or does it extend to all ballots counted in the election including provisional ballots?

Sec. 1 (d) is this necessary? Does any county not use optical scanning equipment?

Why?

There may be better alternatives to address the concerns that drive this bill. Understanding exactly what the writer of the bill intends would be helpful. For example, if the intention is to be able to verify the exact results this bill likely cannot do that given the 20 ballot precinct exemption. I deeply believe Kansans deserve more transparency in elections, but bills to improve transparency need to be practical and carefully crafted.

I recommend this committee oppose HB 2653 as written. However, I think the general direction of the bill is a good one that should be further explored and tweaked to address the concerns that drove the bill and the concerns raised herein. I'm happy to stand for any questions when appropriate. Thank you,

Davis Hammet

President, Loud Light Civic Action