

## HCR 5008 Proponent Written Only Testimony

Chairwoman Warren and Members of the Committee,

Thank you for the opportunity to provide testimony in support of HCR 5008. This resolution is important for ensuring accountability and transparency in the rulemaking process and providing legislative oversight over regulations issued by executive branch agencies.

A clear example of why this resolution is necessary can be seen in K.A.R. 7-47-1, the regulation that governs post-election audits. The regulation was in conflict with K.S.A. 25-3009, which requires post-election audits to be conducted using paper ballots. However, the regulation allowed for the use of ballot images, which was inconsistent with the statute.

Additionally, the regulation did not initially apply to audits of constitutional amendments, yet the Value Them Both amendment was included in a post-election audit. While I personally did not have a problem with the audit being applied to constitutional amendments, what I found concerning was the selective adherence to the regulation. The Secretary of State's office corrected the portion regarding constitutional amendments relatively quickly, but the issue regarding the use of paper ballots was overlooked at that time and wasn't addressed until much later.

It is important to note that the Attorney General's office is responsible for reviewing regulations for statutory compliance, but this issue wasn't flagged at the time. Furthermore, JCARR had no authority to make corrections, and the Secretary of State's office was slow to make the necessary changes. This meant that for a period of time, election procedures were being conducted under a regulation that contradicted state law.

This is precisely the type of problem HCR 5008 is designed to address—providing legislative oversight to ensure that regulations align with the statutes passed by elected representatives. When regulations go beyond or conflict with the law, there needs to be a clear process for ensuring they are corrected in a timely manner.

I respectfully urge you to support HCR 5008 to help provide that oversight and ensure that regulations comply with the statutes passed by the legislature.

Respectfully submitted,

Kari Sue  
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