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January 31, 2023 - Kansas House Elections Committee hearing on HB 2057, regulating the use of remote drop boxes – Opposition testimony

Chairman Proctor and Distinguished Committee Members,

My name is Rick Piepho, Harvey County Clerk and Chairman of the Elections Committee of the Kansas County Clerks and Elections Officials Association (KCCEOA). The KCCEOA is a statewide organization with 109 members including all county clerks and election commissioners in Kansas. Our duties are significant under statute and one of our most public facing functions is free and fair administration of elections. We take this duty very seriously. We prepare for every possible, and impossible, scenario which could occur.

I am submitting this testimony on behalf of the KCCEOA membership. The KCCEOA prepared a legislative agenda which was developed through a policy committee process and agreed to by a majority of the members. One of the items specifically included is: "Maintain local control of usage and placement of drop boxes for advance ballots".

We believe that drop boxes for depositing advance ballots are an important tool for voters to ensure that their ballots are received by the election office. With delivery delays by the US Postal Service expected to continue, we believe that allowing ballots to be deposited in a secure drop box prior to the close of polls on Election Day is a good option for voters to return their ballots. County election offices should be allowed to place and utilize drop boxes appropriately for their jurisdiction following guidelines established by the Secretary of State.

Specific issues with this legislation:

- (a) *Limits remote ballot boxes to 1 per county unless you have more than 30,000 registered voters. We currently have 2 remote drop boxes in Harvey County. With about 23,000 registered voters we would only be allowed to have one box; many other counties would be similarly affected.*
- (b) *Boxes must be continuously monitored by election office staff or video recording equipment which must be located to show face of voter. Boxes shall be closed/not accessible when election office is closed. It is not feasible to station an employee near each box to continuously observe them, especially in August and November. Both boxes in Harvey County are included in camera views at each location but the cameras are not situated behind the boxes. Additional costs would be incurred to install new cameras and a system to record and archive the videos. One of the main reasons for the drop boxes is so voters can deposit their voted ballots after hours, if the box cannot be open when the election office is closed there is not much reason to have one.*
- (c) *Signage on drop box. Additional cost to create and attach weather resistant signage.*
- (d) *Recordings must be maintained for 1 year and are public record. Most video recording systems are not designed to retain recordings for that length of time. Additional costs would be incurred to install or upgrade camera system to record and archive the videos*
- (e) *Separate preservation of ballots returned via drop box. It would be difficult to keep these ballots separate from other ballots throughout the tabulation and audit processes for separate preservation.*

In Harvey County we have allowed voters to deposit advance ballots in the outdoor drop box near our courthouse for many years; prior to the 2020 elections we replaced the box at the courthouse and added a box at Fire Station #3 in Newton. Both remote drop boxes were available to voters 24/7. For the 2020 General Election in Harvey County almost 50% (3,292 of 6,820) of the total advance ballots returned were deposited in our outdoor boxes. For the 2022 General Election in Harvey County about 34% (644 of 1,940) of the advance ballots returned were deposited in outdoor boxes.

We believe that this legislation will effectively eliminate remote drop boxes in many counties; with all of these restrictions I am not sure whether it is feasible to continue utilizing any remote drop boxes in Harvey County.

The KCCEOA opposes HB 2057 as currently presented. We ask that the committee hear our concerns and act accordingly. I will gladly stand for questions at the appropriate time.

Sincerely,



Rick Piepho  
Harvey County Clerk & Election Officer – KCCEOA Elections Committee Chair