

Neutral Oral Testimony on House Bill 2504

House Committee on Elections

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Chair Proctor, Members of the Committee,

A History of Supporting Post-Election Audits

My first real involvement with the Kansas Legislature was advocating for the state to adopt post-election audits and voter verified paper trails of ballots cast using voting machines. It took several years and was compromised down quite a bit, but in 2018 it happened. Gov. Colyer signed a post-election audit bill into law. I still keep one of the bill signing pens on my desk.

Overall, there is clear appeal in improving post-election audits and using only original paper copies for them, but there are a few concerns I'd like to highlight.

Concern of Impact on County Election Office Resources

Ballot images can often be pulled and sorted quickly to prepare for an audit. Requiring a county that uses ballot images to instead use manual labor for pulling and sorting will undoubtedly utilize additional resources. It is important to recognize that the State of Kansas does not provide any funding to assist with election administration. Additional requirements from the legislature on counties come with an expectation that all 105 county commissions will allocate enough funding to their county election office to facilitate compliance. This funding system combined with yearly new election mandates from the state legislature raise a bigger concern about the position the state legislature puts county election officials in. The legislature should begin a serious conversation regarding the need to allocate state funding to assist counties with election administration especially when the administrative tasks are mandated by the state.

Concern of Hindering the Transition to More Advanced Audits

Kansas currently uses a traditional post-election audit where specific precincts are fully audited for specific races. This makes the use of paper copies more feasible. However, a complete ban on ballot image use would hinder or outright prevent counties (or the entire state) from implementing more advanced audit techniques such as risk-limiting audits. Risk-limiting audits provide a more robust sample of ballots across all precincts, and focus audits toward the most competitive elections where small errors are most likely to impact an election outcome. This sampling technique is difficult to manually achieve as it requires pulling specific ballots from specific precincts— a task that can be done easily with ballot images.

Conclusion

Loud Light Civic Action is neutral on this bill as it should not have any impact on actual voters, but does raise some concerns about local election office resources being stretched and may hinder the state from moving toward more advanced audit techniques. Thank you. I'm happy to stand for any questions when appropriate.