

Testimony for the Oct 27th meeting of the Joint committee on Ethics and Election

Ranked Choice Voting – Excellent Idea! But only if combined with secure and transparent vote counting processes.

My name is Beth Clarkson. I am a lifelong Kansas, born in Wichita. I hold a Ph.D. in statistics and have been certified as a quality engineer by the American Society for Quality for the past 30 years. Over the past several years, I have become more and more concerned about the accuracy of our voting machines, which has never been evaluated post-election via a hand count of election results. I have attempted to get access to the records needed to perform an audit of our voting machines more than once over the past several years but been told no every single time.

Having failed to receive permission to do an audit, on Nov 8th 2016 , with the help of volunteers, set up citizen's exit polls for five locations in south central Kansas. This was our attempt to find out the accuracy of our voting machines.

I'm afraid that the evidence from those exit polls point overwhelmingly to our voting machines being manipulated. Not by enough to alter any outcomes in the races studied – the maximum deviation between our exit polls and the official results was less than 5% in suspect races. But still extremely troubling to me as a voting citizen of Kansas. I have submitted these results and my conclusions for peer review. I will be happy to provide an electronic copy of this paper on request. Today, I will simply summarize the findings.

A common question I get regarding these findings is "Couldn't your results be due Republicans being less likely to fill out the exit poll survey?" The answer to that question lies in the patterns shown in the different races. Whilst certainty is never forthcoming from statistical analysis, the hypothesis that 'Party X member respond to surveys at a different rate than others' is a plausible explanation for only the Libertarian Party in two races. It does suffice for any others.

There are a number of statistically significant differences between our exit poll results and the official results, randomly scattered through the five locations and both methods (voting machines and paper ballots counted electronically). The scattered anomalies found are likely due to issues of process reliability without cause to suspect malicious intent. Of course, all anomalous findings should be investigated to determine the cause and appropriate corrective action because whether deliberate or inadvertent, the errors indicate that the election results might have been compromised. That won't be happening though. The output of electronic voting equipment in Kansas is never verified post-election.

The results for the Presidential race look very suspicious. In Wichita and Winfield, four out the five sites, votes appear to be shifted from Clinton to Trump. Results in the fifth site, Wellington, showed substantial errors in the opposite direction. Results for the four Supreme Court justices opposed by Governor Brownback show a similar pattern nearly double in magnitude. This is not plausibly due to Republicans and Democrats having different propensities to respond to the Exit poll. If that were the case, we would see the same pattern in all locations and methods and races. We don't. This looks like malicious tampering of the results by at least two different parties with opposite intentions.

These findings could be easily proven wrong with an audit of the results in those locations, except that only Sedgwick County has a paper trail. A paper trail that is, apparently, forbidden ever to be seen by human eyes.

Our machines should not be considered trustworthy without having a paper trail and verifying the count afterwards. These steps are the minimal precautionary measures needed according to the testimony of Dr. Andrew Appel of Princeton University to the Presidential Advisory Commission on Election Integrity Resources last month.

Sedgwick County purchased new machines and placed them in use in the special election in April. Immediately after the election and several times since then, via phone and email, I inquired of the Sedgwick County Elections office regarding what verification or auditing of the results of these new machines has been done or planned. I received the following response last week:

"State statutes have not changed regarding the ability of an election official to conduct post-election audits of voting equipment. Until such time as that occurs, we are unable to audit the voting equipment. Sedgwick County and this office strongly support legislation that permits post-election audits but this is a matter to be decided in the state legislature." email on Oct 19, 2017 from Sandra L. Gritz, Chief Deputy Election Commissioner, Sedgwick County Election Office

Democracy requires transparency in the vote count. We don't have that. New machines that aren't verified are not an improvement. Citizens, such as myself, have no cause to have faith in the reported results. Further, faith in the reported electronically computed election results require verification done in a transparent and secure manner because audits can be rigged as easily as voting machines.

If this sounds crazy, I would remind the committee of the 2015 diesel emission cheating scandal, in which VW was caught installing secret software in more than half a million vehicles sold in the US that it used to fool exhaust emissions tests. Pre-election testing of the machines is not sufficient to guarantee accuracy.

Equifax is merely the latest in the seemingly endless procession of data breaches, which includes multi-national corporations as well as federal and state agencies including the CIA, the NSA, US Postal Regulatory Commission, the US Department of Housing and Urban Development, the Health Resources and Services Administration, the National Oceanic and Atmospheric Administration, and the U.S. Election Assistance Commission. That last, the Election Assistance Commission is mandated, among its many other responsibilities, with testing and certifying voting equipment.

As our elected representatives overseeing the voting process, I hope you will rectify this situation and allow all Kansas voters the right to see and count ballots for themselves or to see them counted by someone they find trustworthy. Transparency means having a paper trail and allowing voters access to that paper trail.

You may contact me for more information or a copy of my journal paper at Beth@bethclarkson.com