

MINUTES

2023 SPECIAL COMMITTEE ON ELECTIONS

September 28-29, 2023
Room 112-N—Statehouse

Members Present

Senator Mike Thompson, Chairperson
Representative Pat Proctor, Vice-chairperson
Senator Oletha Faust-Goudeau
Senator Rick Kloos
Senator Mike Petersen
Senator Tim Shallenburger
Representative Michael Dodson
Representative Cyndi Howerton
Representative Tom Sawyer
Representative Paul Waggoner
Representative Brandon Woodard

Members Absent

All members present

Staff Present

Jillian Block, Kansas Legislative Research Department
Elaina Rudder, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Leighann Thone, Kansas Legislative Research Department
Mike Heim, Office of Revisor of Statutes
Jason Long, Office of Revisor of Statutes
Charles Reimer, Office of Revisor of Statutes
Connie Bahner, Committee Assistant

Conferees September 28

Madeline Malisa, Visiting Fellow, Opportunity Solutions Project
Stewart Whitson, Visiting Fellow, Opportunity Solutions Project
Andy Brienzo, Principal Auditor, Kansas Legislative Division of Post Audit
Clay Barker, General Counsel, Office of the Secretary of State
Bryan Caskey, Director of Elections, Office of the Secretary of State

Conferees September 29

Keith Esau, Former Kansas State Representative
Greg Shuey, Liberty Lions League

Bernie Reiter, Liberty Lions League
Clint Curtis, Liberty Lions League
Mark Cook, Liberty Lions League
Thad Snider, Liberty Lions League

Thursday, September 28
All-day Session

Welcome, Committee Staff Introductions, Overall Goals, Agenda Overview, and Acknowledgment of Written-only Testimony

Chairperson Thompson welcomed everyone to the meeting, introduced the staff, and had each Committee member introduce themselves. He advised that the testimony can be accessed on the Kansas Legislature website.

Chairperson Thompson noted written-only testimony from the following individuals:

- Brett Anderson, private citizen ([Attachment 1](#));
- Kari Sue Vosburgh and Brett Anderson, Sedgwick County Precinct Committee members ([Attachment 2](#));
- Teresa Briggs, League of Women Voters of Kansas ([Attachment 3](#));
- Sonja Czarnecki, private citizen ([Attachment 4](#));
- Chris Huntsman, private citizen ([Attachment 5](#));
- Martha Pint and Cille King, League of Women Voters of Kansas ([Attachment 6](#));
- Richard Pund, private citizen ([Attachment 7](#));
- John Stepnoski, private citizen ([Attachment 8](#));
- Kari Sue Vosburgh, private citizen ([Attachment 9](#));
- Maria Zack, Nations in Action ([Attachment 10](#));
- Connie Brown, private citizen ([Attachment 11](#)); and
- Kathleen Morrow, private citizen ([Attachment 12](#)).

The Chairperson stated that elections are an emotional topic and that he had received many emails from people regarding what may or may not be said in the Committee meeting based on something the person read or heard. He further stated fair and secure elections are vital to the survival of the country as a constitutional republic, that for years Kansas has been a leader in election integrity and law to ensure that Kansas processes are as secure as possible. He stated that to continue to lead in this arena requires vigilance and continuing to examine Kansas' processes. The goal of the Committee is to review what legislation has accomplished, assess the implementation of current statutes, and determine other issues that need to be addressed.

Overview of Recent Election Laws

Leighann Thone, Research Analyst, Kansas Legislative Research Department (KLRD), testified about recent election laws ([Attachment 13](#)) and advance voting. This memorandum covers election law since 2017, the year the three-day grace period for receiving mailed ballots was enacted. She referenced a second KLRD memorandum relating to advance voting ballots,

deadlines, the three-day grace period, voting machines, drop boxes, and other topics. She stated the memorandum also includes information KLRD staff received from the Secretary of State (Secretary) and the Kansas County Clerks and Election Officials Association. ([Attachment 14](#)).

Overview of Recent Legal Proceedings on Election Laws

Jason Long, Senior Assistant Revisor of Statutes, Office of Revisor of Statutes, provided an overview of the litigation status of challenged election laws ([Attachment 15](#)). Mr. Long stated five provisions were challenged after the 2021 legislative session: three in the Shawnee County District Court and two in federal court. Mr. Long responded to questions as follows:

- In regard to the signature matching provision, Mr. Long stated there was prior language in statute requiring the voter signatures to match those in election office records, but the Legislature enacted a separate provision in 2021 HB 2183 that prohibited county election officials from accepting an advance voting ballot unless the voter's signature matched the signature on file. This provision is still in effect but could be permanently enjoined if the court finds that the State has not met its burden on strict scrutiny, to prove the provision is narrowly tailored to further a compelling interest of the State. If the provision is enjoined, the earlier law requiring the signature to match would be active without the requirement that the official refuse acceptance of the advance voting ballot if the signature is determined not to match;
- With regard to filling out advance voting applications with information before they are mailed to registered voters, Mr. Long stated the law is directed at the non-election-official entities and third-party organizations that send out applications to registered voters. He said he believes that law has an exemption for county election officials and the Secretary's Office; and
- Mr. Long stated a rule and regulation of the Secretary (KAR 7-36-9) addresses signature matching, including for individuals with disabilities who are unable to sign their ballot or have a signature that has changed over time. Law also provides an exemption for voters with disabilities from signature verification requirements if a voter is unable to sign their ballot (KSA 25-1122(e)(1)).

Agency Involvement in Voter Registration and Legal Issues

The Chairperson recognized Madeline Malisa and Stewart Whitson, Visiting Fellows, Opportunity Solutions Project (OSP) who provided several documents to the committee. ([Attachment 16](#)), ([Attachment 17](#)), ([Attachment 18](#)), ([Attachment 19](#)), ([Attachment 20](#)), ([Attachment 21](#)), ([Attachment 22](#)), and ([Attachment 23](#)). Ms. Malisa and Mr. Whitson discussed a memorandum of understanding (MOU) Governor Kelly entered into with Loud Light, Demos, the American Civil Liberties Union (ACLU), and the ACLU of Kansas without the input or approval of the Kansas Legislature. Ms. Malisa and Mr. Whitson stated the Legislature first learned of the agreement nearly two years after it had been signed through a press release issued by Demos, a think tank that provided counsel to Loud Light in developing the MOU.

Ms. Malisa and Mr. Whitson stated that in December 2020, Demos published a policy paper outlining a strategy for advancing voting rights through executive action, including directing federal agencies to provide voter registration services. In March 2021, President Biden signed Executive Order 14019, which, among other things, directs the head of every federal agency to “evaluate ways in which the agency can, as appropriate and consistent with applicable law, promote voter registration and voter participation.” It also directs all federal agencies to consider “soliciting and facilitating approved, non-partisan third-party organizations and State officials to provide voter registration services on agency premises.”

Ms. Malisa and Mr. Whitson proposed three solutions for addressing this issue:

- Require legislative approval for new federal funding and guidance;
- Pass legislation declaring null and void any National Voter Registration Agency designations under the National Voter Registration Act of 1993 (NVRA) made to date by anyone other than the Kansas Legislature; and
- Use legislative oversight power to investigate and coordinate with the Attorney General to prosecute any wrongdoing.

A member of the Committee requested the conferees follow up with information on what the Department of Defense is doing in Kansas to carry out Executive Order 14019.

In response to questions from Committee members, the conferees and Mr. Long provided additional information:

- With regard to the agreement that Governor Kelly entered into, the conferees stated they do not have a copy of it and the Legislature should request a copy. Press releases indicate that the agreement remains in effect through June 2025, meaning that efforts could continue to be made to promote voter registration;
- The conferees stated they had not presented similar information in other states and had no specific information on the amounts of money directed to agencies for this purpose;
- Mr. Long stated that any investigation of whether voter registrations were obtained unlawfully or in contravention of statute would likely be carried out by the Office of the Attorney General in conjunction with the Office of the Secretary of State. Any enforcement or remedy based on that investigation would be pursued by the Attorney General;
- The conferees stated that the concerns are the use of federal funds for voter registration efforts when those funds have not been specifically appropriated for that purpose, targeted voter registration through the use of third-party groups, and the lack of transparency; and
- The conferees stated the NVRA requires state welfare agencies, such as the Kansas Department for Children and Families, to provide voter registration services. Their concern is agencies being mobilized in specific ways and times as

part of a “get out the vote” effort and that encouraging voting by those receiving services favors one party.

Lunch

The Chairperson recessed the meeting for lunch at 11:09 a.m.. The meeting resumed at 1:00 p.m.

Reviewing Kansas’ Procedures for Election Security — Post Audit Report, Part 2

Chairperson Thompson recognized Andy Brienzo, Principal Auditor, Kansas Legislative Division of Post Audit (LPA), who reviewed LPA’s report *Reviewing Kansas’s Procedures for Election Security, Part 2*. ([Attachment 24](#)). [**Note:** *Reviewing Kansas’s Procedures for Election Security, Part 1* was released in February 2023; Part 2 of the report, reviewed in this meeting, was published in July 2023.] Mr. Brienzo stated that this audit report addresses the following question: Do county election offices have adequate policies and practices to ensure the accuracy and security of voting machines, ballots, storage units, and devices used to tabulate votes during elections?

Mr. Brienzo stated that all Kansas counties use electronic equipment to administer elections. LPA identified and reviewed election security best practices from the U.S. Election Assistance Commission. The audit team selected 50 practices that were likely to be important for most counties’ security, falling into five general categories:

- Overall processes security;
- Election management computer security;
- Ballot security;
- Voting and tabulation machine security; and
- Transfer and movement security.

He stated that LPA also reviewed state statutes and rules and regulations to determine whether they reflected the national best practices. State law included five additional election security requirements. The auditors reviewed 13 counties’ policies and practices against the best practices and state laws they identified. They also reviewed the policies of Chase and Ford counties, but were not able to verify the practices of those counties because most of their 2022 election documentation was sealed. LPA looked at the practices related to the security controls from either the 2022 primary election or 2022 general election. Mr. Brienzo provided an overview of LPA’s findings:

- Counties reviewed generally had adequate practices to ensure overall election process security;
- Counties reviewed generally had adequate election management computer security practices;
- County results varied, but ballot security practices were weaker overall than other election management security practices;

- Most counties reviewed had inadequate voting and tabulation machine security practices except for physical security practices; and
- Counties had some transfer and movement security practices that were adequate, but others that were generally inadequate.

Mr. Brienzo stated the larger counties generally had stronger security practices than smaller counties likely because of greater security needs and resources. None of the counties reviewed had adequate written election security policies or guidelines. LPA believes that the Secretary's Office should be more proactive in giving county election officers baseline or minimum election security guidelines to follow to help them move towards the best practices. LPA made some recommendations to the Secretary's Office; the agency response is included with the report.

In response to questions, Mr. Brienzo stated he did not believe there had been previous LPA audits of election security practices and that auditors could not have personally observed all polling places and therefore relied on documentation.

Overview of Election Topics — Secretary of State

Chairperson Thompson stated that the Secretary's Office provided a Kansas Elections 101 document which is available online at www.kssos.org under the "Election Security" tab.

Clay Barker, General Counsel, and Bryan Caskey, Director of Elections, testified on behalf of the Secretary's Office ([Attachment 25](#)), ([Attachment 26](#)) ([Attachment 27](#)), ([Attachment 28](#)), ([Attachment 29](#)), and ([Attachment 30](#)). Mr. Barker provided the Committee with an overview of areas in which Kansas excels nationally. Mr. Caskey spoke about the usability of machines, ballot watermarks, the LPA report, and the 2024 presidential preference primary.

Mr. Barker stated that Kansas stands out in five categories of election administration. He commended Kansas for enacting two significant elections bills in 2022 and 2023. Mr. Barker noted some of the best practices for which Kansas is recognized:

- Kansas uses a decentralized model for elections, with counties in charge of most aspects of election administration. Mr. Barker compared this to a highly centralized model, like Colorado, where authority is more concentrated in the Secretary's Office, or a very decentralized model like Wisconsin, where towns and cities run their own elections. Mr. Barker stated the decentralized model that Kansas has is generally recognized as the best option because it allows counties to be responsive in ways that suit their own unique circumstances. The challenge lies in 105 counties approaching processes in a variety of ways, and the Secretary is limited statutorily to only advising and assisting counties;
- Kansas is one of nine states with a strict voter identification law for both mail and in-person voting;
- Kansas has strong procedures in voter roll maintenance;

- Kansas is one of few states to require an individual request for an advance mail ballot with identification on that request, signature verification, and individualized tracking when the ballot is returned and reaching out to voters whose signatures do not match;
- Kansas is one of few states that has pre- and post-election tabulation testing, post-election audits, close election audits, procedural audits, and expansive recount laws;
- Kansans have a high levels of voter confidence in their state system; and
- Kansas court decisions are closely watched, and none of eight recent lawsuits alleging election fraud has successfully shown that the alleged fraud occurred.

Mr. Caskey addressed the following topics before the Committee:

- The usability of voting machines and issues and errors that Kansans have reported with electronic voting machines. Mr. Caskey discussed the approach the Secretary's Office uses to handle such reports and the testing of electronic voting machines;
- The issue in Cherokee County during the 2022 primary election in which votes were being flipped. Mr. Caskey explained that the error in coding had been caught during pre-election testing, but the vendor failed to update the test deck, so the machine replicated the issue. The race was audited, the error was caught, and the votes were counted entirely by hand;
- The implementation of watermarks on ballots passed in 2022 Senate Sub. for HB 2138, starting in January 2024;
- The LPA report and efforts to continue training election officials in best practices through the Certified Election Training program; and
- The first presidential preference primary since 1992, is to be held in March 2024 (2023 Senate Sub. for HB 2053).

Mr. Barker responded to questions from the Committee as follows:

- Only the Republican and Democratic parties are eligible for the Kansas presidential preference primary;
- Enacted 2023 bills (SB 221, HB 2053, HB 2087) and enacted 2022 Senate Sub. for HB 2138 are being implemented;
- Ranked choice voting has been implemented in some states and localities. Kansas banned the method in 1868;

- Every vote in Kansas is cast on a paper ballot. He also reviewed the costs of hand counting votes;
- The requirement that ballot boxes be handled by both a registered Republican and Democrat is challenging in some parts of the state. The Secretary's Office suggests that if they cannot find a member of one of the parties, the county find an unaffiliated voter to assist with those processes;
- The Attorney General recently issued Opinion 2023-9 on recounts using ballot images that are taken by tabulators ([Attachment 31](#)). Some counties use these images for recounts because they are easier to locate, particularly when multiple precincts are involved, and for audits. The person or organization requesting the recount can decide how the vote is recounted, although it is less costly to count ballot images rather than paper ballots; and
- For elections that are mail-only, return postage on the envelope is required because that is the only way people are able to vote. [*Note: In Kansas, all-mail elections are allowed only for question-submitted elections and are not allowed when a candidate appears on the ballot (KSA 25-432).*]

Mr. Caskey responded to questions from the Committee as follows:

- When issues with voting machines arise and a county reaches out to the Secretary's Office about the issues, the Office will ask to whom the concerns have been brought and tell the county to take the machine out of operation if it has not already been removed. Machines are recalibrated in the event of an issue;
- In addition to recount laws, counties have internal processes to identify potential issues on and after election night;
- Counties print their own ballots at their own cost. Some counties contract with a third-party printer or use their voting machine vendor to print the ballots;
- If a county runs out of ballots during an election, county election officials usually print more in-house and hand count those ballots;
- Voting systems in Kansas are, have been, and will be certified by the Secretary. The agency relies on the U.S. Election Assistance Commission (EAC) to assist in this process;
- Kansas voting systems are not connected to the internet. This policy has been in place since 2005, and enacted 2022 Senate Sub. for HB 2138 expressly prohibits being internet-connected (KSA 25-4403). In addition, each of the vendors that have equipment in Kansas has certified that no piece of equipment in Kansas has the capability of connecting to the internet and the Secretary's Office has seen no evidence of internet-connected voting equipment;

- Electronic poll books are connected to the internet in order to prevent people from serial voting, but they are never connected to voting devices, scanners, or the ballot tabulation software;
- In January 2017, President Obama designated election equipment and technology as critical infrastructure vital to the nation's security. This designation was reaffirmed by President Trump and President Biden and is why access to the equipment is restricted;
- It is legal for counties to mail advance mail ballots with some information, such as the voter's name, pre-printed onto the ballot. The Secretary's Office would prefer that individuals request advance mail ballots in order to be sent one, but whether advance ballots are only distributed upon request is ultimately a county decision;
- Four vendors provide voting equipment in Kansas. The Secretary's Office has certified other vendors, but counties have not chosen to purchase equipment from those companies;
- County funds purchase, maintain voting equipment, and are used for other election expenses; and
- The presidential preference primary will be administered by the Secretary through the counties.

Committee Discussion

The Chairperson stated that he would like to have the Committee's suggestions on election topics that may need to be addressed in the 2024 session. He asked the Secretary's Office to provide a list of items to add as well.

The following items were requested by the Committee:

- A copy of draft rules and regulations regarding elections from the Secretary's Office;
- An example of the watermark that will be required on ballots beginning in 2024;
- Information on how many ballots are printed county-by-county to determine whether a standard could be established;
- Information about federal funds that are used for voter registration efforts; and
- A copy of the MOU between Governor Kelly and Loud Light, *et al.*

Representative Dodson expressed the need to make sure people have confidence in the election system. The work that the Secretary's Office is doing on the processes that will help guide not only agency actions but the actions in the counties is an important element.

Ms. Thone, KLRD, stated that she has a copy of the MOU between Loud Light, Demos, the ACLU, and Governor Kelly and she will add the document to the testimony ([Attachment 32](#)). Ms. Thone also noted, in response to a question about counties that provide postage on

advance ballot return envelopes, that the Kansas County Clerks and Election Officials Association provided information in 2022 indicating that 22 counties provide postage on ballot return envelopes and 83 counties do not.

Adjourn

The Chairperson adjourned the meeting at 4:21 p.m.

Friday, September 29 All-day Session

Welcome, Opening Remarks, and Agenda Overview

Chairperson Thompson welcomed everyone to the meeting of the Special Committee.

Overview of Advance Ballot Deadlines in Other States

The Chairperson recognized Elaina Rudder, Senior Research Analyst, KLRD, who gave an overview of the mail ballot return deadlines in other states ([Attachment 33](#)) ([Attachment 34](#)). All states offer some options for voting outside the polling place through absentee or mail ballots, and the terminology varies by state. In Kansas, the mail ballot return deadline is the third day following the election if the ballot is postmarked on or before election day. She noted 2023 Senate Sub. for HB 2053, which provides for the 2024 presidential preference primary, sets a return deadline for mail ballots at the close of polls on election day for that primary. She then reviewed the states that had the same deadline as Kansas, the states with deadlines after the Kansas deadline, and the states with deadlines before the Kansas deadline.

Grace Period for Receipt of Advance Mail Ballots

The Chairperson recognized former Representative Keith Esau ([Attachment 35](#)) who stated he would request that the statute relating to mail ballots be returned to the standard of having all ballots in hand at the close of the polls on election day and remove the three-day grace period. Mr. Esau stated when the Legislature passed HB 2158 in 2017, legislators were told that the ballots would always have a postmark on them or a barcode that officials could decipher. Mr. Esau stated that today, not all mail is routinely postmarked, and some postmarks are unreadable, so it is difficult to tell whether a ballot was mailed before the election day. Also, legislators had wanted to make sure that the overseas ballots from military service members would be counted, but that has turned out not to be an issue due to provisions in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

In response to a question from the Committee, Mr. Esau stated that advance voting has been in place in Kansas since 1995.

Break

Chairperson Thompson recessed the proceedings until 10:05 a.m.

Overview of Election Integrity Issues and Election Machine Vulnerabilities

Chairperson Thompson recognized Greg Shuey, Liberty Lions League ([Attachment 36](#)). Mr. Shuey stated he is a retired Air Force Lieutenant Colonel who was formerly the Director of Engineering at Johnson Space Center. Mr. Shuey provided an overview of potential issues with voting machines, stating that contractual requirements of voting machine vendors prohibit any investigation of what is inside the machines, how they operate, or the software and machine code used in the election process. As a result, he stated, there is no way one can unequivocally state that the machines are safe to use. Mr. Shuey stated investigations by experts whose tests and testimonies have been used as expert evidence in election trials have shown that election machines have many vulnerabilities and that they cannot be resolved so as to provide 100 percent assurance of election integrity.

Mr. Shuey introduced Bernie Reiter and Clinton Curtis as conferees for Liberty Lions League to provide additional insight into election machine integrity and vulnerabilities.

Ms. Reiter, stated she is a software designer, developer, and project manager. She testified about some of the potential vulnerabilities that tend to be ignored because of overconfidence in U.S. election systems. Ms. Reiter compared election systems to a house with many elements that can be secured individually, but the house also has a pet door that provides a small entry point to the house and is more difficult to protect and monitor. She stated that vendors of voting machines are from all over the world, and U.S. officials have no control over how the machines are programmed and are unable to determine what vulnerabilities there may be. (No written testimony was submitted by Ms. Reiter.)

Clinton Curtis, who stated he is an attorney, a computer programmer, and former employee of the National Aeronautics and Space Administration (NASA), testified regarding his experience working for a congressman in Florida who asked him to write code to flip votes in the 2000 election. He stated that to be secure, ballots must be paper and need to be counted by hand. Mr. Curtis stated that election systems currently being used cannot be examined to learn their source code or blueprint the system to ensure the code functions as it should; this is one of the reasons that Germany found the use of voting machines to be unconstitutional, because voting machines do not allow the entire process to be observed publicly. Mr. Curtis stated that it does not matter what a person sees on the computer screen; it is controlled by the programmer. He described various methods of networking computers and an incident in which a capacitor not indicated on a device's schematics was discovered in a computer for which components were manufactured in China. He said there is no such thing as a log file or a time stamp because the machine can be programmed to display any information desired by the programmer, audits are not helpful in this regard, and malware that destroys itself could be inserted. He also described unlikely vote counts in a Texas election. (No written testimony was submitted by Mr. Curtis.)

Representative Proctor described post-election audit processes and questioned whether counts determined in those processes could be manipulated by an outside actor, as asserted. Representative Waggoner asked questions about hand counting of ballots. Mr. Shuey provided additional information.

In response to questions from the Committee, Mr. Long stated that KSA 25-3009 requires post-election audits to be conducted each year. In even-numbered presidential election years, the Secretary randomly selects one federal race, one state legislative race, and one county race to be audited. In even-numbered non-presidential election years, the Secretary randomly selects one federal race, one statewide race, one state legislative race, and one county race. In odd-numbered election years, two local races are randomly selected for audits.

The audits are to be performed manually and review all paper ballots that were cast. One percent of precincts are randomly selected for audit except that in even-numbered election years, if a federal, statewide, or state legislative race is within one percent of the total number of votes cast, then ten percent of the county precincts are randomly selected for the post-election audit. KSA 25-3010 provides for audits of election procedures and administration in certain counties after elections held in even-numbered years.

Lunch

Chairperson Thompson recessed the meeting for lunch until 1:05 p.m.

Voting Machine Vulnerabilities

The Chairperson recognized Mark Cook, Liberty Lions League, who stated he is a cybersecurity and network consultant ([Attachment 37](#)). Mr. Cook stated that he started looking full time into the election systems three years ago. He stated that the election ecosystem involves the entire process from voter registration databases, voter validation systems, tabulation systems, and reporting systems. Mr. Cook stated that the United States election system is the most high valued target in the world, and many people want to manipulate it and have the means to do so. He explained the election machine ecosystem can be used to manipulate elections from the outside. He stated that a decentralized system for elections is needed to ensure control of the process stays in the hands of local citizens.

Mr. Cook stated that 93.5 percent of Kansas counties use commercial electronic poll books, and this is a problem because the number of voters can be manipulated. He demonstrated how someone might go about changing votes in a voting system. Mr. Cook stated the only way to stop these problems is to go back to the precinct level, use paper ballots and poll books, and make sure the citizens are able to be a part of the entire voting process.

Remote Ballot Drop Boxes and Ballot Security

The Chairperson recognized Thad Snider, Liberty Lions League, who testified about election integrity, remote ballot drop boxes, and ballot security ([Attachment 38](#)) ([Attachment 39](#)) ([Attachment 40](#)) ([Attachment 41](#)) ([Attachment 42](#)) ([Attachment 43](#)) ([Attachment 44](#)) ([Attachment 45](#)).

Mr. Snider stated he has observed the following election integrity issues:

- Counties themselves do not program equipment for their elections. This has been outsourced to third-party for-profit contractors, which can lead to problems;
- No statute authorizes drop boxes, so there are no laws governing or standardizing their use;
- Statute says that ballots are to be transmitted by the voter to the county election officer, but this is not always the case;

- Laws are needed to standardize chain of custody for ballots;
- The Kansas Open Records Act (KORA) statute does not provide for enough transparency for citizens; and
- Signature verification training procedures for advance mail ballots are lacking, and such ballots should have additional security measures in place.

Mr. Snider made several recommendations regarding how to reform election law and procedures:

- Make election day a single day and a state holiday;
- Allow voting only on paper ballots and prohibit the use of voting machines;
- Allow precincts to include no more than 1,000 people each;
- Allow voters to only vote in their specific precinct;
- Prohibit the use of electronic poll books;
- Require precincts to report all results at the same time;
- Prohibit the use of ballot drop boxes;
- Allow absentee voting only for indefinitely confined persons and military service members;
- Require absentee ballots to be notarized and voters to return the ballot in person with photo identification;
- Post copies of chain of custody documents, ballots, absentee ballot envelope images, ballot images, cast-vote records, system log files, ballot definition files, and any other election-related materials online immediately after the conclusion of the vote count for public verification of results prior to canvass and certification; and
- Institute mandatory felony designation and a minimum ten-year sentence for any election crimes.

Committee members asked questions of the conferee on topics including whether any state uses only paper ballots and accommodations for voters who are unable to physically return a ballot. Representative Proctor requested a list of Kansas election statutes that do not have felony penalties.

Committee Discussion

Chairperson Thompson opened the floor for discussion by the Committee members.

Representative Sawyer stated that the statute requiring post-election audits was enacted in 2018. He thinks the Legislature should look at increasing the audits that are conducted, and he stated it would be helpful if people could verify whether their vote was counted. Representative Sawyer suggested that if election day was a state holiday, poll workers might be easier to recruit.

Representative Proctor stated he would like to hear from other people, including vendors supplying voting machines in the state. He agreed that expanding the breadth of audits and auditing only paper ballots are two actions that would immediately improve voter confidence. He also expressed support for voter education on the voting and vote-counting process and the length of time that takes.

Senator Shallenburger stated he agreed with Representative Sawyer's recommendations. He stated voting on paper ballots should be the standard, although it becomes difficult in the bigger counties. Senator Shallenburger stated he thinks it would be hard to restrict absentee ballots and to have everyone vote on election day, although he would be willing to do that.

Representative Waggoner encouraged members of the elections committees to become better informed about election processes and procedures by becoming a poll worker. He stated that election audits should be expanded. Representative Waggoner stated he thinks it would be helpful if there was specific training on signature verification. He stated some states use ethical hacking or other methods to test the security of their voting systems, and thinks that is something to consider doing.

Senator Faust-Goudeau stated that the Legislature should look at the signature verification issue. She wants staff to look into whether the Legislature has stated that school students do not have to take cursive writing anymore, as this would have an impact on verifying signatures.

Representative Howerton stated that although there is a way to report voting fraud, there is no simple way to follow up afterward, which she feels has created a lot of doubt, frustration, and concern from citizens. She has asked the Revisor staff to draft legislation that would create a citizen oversight board overseeing the fraud reports, the tracking of them, and making sure the reports are followed up on. Representative Howerton also noted she thinks expanding the number of audits would be helpful.

Senator Kloos stated that he would like to see more oversight information on a regular basis like what was presented in the LPA report. Senator Kloos requested a meeting with a closed session so members may learn more about the security processes and procedures.

Senator Faust-Goudeau stated she would like to have more information regarding the difference in powers and duties between the county election offices and commissioners versus the Secretary's Office.

Senator Petersen encouraged everyone to review all the testimony.

Chairperson Thompson stated that he has asked Mr. Long and Ms. Thone to draft a KORA request for any agreement between the Governor's office and the federal government regarding voter registration or the designation of voter registration agencies, documentation regarding which agencies federal funds for voter registration might have gone to, and how such federal funds were spent.

Representative Dodson stated that having processes that are written down and properly documented would help increase trust in the process. In terms of voting machines, he stated the Legislature needs to study this technology to understand who has access to the software and machines used and determine how to combat bad actors. Representative Dodson stated elections will never be perfect, but we must practice vigilance all the time.

Members discussed a possible request to the Legislative Coordinating Council for an additional meeting day to hear from other stakeholders, such as voting machine vendors and county election officials.

Several Committee members thanked conferees for the information they provided.

Molly Pratt, KLRD, provided a memorandum on Help America Vote Act State Expenditures ([Attachment 46](#)).

The meeting was adjourned at 3:20 p.m.

Prepared by Connie Bahner
Edited by Leighann Thone and Jill Shelley

Approved by the Committee on:

December 29, 2023

(Date)