

House Bill 2604 Neutral Testimony
House Elections Committee
14 February 2018
Peter Karman, Douglas County resident

Chair Esau and Members of the Committee:

Thank you for the opportunity to testify regarding House Bill 2604, concerning the posting of precinct level election results. My name is Peter Karman, and I am a resident of Douglas County. Over the last 20 years, I have worked in the digital technology field, most recently serving a two year term within the federal government as part of its efforts to modernize government information services for the public. As part of my service, my team spent several months in partnership with the Department of Justice, improving how federal agencies implement the Freedom of Information Act (FOIA). I have dedicated my entire career to building and advocating for open, secure technology standards that improve people's lives through better use of data.

During the last six months I have been researching precinct level election results for all national and state races in the state of Kansas, a project that has been made more difficult since the Secretary of State stopped publishing those data on its website in 2014. By requiring the Secretary's office to publish those results, House Bill 2604 is a welcome step toward increasing the transparency of our electoral process.

As written, however, I believe there are three areas that prevent this bill from completely delivering on the promise of more open and transparent election results.

First, there is no mention of national office election results. The statutes which HB 2604 would amend, namely 25-3205 and 25-3206, explicitly mention both national and state offices, but this amendment only mentions state offices. Prior to 2014 the Secretary's office published results for national and state level races. Both office types are of interest to the people of Kansas, and the Secretary's office should publish results for all the offices that the state board of canvassers certifies.

Second, the bill's language "as soon as practicable after the final canvass" is highly subjective. The existing statute sets a deadline of December 1 for the general election final canvass. In 2004, 2006, 2008 and 2010, precinct level election results were posted to the Secretary's website within the same month, ranging from 14 to 28 days after the certification deadline. It seems reasonable and practicable to me to require public posting of precinct results within 30 days after the final canvass.

Third, how these data are published is just as important as publishing them at all. It is vital to the accessibility and usability of the data that these election results be published in the kind of open format that preserves the digital data in its native form. What I mean is this: publish the spreadsheet as a spreadsheet, not as a picture of a spreadsheet.

There are over 4300 precincts in our state. In any given even-numbered election year there can be over 170 races reported by the Secretary's office. That means tens of thousands of rows in a spreadsheet. If you print that tabular data on paper, or publish it as a PDF, you dramatically reduce the usefulness of the results. The data can no longer be sorted or filtered or searched or analyzed by a computer.

However, and this is an important caveat, even publishing the original spreadsheet as a Microsoft Excel file can be problematic. Microsoft no longer sells the software product that created many of the Excel files published before 2014. It is only because that company chooses to continue to support their own 20-year-old file format that we can view those older election results at all. If we want our data to be open and transparent, we must publish them in an open and transparent format. One example is comma-separated value (CSV) format, which can be read by any computer and any computer language, and is as simple to create from a Microsoft Excel spreadsheet as a PDF.

Thank you again for your willingness to consider requiring the Secretary of State's office to publish precinct-level election results after each election. Strengthening the current version of HB 2604 to include national races, a firm deadline, and requiring an open, accessible format will help Kansans build trust in their electoral process.