

SCOTT SCHWAB
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564
sos.kansas.gov

STATE OF KANSAS

Testimony on HB2653 (Neutral)

House Committee on Elections
Thursday, February 17, 2022

Chairman Bergquist and members of the Committee:

Thank you for the opportunity to provide testimony on HB2653. Our office is neutral on this legislation but wishes to provide comments on this proposal.

HB2653 requires county election officers to provide the image of completed ballots on which the candidate's name appears to the candidate upon written request. Kansas state law (K.S.A. 25-3107) requires ballots to be secured and only accessible to county election staff and the board of canvassers. Upon completion of the county canvass, ballots are sealed and may only be released under a court order. After 22 months following the county canvass, ballots must be destroyed by a bipartisan board of election workers (K.S.A. 25-2708). Currently, state statutes do not address the treatment of ballot images. Therefore, clarification on the release of ballot images is needed.

Lastly, most optical scanners and electronic voting systems used by Kansas counties do not possess the capability to create ballot images. Our office is unable to provide a comprehensive list of counties whose equipment possesses this capability. As written, HB2563 appears to acknowledge that for some ballot processes, sorting images by precinct is not possible.

Thank you for your consideration. We appreciate the opportunity to provide comments on this issue.

Respectfully submitted,

Clay Barker
Deputy Assistant Secretary of State
General Counsel