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Proponent

SB 351

Written Testimony or virtual if allowed

Senate Federal and State Affairs Committee

Dear Mr. Chairman and Members of the Committee,

I am a proponent of SB 351 as written, thank you all for these measures.

My biggest concern with the bill however, is nothing that verifies up to date certification testing. I would like to see the legislature become familiar with my presentation from 2 weeks ago that did not get heard. As such, Kansas is a volunteer participant of the HAVA act in which we follow EAC testing guidelines.

Currently the EAC has an old version of testing from (2005) called VVSG 1.0. According to EAC documents, presented in my attachments on that presentation, the EAC gave a hard date for all NEW systems to be tested to the VVSG 1.1 after July 6, 2017. In addition, the EAC is now on versions 2.0 of the VVSG. I would like all of you to know that NO SYSTEM in Kansas has ever been certified to the newest testing versions. Therefore, technology is advancing past what guidelines are given for testing.

I would very much appreciate the legislature amending this bill to state:

-“All Electronic voter systems must be certified to the newest version of the EAC testing guidelines.”

When I spoke with the director of the EAC testing, he explained to me that no systems have never been tested and certified to technology guidelines newer than (2005) because the companies that make machines are simply modifying systems, and not making new ones. My worry is how many things can you modify before something should be considered completely new, and different from its original version. Otherwise, it seems companies are skirting the system, by simply not making NEW systems.

Please also consider amending into this bill:

Some measure of accountability or punishment guidelines for the companies or the EAC if they are proven to have violated Kansas law in the past if possible, or currently at the minimum.

My example of that the EAC test report for the ES&S 6.0.0.0 tested by SLI labs, states that the version 6.0.0.0 is a NEW SYSTEM with no history, but the certification provided by the EAC to the Kansas SOS is only VVSG 1.0. So how are we supposed to know why the EAC isn't following its own rules of testing to the newest version of the VVSG? And what can be done if these matters are not followed and systematically allow the sale of machines withing our state?

Much work or investigation is needed to maintain that machines and technology testing is not outdated and that Federal guidelines are being followed so that State statutes are not in turn violated, or the people of this Kansas defrauded by simple lack of oversight and review of guidelines. I'm sure since our SOS seems to be a board member of the EAC, not even he can verify what is in these machines or anything technical about them. We need to tread cautiously here and have PROTECTIONS in place for the reason that technology advances faster than legislation can handle it with care.

Somewhere we may need to consider how companies may be liable for these matters and not just folks who volunteer to judge or work the elections. It seems only fair that we recognize that it is difficult to hold people who aren't technologically versed citizens to the fire, if they didn't build or cannot see the components inside of the machines and have no idea what to look for even if they did.

Thank you all for your time and concern regarding this matter.

I am available any time for questions, but overall give this bill my support and ask other to as well.

Missy Leavitt