

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 SB438 (Proponent)

Senate Committee on Federal and State Affairs
Monday, February 21, 2022

Chairman Olson and members of the Committee:

Thank you for the opportunity to provide testimony in support of SB438. This legislation expands current state law involving post-election audits to include audits of close races and election procedures. Currently, state law requires a post-election audit to be conducted in 1 percent of precincts in each county, in randomly selected contested federal, state legislature, and county races.

SB438 requires a close race audit to be conducted in 10 percent of precincts in the electoral district in each county for any race within a 1 percent margin. The determination of the 1 percent margin must be based on the total number of votes cast tallied on election night. The 10 percent of precincts, as required by SB438, shall be in addition to the current statutory requirement of 1 percent of precincts. Consistent with current processes, the county election office will randomly select the 10 percent of precincts to be audited.

In a procedural audit, the Secretary of State's office will audit four randomly selected counties in the odd years following a federal election to ensure elections processes and procedures are being followed. The procedural audit will be set by regulation and will include inspecting items, such as:

- Logic and Accuracy Testing records for voting machines, including:
 - All ballots cast
 - Test deck records and media
- Early voting and Election Day materials, including:
 - List of registered voters and early voting rosters for in-person voting
 - Chain of custody forms that document seals on ballot boxes, delivery, and pickup of equipment at voting sites
 - Audit logs from applicable voting systems devices
 - List of rejected provisional ballots and reason for rejection
 - Ballot and seal certificates
 - Hand delivery of a ballot by mail roster and forms
- Signature verification committee materials
- Early voting ballot board materials, including:
 - Receipt of sealed early voting ballot boxes
 - Poll list of mail voters
 - Notice of rejected carriers and reasons

Although we remain confident in our election procedures and audits, we understand the constant need to improve and enhance our processes. Our office has worked alongside the Kansas County Clerks and Election Officials Association to ensure no unattainable mandate is imposed on our local election officials. We look forward to working with election officials across the state to enhance post-election audits and request the committee's support for this bill.

Respectfully submitted,

Clay Barker
Deputy Assistant Secretary of State