



**2021 - 2022 Executive board**

Tina Spencer, Marion County  
President

Ashley Mannis, Sherman County  
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Janet Paddock, Franklin County  
Secretary

Rick Piepho, Harvey County  
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Re: March 1, 2022 hearing on Senate Bill 389, relating to voting systems and procedures – Opponent testimony, WRITTEN-ONLY testimony from Rick Piepho, representing KCCEOA.

Honorable Kansas State Senator Rob Olson  
Chair, Senate, Committee on Federal and State Affairs and Distinguished Members of the Committee

My name is Rick Piepho, Harvey County Clerk and Chairman of the Elections Committee of the Kansas County Clerks and Elections Officials Association (KCCEOA). The KCCEOA is a statewide organization with 109 members including 103 publicly elected county clerks, 2 charter appointed county clerks, and additionally, four election officers from the most populous counties in Kansas. Our duties are significant under statute and one of our most public facing functions is free and fair administration of elections. We take this duty very seriously. We prepare for every possible, and impossible, scenario which could occur. Our organization has a legislative platform adopted by the membership. I have attached that platform to this testimony for your use.

I am testifying today in my capacity as elections committee chairman on behalf of the association to object to several provisions of this act. We understand and agree with the intent to build on the already secure election processes in Kansas, but we do not believe that this legislation accomplishes that goal.

We believe that there are multiple issues with this bill that should be considered:

Section 1 (a) (1) (A) we are in need of more guidance as to what would constitute a distinctive watermark. Would the watermark need to be embedded in the fibers of the paper when it is manufactured, or a unique security feature pre-printed on the ballot stock or printed on the ballots or would a unique mark or stamp placed on the ballot by the election office or poll worker qualify? We already have a number of procedures in place along with checks and balances to ensure that fraudulent ballots are not counted. It would be very difficult for ballots cast by federal service (UOCAVA) voters to comply since they are allowed to receive and return their ballots by fax or email. Please give us, and the Secretary, more guidance on this section.

Section 1 (a) (1) (A) (i) of this measure requires ballots to be marked by hand or by non-tabulating voting machines. This would require counties that use direct recording electronic systems (DRE) machines purchase new equipment even if they have a voter-verifiable paper trail. Current law prohibits the purchase of new DRE equipment, but does not require purchasing new election equipment. Most counties have replaced their DRE equipment with non-tabulating ballot marking devices, but some still have not so this would be an unfunded mandate.

Section 1 (a) (4) states that paper ballots shall be hand-counted unless requestor chooses otherwise. KSA 25-3107 specifies that “the method of conducting the recount shall be at the discretion of the

person requesting the recount” so candidates/requestors already have the option to request a recount by hand.

Subsection (b) requires a sample hand-counted audit at the polling place of each precinct. I am not sure this is possible while maintaining ballot secrecy or hand-counting every ballot. Some ballots could be randomly selected and hand counted, but it would be virtually impossible to get a report from tabulator of how those specific ballots were tabulated without numbering or serializing the ballots and scanned images which could make it possible to associate the ballot to a specific voter. Please give us, and the Secretary, more guidance on this section.

Subsection (c) requires a hand-written signature on poll book. We would like clarification to define what is considered a hand-written signature. Does a hand-written signature utilizing a stylus or other device on an electronic device such as an electronic pollbook meet this requirement or does this mean that the signature must be on paper utilizing a pen or other writing implement?

Mr. Chairman, for these reasons, we oppose SB 389 as currently presented and ask that the committee hear our concerns and act accordingly. I will not be able to attend the hearing so we are providing written testimony only on this bill.

Sincerely,



Rick Piepho

Harvey County Clerk & Election Officer – KCCEOA Elections Committee Chair



## **2022 Legislative Priorities**

The members of the KCCEO want to bring special focus to the following with regard to elections:

- Encourage legislature to complete redistricting in a timely manner.
- Maintain the status quo with regard to election, registration and canvass schedules and with regard to partisan/non-partisan elections.
- Advocate for protecting the integrity of the anonymous ballot.
- Advocate for measures that allow provisional ballots to be counted for registered voters who moved within the state.
- Advocate for expansion of eligibility requirements for permanent advance voting status while also making requirements more stringent for all permanent election applicants to maintain status.
- Support initiatives which build on already secure and transparent election equipment and processes.
- Advocate for establishing lawful, consistent and workable timelines for special elections.
- Maintain local control of usage and placement of drop boxes for advance ballots.
- Ease pollworker employment restrictions for KPERS and unemployment.

The membership of the KCCEO reviews, discusses and participates in drafting the Kansas Association of Counties (KAC) annual legislative policy. The members of KCCEO want to bring special focus to the following with regard to county governance:

- Retain and enhance county home rule authority and maintain local decision making, standing on the principle that government closest to the people will best understand and serve the community's needs.
- Support local control of property taxes.
- Oppose unfunded mandates and support state funding for any current statutory mandates.
- Support allowing choice of alternate sources or methods for distributing official publications, including legal notices.
- Support flexibility to utilize preliminary values when calculating mill levy rates for shared districts.
- Join with other county office holders in opposing deferment of payments to KPERS and the sweeping of funds intended for transportation.



**Statement:** The Kansas County Clerks and Election Officials Association (KCCEOA) serves the residents of all Kansas Counties through professional training for our members, presenting the Association's position on state issues, advocating policy positions which increase access for our constituents to county government and safe, secure, free and fair elections.

## **2021 - 2022 KCCEOA Executive board & legislative committees**

Tina Spencer, Marion County | President  
Ashley Mannis, Sherman County | Vice president  
Janet Paddock, Franklin County | Secretary  
Rick Piepho, Harvey County | Treasurer

The **Election committee** formulates policy and education for election-related topics. Members also work with the Secretary of State's office and legislative committee on any election legislative initiatives.

**Rick Piepho, Harvey County (chair)**  
**Sarah Rains, Hodgeman County (vice-chair)**

Sherrie L. Riebel, Allen County  
Kayla Wang, Clay County  
Angie Kirchner, Coffey County  
Karen Madison, Cowley County  
Don Pyle, Crawford County  
Jamie Shew, Douglas County  
Debbie Cox, Ford County  
Rebecca Nordyke, Geary County  
Fred Sherman, Johnson County  
Crystal Rucker, Logan County  
Chris Treaster, Mitchell County  
Stacey Rein, Pawnee County  
Rich Vargo, Riley County  
Angela Caudillo, Sedgwick County  
Stacia Long, Seward County  
Andrew Howell, Shawnee County  
Keesa Mariman, Thomas County  
Rhonda Willard, Wilson County  
Michael Abbot, Wyandotte County

The **Legislative committee** is tasked with proposing and monitoring any legislation not dealing with elections.

**Karen Madison, Cowley County (chair)**  
**Jamie Doss, Saline County (vice-chair)**

Kyle Rennie, Cherokee County  
Janet Paddock, Franklin County  
Ashley Rogers, Gray County  
Rick Piepho, Harvey County  
Linda Buttron, Jefferson County  
Somir Hassan, Johnson County  
Dawn Harlow, Lincoln County  
Sandra Wilson, Marshall County  
Janet White, Miami County  
Chelsey Schmidt, Morris County  
Rachel Finley, Rawlins County  
Donna Patton, Reno County  
Mary Nuss, Russell County  
Pamela McDaniel, Scott County  
Kelly Arnold, Sedgwick County  
Debra Norris, Sumner County  
Brett Deichler, Wyandotte County

**KCCEOA Lobbyist - Dick Carter, The Carter Group**

[www.kcceo.org](http://www.kcceo.org)