

Date: March 16, 2023

Subject: Bill number HB2086

Disposition: Opponent

Testimony Type: Written Only

From: Bret Boulé

Chairman Thompson and members of the Committee,

The fact that HB2086 includes changes to 66 sections of statutes is concerning. Many of these should be stand-alone bills. The bill provides the Secretary of State with additional powers with respect to elections and election processes. The founding fathers realized the importance of maintaining the balance of power. There is no method of holding the SOS accountable with this new centralized power. What happens if we elect a rogue SOS?

While the bill states each county election officer is the sole public officer responsible for planning, conducting, and coordinating elections within that county, it takes away their ability to ensure the integrity of the elections by eliminating their ability to preserve and protect the data on the electronic equipment. The bill amends the definition of fraud with respect to the electronic equipment to include unauthorized access. This would eliminate any opportunity to open the machines for examination.

Another change provides an “as needed” unlimited extension to the 3’ rule. The 3’ rule is the distance poll agents must abide by during elections, audits and recounts. This is unacceptable. Seeing the details from 3’ away is difficult, if not impossible for most people. Extending that distance would be detrimental to the observation process.

Interestingly, this bill would grant additional powers to the SOS, but remove power from the precinct committee position. Precinct committee people would no longer be poll agents, and therefore no longer able to appoint poll agents.

The bill also allows for the State or County Party Chair to object to a precinct person. Mr. Barker states this objection may only be based on the person’s residency, qualification as a voter and party affiliation. However, the statute is providing for that eligibility requirement to be met, so why the need for the objection? Other states have been eliminating powers of their precinct people. These changes might indicate Kansas is attempting to do the same! I surely hope that isn’t the case.

The statute regarding the use of ballots has been modified to agree with the Rules & Regulations which were written by the current Secretary of State’s office to allow for the use of ballot images. Unless the ballot images are printed, I believe the only way to view them is via computer screen. So technically, it is not a ballot image, but a printed version of the ballot image. What is the change of custody for a ballot image? What are the security measures for the computer or storage device which maintains the ballot images? What are the checks and balances for the ballot images? A paper ballot goes into a locked box that is tagged, signed off on and sealed. To access the ballot another process is required to unseal the box. Do the ballot images have any of these security procedures?

These are only a few of the concerns I have with HB2086. The bill contains too many controversial changes to be passed as-is. **I encourage the committee to listen to these concerns and vote to oppose HB2086.**

Sincerely,
Bret Boulé