AUDIT PROPOSAL

Reviewing Kansas's Procedures for Election Security

SOURCE
This audit proposal was requested by Senator Dennis Pyle.

BACKGROUND
In Kansas, county election offices are responsible for administering elections and the Secretary of State is responsible for overseeing their compliance with state and federal election laws. County election offices use both computer and paper-based voting systems during elections. The result of each cast ballot is stored in a digital recording system. Data from the recording systems is ultimately transferred to the Secretary of State's Office to determine the statewide outcome of an election.

Federal and state law outline numerous requirements for elections processes, equipment, and staff to ensure the integrity and security of elections. For example, statutes require voting equipment to be certified, polling places to be secure, and elections officers to receive certain training.

In recent years, elections security has received increasing national attention. Several states and public policy research organizations have reported on the status of states' elections security and highlighted areas that states may be able to improve. Among other things, those areas include the accuracy and security of voting equipment, data transmission, training for elections staff, the administration of voting in long-term care facilities, and the creation and retention of a verifiable paper trail for audit purposes.

Legislators have expressed interest in knowing whether Kansas has procedures to address legal requirements in these areas and whether the state is adequately prepared for future elections.

AUDIT OBJECTIVES AND TENTATIVE METHODOLOGY
The audit objectives listed below are the questions we would answer through our audit work. The steps listed for each objective convey the type of work we would do. These may change as we learn more about the audit issues.

Objective 1: Do Kansas county election offices have adequate policies and procedures to ensure the accuracy and security of voting machines used for elections? Our tentative methodology would include the following:

- Work with the Secretary of State's office and county election offices to determine how many different types of voting systems (e.g., direct recording electronic, ballot marking devices, optical scan, etc.) counties used during the November 2020 election. Also, understand which vendors or manufactures were responsible for those systems.

- Review national best practices and federal requirements to understand how those voting systems should be tested and certified to ensure their accuracy and security prior to being used in an election. This could include an analysis of voting equipment certification, delivery, pre-election testing, and access to voting systems.

- Review state law and regulations and policies from a sample of county election offices to determine whether a sample of counties' processes meet or address best practices on voting system accuracy and security.

- Work with the Secretary of State's office and a sample of county election offices to determine whether voting systems were adequately tested and secured prior to the November 2020 election. If records exist, select a sample of voting machines from a sample of polling stations to determine if they were properly certified, tested, and met other key criteria prior to the 2020 election.

Objective 2: Do Kansas county election officials have adequate policies and procedures to ensure the security of storage units, ballots, and devices used to tabulate votes during elections? Our tentative methodology would include the following:

- Review federal best practices to understand how best to secure electric storage units, ballots, and devices used to collect and tabulate votes during an election. This could include an analysis of polling place security, equipment storage, and transmission of voting data.

- Review state law and regulations and policies from a sample of county election offices to determine whether a sample of counties' processes meet or address best practices on securing storage units, ballets, and other devices used to collect and tabulate votes.

- Work with the Secretary of State's Office and a sample of county election offices to understand how electronic storage units, ballots, and other devices were safeguarded during the November 2020 election. If records exist, select a sample of voting systems from a sample of polling stations, to determine if they met key criteria.

Objective 3: How do Kansas's practices for maintaining and sharing ballot images and cast vote records compare to other states' practices? Our tentative methodology would include the following:

- Work with Secretary of State and county elections officials to understand ballot images and cast vote records in Kansas. This would include things like which voting machines capture such records, how many of those machines are used by Kansas counties, and the percentage of votes cast in the November 2020 election via one of those machines, if possible.

- Interview state officials and review state law to understand how Kansas maintains and shares ballot images and cast vote records and why. This would include whether and how those records are maintained, how long they're maintained, if and when they're

reviewed by local elections staff or auditors, and whether they're available to the public upon request.

- Review national literature and interview other states as needed to determine how they maintain and share ballot images and cast vote records. Compare Kansas's practices to other states and identify ways Kansas is similar and different.

- Talk to Secretary of State and county elections officials to get their opinions about how Kansas compares, and any suggestions or improvements for increasing transparency while keeping anonymity.

- If possible, for a sample of counties, work with county election officials to verify that a sample of machines used in the November 2020 election can produce ballot images and cast vote records as required by state law.

Objective 4: Do county elections officers receive adequate training to administer federal elections? Our tentative methodology would include the following:

- Talk to Secretary of State and county elections staff to understand the different elections staff who assist with federal elections processes in Kansas counties.

- Review federal law, state law, and state regulations to identify the type and quantity of training that elections officers should receive.

- Work with the Secretary of State and county elections officers and review associated training documentation to determine if officers receive the type and quantity of training required by federal and state law.

- Survey all county elections officers about the type and quantity of training they receive to determine if they feel adequately prepared to administer their counties' elections.

- Compare Kansas's laws for elections officer training to other states to identify similarities and differences in training requirements.

Objective 5: What policies and practices do the Secretary of State and county election officials have to protect the integrity of voting for long-term care facility residents? Our tentative methodology would include the following:

- Research the number of long-term care facilities in Kansas, including nursing homes and assisted living facilities. Identify their location, the services they provide, and the number of people they serve to understand the size of the long-term care population in the state.

- Interview federal and state officials, national organizations, and review relevant documentation to understand the challenges associated with voting for residents in

long-term care facilities. Also identify practices for protecting voting in such facilities against fraud and undue influence.

- Work with Secretary of State and county elections officials and review state law to understand the requirements Kansas has to protect the integrity of voting in long-term care facilities, and how they align with the practices suggested by federal experts and national organizations.

- For a sample of long-term care facilities, interview staff and special election boards to ask how they handle residents' voting needs and to get their opinions on how those processes work and major challenges. This would include things like whether they have a dedicated staff member to handle voting inquiries, allow outside groups to conduct voter registration, receive training about registration and voting procedures, and how they manage and assist voters with casting their ballots.

ESTIMATED RESOURCES

We estimate this audit would require a team of **4 auditors** for a total of **7 months** (from the time the audit starts to our best estimate of when it would be ready for the committee).