

March 31, 2023

Kansas State Capitol
300 SW 10th St.
Topeka, KS 66612
Via email

RE: Verified Voting Opposition to the Ballot Image Provision in Section 48 of HB 2086

Dear Senate Leadership and Members of the House Committee on Elections:

On behalf of Verified Voting, I write in opposition to the provision in Section 48 of HB 2086 that authorizes the use of ballot images in Kansas post-election audits. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since its founding by computer scientists in 2004, Verified Voting has advocated for voter-verified paper ballots and routine, rigorous post-election audits to check the accuracy of computerized voting systems.

Kansas would weaken its post-election tabulation audits by adopting this provision. Audits are meant to serve as an independent check on voting systems, but ballot images are instead a direct product of the voting system. It is not possible to determine whether these images accurately reflect voter intent without also checking the paper ballots. Like all technology, the scanners that image ballots are vulnerable to failure, mis-programming, or even outright tampering. In one study, election security researchers were able to manipulate ballot images at scale, reassigning voters' marks from one candidate to another.¹ No matter how unlikely one considers such manipulation or other failures, the wisest course is to avoid relying upon images altogether. The paper ballots themselves provide the best evidence of voter intent.

We recognize that this provision is meant to codify an existing practice allowed by current regulations. However, we would urge you to reconsider. Codifying this problematic practice would not serve Kansas elections or its voters well.

Respectfully submitted,

Mark Lindeman, Ph.D.
Policy & Strategy Director

¹ Bernhard, Matthew, Kartikeya Kandula, Jeremy Wink and J. Alex Halderman. "UnclearBallot: Automated Ballot Image Manipulation." *International Joint Conference on Electronic Voting* (2019). <https://mbernhard.com/papers/unclearballot.pdf>