

AUDIT PROPOSAL

Reviewing Ford County's Procedures for Election Security in the 2022 General Election

SOURCE

This audit proposal was requested by the Legislative Post Audit Committee.

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.

Counties use various forms and documentation to ensure these things happen such as equipment inventories, pre-election equipment testing, ballot tallies, and chain of custody forms. Some of this documentation is legally required whereas some is best practice. Voted ballots are confidential and sealed in containers at the end of each election, but much of the other documentation should be publicly available.

In 2023, Legislative Post Audit evaluated 13 Kansas counties' election security procedures for the 2022 primary or general elections in five areas. Those areas included counties' policies and processes for the security of election management computers, ballots, voting and tabulation machines, and the transfer and movement of ballots and equipment. Audit staff selected Ford County as one of the counties for that review. As part of the 2023 audit, LPA asked that the counties not discard or seal election-related documentation LPA staff needed to complete its review. However, Ford County staff sealed a significant amount of its documentation in the same containers as voted ballots and denied audit staff access to inspect its election management computer. This ultimately prevented audit staff from evaluating Ford County's election security procedures.

Legislators requested this audit as a follow up to the 2023 audit. They are interested in knowing whether Ford County has procedures to address legal requirements and best practices in these areas and whether the county is adequately prepared for future elections.

AUDIT OBJECTIVES AND TENTATIVE METHODOLOGY

The audit objective listed below is the question we would answer through our audit work. The steps listed for the objective convey the type of work we would do. These may change as we learn more about the audit issues.

Objective 1: Does Ford County's election office have adequate policies and procedures to ensure the accuracy and security of voting machines used for the 2022 general election?

Our tentative methodology would include the following:

- Work with the Ford County election office to determine how many types of voting systems (e.g., direct recording electronic, ballot marking devices, optical scan, etc.) Ford County used during the 2022 general election. Also, understand which vendors or manufacturers were responsible for those systems.
- Review national best practices and federal requirements to understand how Ford County's voting system(s) should be tested and certified to ensure 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 Ford County's election office to determine whether a sample of the county's processes meet or address best practices on voting system accuracy and security.
- Work with the Secretary of State's office and Ford County's election office to determine whether its voting systems were adequately tested and secured prior to the 2022 general election. If records exist, select a sample of voting machines from a sample of polling locations to determine if they were properly certified, tested, and met other key criteria prior to the 2022 general election.

Objective 2: Does Ford County's election office have adequate policies and procedures to ensure the security of storage units, ballots, and devices used to tabulate votes during the 2022 general election? 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 Ford County's election office to determine whether a sample of the county's processes meet or address best practices on securing storage units, ballots, and other devices used to collect and tabulate votes.

- Work with the Secretary of State's Office and Ford County's election office to understand how electronic storage units, ballots, and other devices were safeguarded during the 2022 general election. If records exist, select a sample of voting systems from a sample of polling locations to determine if they met key criteria.

ESTIMATED RESOURCES

We estimate this audit would require **1 auditor** for a total of **1.5 months** (from the time the audit starts to our best estimate of when it would be ready for the committee). This is based on some of the above work having already been completed as part of LPA's 2023 election security audit.