

Email: Calvin.Hayden@jocogov.org

July 7, 2022

Sheriff Calvin Hayden
27747 W. 159th Street
New Century, KS 66031

Re: Election Security

Dear Sheriff Hayden:

Thank you for taking the time to talk to me today about the meeting which occurred on July 5th with you, several Sheriff deputies and Sheriff staff, Johnson County Election Commissioner Fred Sherman, Assistant Election Commissioner Josh King, and Assistant County Manager Joe Waters. As noted in our telephone conversation, the Sheriff's office role in providing oversight of security for county buildings, including the election building, is different than oversight of election operational procedures.

It is my understanding you requested the meeting on July 5th to discuss security cameras on election ballot boxes. During this meeting, you inquired of County staff about prior election processes, challenged the integrity of elections in Johnson County, and requested that local law enforcement participate in the current election procedures. Specifically, you questioned our election officials on, or called for, the following:

- Questioned why ballot drop boxes were located at public libraries in 2020 contrary to the Sheriff's staff recommendation and whether the Election Commissioner would eliminate ballot drop boxes;
- limiting the hours that ballot drop boxes are available;
- a statement that all ballots must be printed in the State of Kansas, which you asserted was a law;
- a concern that the Election Office would not investigate, or police, the 10-ballot delivery limit;
- an offer to involve your staff with the collection of ballots at ballot drop boxes;
- a suggestion that ballots must be counted at the drop box site;
- an offer to have your staff drive unmarked vehicles to pick up ballots from ballot drop boxes;

- a request by one of your staff that Sheriff's deputies be permitted in the "E Room" to observe the official election board as it counts ballots at the election office; and
- a suggestion that the signature verification process is not done in compliance with how the Sheriff's Office conducts investigations for criminal matters.

As we discussed, my concern is that these requests give the appearance that the Sheriff's office is attempting to interfere with an election and to direct a duly authorized election official as to how an election will be conducted. You clarified that you were seeking information in preparation to prosecute certain election crimes that may occur. I recognize your authority to investigate a report of a crime. We will continue to work with your office on any potential crimes we become aware of.

As you know, State and federal laws govern elections. State statutes are clear that the Kansas Secretary of State is the chief election officer for the State of Kansas and that the County's election officer is the election commissioner. The procedures and duties are set out and we cannot, and will not, permit a violation of duty or statute. From our telephone conversation, you acknowledged the roles and responsibilities ascribed to your elected office including prosecution of election crimes. The County, in turn, through the election commissioner, will attend to its assigned roles and responsibilities and will continue to execute fair and impartial elections for county citizens.

The board of county commissioners has designated the Sheriff's office to provide security of county buildings. Moving forward, you agreed the security governance committee, created by the board of county commissioners, should convene to adopt procedures for the role of the Sheriff's Office in providing security to each county building, including the use of security cameras and access to buildings and offices, so there is agreement as to the Sheriff's Office role and compliance with the respective federal, state and county policies for each county office.

We appreciate your efforts to keep Johnson County safe and secure. I look forward to working with you and please reach out with any questions.

Sincerely,

/s/Peg Trent

Peg Trent
Chief Counsel

Cc: Chairman Ed Eilert & Commissioners
Penny Postoak-Ferguson, County Manager