

SB209 Requiring all advance voting ballots to be returned by 7 p.m. on election day.

Written Opposition Testimony

Thursday, March 9, 2023

Chairman Proctor and Members of the Committee:

The Kansas African American Affairs Commission is opposed to SB209 which seeks to change the final deadline for accepting ballots to 7 pm on Election Day regardless of when the ballot was postmarked.

Access to voting has never been a right in this country. Under the first Constitution, voting was restricted to white landowning men. Ever since then, there has been a continual push to allow more people to vote. This is right and proper to do as the country was founded on the importance of a representative Democracy. The historical struggle for access to the ballot box permeated Reconstruction and the Civil Rights Era of the 1960s, culminating in the Voting Rights Act of 1964.

Recently there has been an alarming effort to make voting more difficult. SB209 is a part of such efforts and would restrict the number of valid ballots that get counted.

Many conferees today will provide data to show there has been no election fraud in the state of Kansas. The Secretary of State's office has worked diligently to secure our elections here; however, the Secretary of State does not control the United States Postal Service. Here is where the conversation should remain, on the failure of the USPS to deliver mail in a timely manner, but the arguments shift to personal responsibility.

College students, military families, and people who travel for work have all relied on mail voting. Additionally, there are people with physical disabilities for whom standing in line to vote would be a hardship and people in long-term care facilities who have relied on mail ballots to ensure their voices are heard. Consider rural voters who may rely on the mail system but whose mail routinely travels out of state for processing. Rural voters deserve the assurance that they will not be disenfranchised by the very legislators they elected to office.

An individual in one of those subgroups could do everything right. They could follow the law and mail their ballot a week in advance and, through no fault of their own, their vote could be tossed out due to US Postal Service delays. Personal responsibility is not the issue, the delay in mail service is. We cannot legislate personal responsibility, but this body can legislate a way to provide assurances to thousands of Kansans that their legally submitted ballots will count.

Passing SB209 will disenfranchise thousands of Kansas voters, voters who cast their ballot assuming it would count. We urge you to vote no and not pass this bill out of committee.