

Opponent Oral Testimony on Senate Bill 209

House Committee on Elections

Davis Hammet – Loud Light Civic Action

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Chair Proctor, Members of the Committee,

Reducing Return Time – Postmarked Mail Ballots from 3 days to 0 day

The main purpose of this bill is to reduce the number of days an advance mail ballot that is properly cast on or before Election Day has to reach the county election office. The result would be the state legislature punishing Kansas voters because of mail delivery shortcomings. USPS has been experiencing a wave of mail delivery delays the last several years. Rural communities face slower mail delivery times in general due to their lack of proximity to a USPS processing facility. In fact, all Kansas mail is now processed out-of-state.

3-Day Grace Period – Passed with Unanimous Bipartisan Support

In 2017, HB2158 establishing the 3-day grace period was passed with a near unanimous vote (Senate: 40-0, House:123-1). The intentional timeline established the grace period and pushed the advance ballot request deadline from the Friday before Election Day to one week before Election Day.

Dated Postmark – Required to Count & Felony to Backdate

Any advance ballot that arrives at the election office during the grace period must have a dated postmark as proof that it was mailed on or before Election Day to count. While it's already a federal crime to alter such mail, the Kansas Legislature passed HB2183 (originally SB11) in 2021 making it a state crime to backdate or otherwise alter the postmark on an advance ballot. It was made to address any security concerns justifying SB209.

Preliminary Results and Perceptions – Election night results have always changed

Election night results have never been final results. We do not have real election results until 1 to 2 weeks after Election Day when tens of thousands of provisional ballots have been processed and the county canvass concludes. This bill will not improve free and fair election perceptions. Conspiracy minded individuals who were unsatisfied by the bills of the past few years will similarly be unsatisfied by this bill, but other Kansans will increasingly doubt the legitimacy of the election process if the legislature indulges baseless accusations by passing harmful election restrictions.

Kansas Citizens Disenfranchised

With security concerns addressed and an understanding that counting takes 2 weeks regardless, the only purpose of the bill is to disenfranchise Kansans for the crime of having slow mail provided by the government. That's why this bill received bipartisan opposition last year.

I recommend this committee oppose SB209. I'm happy to stand for any questions when appropriate.