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STATE OF KANSAS

February 7, 2024

Testimony on HB2571 (In-Person / Opponent)

House Committee on Elections

Tuesday, February 8, 2024

Chairman Proctor and members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 2571

The Secretary of State respectfully opposes HB 2571, which would require any ballot returned via drop box to be deemed provisional until certain verifications were made. The bill would impose a substantial burden on the election staff while offering no benefit for election integrity.

Since the inception of no-excuse advance by mail voting in 1996, there has been no record of a ballot returned that was not requested by a properly registered Kansas voter. It is, therefore, difficult to determine what problem is being solved by this bill.

Generally, in those counties that use remote ballot boxes, about 40% of mail ballots, with the percentage increasing steadily, are delivered by remote ballot box. In special all-ballot elections, the use of remote boxes is even higher. Voters prefer the reliability, security, and no-cost attributes of remote boxes over postal delivery.

Extrapolating from these trends and knowing that the 2024 general election will likely have very high turnout, this bill could increase the number of statewide provisional ballots by over 70,000. In comparison, in the 2022 election, there were a total of 17,300 provisional ballots.

Currently before a mail ballot is sent out, the application is screened to verify the requestor's voter registration record, signature, and ID. When the ballot is returned, the voter's request, registration status, and signature are verified. If the signature is questionable, the ballot is held until the voter is contacted and the ballot is verified. These measures ensure the voter is the one who cast the ballot. Making these ballots provisional would alter the current security review process.

These ballots would now be deemed provisional, not because of any questionable attribute that makes the ballot subject to challenge, but only because of the way the ballot was delivered. This would cause the election night unofficial results to be substantially different from the final official results which could undermine public confidence in the results.

Regarding Section 1 (i)(1): There is simply no plausible way for the county elections staff to "verify" that either the voter or an authorized person was the person who deposited the ballot envelope in a remote ballot box. There is no guidance on what would constitute "verify." Currently, (1) the voter must sign the

ballot envelope indicating that the voter cast the ballot, (2) the voter must sign again to indicate that someone assisted the voter; and (3) the person delivering the ballot must sign the ballot envelope. The county election staff already verify the voter's signature before the ballot can be processed and the voter is contacted if the signature is missing or inconsistent with the record signatures.

Having election staff call, e-mail, or write that many people to verify they meant what they signed would be a substantial burden of election staff. The verification burden is even more problematic given the incredibly tight time frame imposed on elections staff in which to conduct the post-election audit, count write-in and problem ballots, notify voters with correctable provisional ballots, and classify and rule on other provisional ballots – all before conducting the county canvass.

/Clayton Barker

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