



2023 - 2024 Executive Board

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February 8, 2024 - hearing on HB 2571, requiring all advance ballots deposited in remote ballot boxes be provisional – Opponent testimony from Rick Piepho, representing KCCEOA.

Chairman Proctor and Distinguished Committee Members,

My name is Rick Piepho, Harvey County Clerk and Chairman of the Elections Committee of the Kansas County Clerks and Election Officials Association (KCCEOA). The KCCEOA is a statewide organization with 109 members including all county clerks and election commissioners in Kansas. Our duties are significant under statute and one of our most public facing functions is free and fair administration of elections. We take this duty very seriously. We prepare for every possible, and impossible, scenario which could occur.

I am submitting this testimony on behalf of the KCCEOA membership. The KCCEOA prepared a legislative agenda which was developed through a policy committee process and agreed to by a majority of the members. One of the items specifically included is: "Maintain local control of usage and placement of drop boxes for advance ballots".

We believe that the provisions in this bill requiring all advance-by-mail ballots deposited in remote ballot boxes be deemed "provisional" are not necessary and are not feasible to implement. Some voters throughout the state choose to utilize remote drop boxes to return their voted advance ballot for various reasons such as: avoiding USPS delays, convenience of location or hours of availability, and/or security concerns. These requirements could be very burdensome for election officials during the limited time available to prepare for the canvass of the results. In Harvey County about 1/3 of the total voted advance-by-mail ballots returned are deposited in one of the two remote drop boxes available in my county. In the 2022 General Election there were 743 ballots deposited in a "remote ballot box" that, if deemed provisional, would have to be added to the 163 provisional ballots we processed for that election (see Exhibit 1).

We are concerned about some specific details of this proposed legislation. What steps or documentation would be required to verify the authority of each individual who deposits a ballot in a "remote ballot box"? If the intent of this legislation is to enforce the 10 ballot rule in KSA 25-2437, would election officers be expected to compile this information and report to law enforcement accordingly? Each of these questions needs to be carefully answered before this legislation can be considered. We believe it is important to note that there would be additional costs to each county for additional staff to verify these provisional ballots in the limited time prior to the canvass.

We are also concerned that the term "remote ballot box" excludes ballot boxes in a county election office or satellite advance voting site but apparently does include a box at a non-satellite early voting site and/or at any polling place on Election Day. We would like to point out that the language on pg. 3 lines 38-42 seems to prevent counting of any ballot deposited in a "remote ballot box" which contradicts the possibility that these provisional could be counted.

The KCCEOA opposes HB 2571 that if passed as currently presented will effectively eliminate all drop boxes in most counties. We ask that the committee hear our concerns and act accordingly. I will gladly stand for questions at the appropriate time.

Sincerely,

Rick Piepho
Harvey County Clerk & Election Officer – KCCEOA Elections Committee Chair

Exhibit 1:

GN2022 Advance Return Log - Harvey County								
	USPS	Clerk office drop	Courthouse drop	FS 3 drop	UOCAVA	Adv poll or ED Poll	Totals	Undel/late
Advance-by-mail Totals	1014	130	504	140	53	99	1940	78
% of total returned	52.27%	6.70%	25.98%	7.22%	2.73%	5.10%	2386	Total sent
Remote deposited	743	38.3%					2018	Total return
Provisional Ballots	163						368	Not returned