



Senate Bill 209

Kansas State Legislature
Senate Committee on Federal and State Affairs

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Madeline Malisa
Visiting Fellow
Opportunity Solutions Project

Chair Thompson and honorable members of the committee, my name is Madeline Malisa, and I am a Visiting Fellow at the Opportunity Solutions Project. OSP is a non-partisan, non-profit organization. We work in more than 40 states across the country with one clear goal—to help more people achieve the American Dream. I appreciate the opportunity to speak today in support of SB 209.

Kansas voters are passionate about the fundamental right that we all have as Americans to vote and participate in our democratic process. They don't want loopholes and weaknesses in the design of elections to threaten that right.

SB 209 will ensure that Election Day is Election Day in Kansas. Under current law, mail-in ballots can be received for three days *after* Election Day. This is problematic for several reasons.

First, allowing ballots to be received days after an election can delay results. Delay sows doubt. In 2020, Americans witnessed the problems and controversy caused when election results were delayed in Arizona, Georgia, Wisconsin, Pennsylvania, and Michigan.¹ Late-arriving ballots threaten fast and accurate ballot counting and timely election results.

Second, mail-in ballots that arrive three days after an election can undermine voter confidence in the outcome, especially in cases where a close race suddenly flips after Election Day. This erosion of voter confidence came to light during the 2020 presidential election as ballots continued to trickle in days after the election.

Third, creating a deadline other than Election Day is confusing for voters, which can lead them to misunderstand the deadline for their ballots to count. In 2020, voters in Kansas experienced this firsthand when more than 1,500 ballots in the August primary either arrived too late or weren't postmarked by Election Day. And those lost votes could have changed the outcome of an election, with five state legislative primary races decided by fewer than 50 votes.²

SB 209 will provide voters clarity in the election process, and confidence in outcome. For all these reasons, I urge you to support this legislation. Thank you for your time and I'm happy to answer any questions.

¹ The Associated Press, "1,500 mail ballots arrived too late to count in Kansas," KWCH 12 News Kansas, (September 25, 2020), <https://www.kwch.com/2020/09/25/1500-mail-ballots-arrived-too-late-to-count-in-kansas>.

² *Ibid.*