



**STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL**

**KRIS W. KOBACH**  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

**Written Testimony in Support of SB 209  
Presented to the Senate Federal and State Affairs Committee  
By Attorney General Kris Kobach  
February 16, 2023**

Chairman Thompson and members of the committee:

The experience in other states shows the wisdom of closing the acceptance of ballots at poll closing time, or 7 p.m., on Election Day. Election Day should be Election Day. However, current law actually extends the election for an additional three days. And often, delays the results—especially in close races.

According to the National Conference of State Legislatures, or NCSL, 30 states require absentee/mail ballots to be received on or before Election Day. Nineteen states including Puerto Rico, the Virgin Islands and Washington, D.C., accept and count mail ballots if received after Election Day but postmarked on or before Election Day. Everyone recalls the chaos and controversy that erupted after the 2020 general election. In states like Arizona, Georgia, Nevada, Pennsylvania and North Carolina voters waited for days for election outcomes. Those delays undermined voter confidence, and the reverberations of that doubt continue to this day.

Election integrity is primarily about limiting voter fraud – and allowing ballots to be received and counted after the polls closed leaves a narrow window for fraud to occur, despite Kansas’s stellar voting laws. A secondary purpose of election integrity laws, however, is to provide voter confidence in electoral outcomes. Delayed results and sudden vote swings after delayed ballots are counted tempers voter confidence. Allowing ballots to be received for three days after polls close undermines voter confidence and delays election results. SB 209 provides a simple fix to help alleviate both problems, and for that reason, I ask for your support on SB 209.

Thank you,

Kris W. Kobach  
Kansas Attorney General  
120 SW 10<sup>th</sup> Avenue, 3<sup>rd</sup> Floor  
Topeka, Kansas 66612-1597  
785-296-2218  
[Kris.kobach@ag.ks.gov](mailto:Kris.kobach@ag.ks.gov)  
[www.ag.ks.gov](http://www.ag.ks.gov)