

Opponent Oral Testimony on Senate Bill 4

House Committee on Elections

Davis Hammet – Loud Light Civic Action

February 11, 2025

Chair Proctor, Members of the Committee,

Rural County Voters Will be Hurt the Most by SB 4

According to the Secretary of State's survey to County Election Officials, voters in rural counties benefitted the most from the 3-day mail processing period, with rural votes being twice as likely to be counted because of the 3-day grace period than non-rural votes. For example, nearly 12% of the total mail ballots sent out in Montgomery county arrived back at the election office with a postmark on or before Election Day within the 3-day mail transmission period. Meaning **12% of Montgomery county mail voters would have been disenfranchised under SB4** solely because of mail delivery delays. The same is true of 10.3% of Nemaha county mail voters and 10.1% of Seward county. The top 30 counties to benefit from the 3-day period as a percent of total mail ballots sent were all rural counties.

Burdening Citizens with Bureaucratic Shortcomings

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 federal government shortcomings with mail processing and delivery. Any issues with USPS, including delayed mail times and missing postmarks, are not resolved through this bill. The only impact of SB 4 would be forcing election officials to throw out Kansans' duly cast votes.

Postmarks – Abolishing the 3-Days Will Throws Out 20x More Ballots Than Missing Postmarks

Less than 5% of the ballots that arrived in the 3-days following Election Day were missing a postmark. It does not make sense to address the postmark issue by creating a solution that throws out 20 times the number of ballots that are impacted by a missing postmark.

Postmarks Missing – Predominantly from USPS KCMO Processing Facility

The vast majority of counties had no ballots with missing postmarks. The only counties to report more than 5 ballots received with no postmark were Johnson, Wyandotte, and Douglas. This correlated to the Kansas City, Missouri USPS mail processing and distribution facility. A 2024 audit by the USPS Office of Inspector General found the KCMO facility has issues with employee absences causing delays and other processing issues.

USPS Coordination is the Appropriate Forum to Address Mail Processing Concerns

The Kansas Secretary of State is currently working with the USPS to address mail processing concerns. The Secretary shared in his presentation before the House Elections Committee this year that USPS is aware of issues in Kansas with mail processing, specifically Secretary Schwab has talked with Postmaster General Dejoy about the KCMO facility issues, and is currently working to address them. Put another way, USPS acknowledges the problems that led the 2017 Legislature to nearly unanimously adopt a 3-day mail processing period.

Preliminary Results and Perceptions – Regardless of SB 4, Election Night Results Will Change

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

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canvass concludes. SB 4 likely would not stop preliminary results from being updated in the days following Election Day either as mail ballots received on and before Election Day often take a few days to be fully processed and included in the vote count shared with the public.

This bill will not improve free and fair election perceptions. Conspiracy minded individuals who were unsatisfied by the bills last year will similarly be unsatisfied by this bill, but other Kansans will increasingly doubt the legitimacy of the election process if the legislature continues to indulge baseless accusations by passing harmful election restrictions.

Dated Postmark – Required to Count & Felony to Backdate

Any advance ballot that arrives at the election office during the 3-day period must have a dated postmark as proof that it was cast and mailed on or before Election Day to count. Last week, the Secretary of State's office reported to the House Elections Committee that missing postmarks are not an issue during general elections, and they are working with USPS to resolve any similar issues for primary elections. 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. In the three decades since voting by mail has been available to all Kansans, this popularly used method has been proven time and again to be safe and secure.

Conclusion

SB 4 is a Solution in Search of a Problem – Voter Suppression in Search of Justification

This is a simple bill that may be summarized as a question– Do committee members believe Kansans who cast their ballot on time should have their ballot counted or thrown away? We recommend this committee oppose SB 4 and count eligible citizens' votes. I'm happy to stand for any questions when appropriate.