

Legislative Testimony

In Opposition to House Concurrent Resolution 5021

House Committee on Elections

January 29, 2026

In Person Testimony

Chair Proctor and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I strongly oppose House Concurrent Resolution 5021, a proposed constitutional amendment that would unnecessarily complicate existing voter ID requirements and cement them in the Kansas Constitution.

This Amendment Is Redundant, Restrictive, and Unnecessary

Rather than focusing on making it easier for eligible citizens to vote, this proposal makes it harder for Kansans to vote. The Kansas Constitution already sets forth voter qualifications, and Kansas law already requires that voters provide identification at the polls. Placing the additional, burdensome requirement of requiring photo ID issued by the State of Kansas or the federal government in the state constitution does not change who is eligible to vote, nor does it add clarity that is not already present in statute or practice—it only serves to disenfranchise eligible voters. Amending the constitution in such a manner is unnecessary and a poor use of our state's constitution, which should be protected from politicized amendments with no substantive value. This amendment would enshrine strict, disenfranchising voter ID laws in the Constitution even though existing law already requires voters to present a valid form of photo ID—from driver's licenses to tribal IDs, to student IDs, municipal IDs, and even concealed carry licenses—making it harder to fix in the future without another constitutional change.

Burdensome Photo ID Requirements Create Complications

Across the country, in-person voter fraud is vanishingly rare, and this proposed constitutional amendment does nothing to prevent it. Rather, the proposed photo ID requirements will impose significant burdens on eligible voters who are less likely to possess the required identification such as a driver's license or a driver's license with mismatched information, including seniors (11%) and people with disabilities (20%) who may have difficulty traveling to get a state or federally issued ID; low-income Kansans (39%) who cannot easily obtain underlying documents such as birth certificates; as well as students, young voters (35%), and people living in rural areas (Center for Democracy and Civic Engagement). People of color are disproportionately affected, with 18% of Hispanic Americans having a lack of ID or an information mismatch (Center).

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These changes will also impact the thousands of voters who, if this amendment is successful, risk being unaware of the change and bringing an invalid form of identification to the polls. In states with existing voter ID laws, more than half of the voting population doesn't know their state's laws or what type of identification they'll need to cast their ballot (Center). Because this proposed amendment rewrites the rules for *how* individuals can vote, it rewrites *who* can easily vote.

Constitutional Amendments Should Not Be Used to Cement Polarizing Policies

By proposing an amendment to the constitution to insert policy decisions such as this one, this committee is circumventing the legislative process, making future adjustments more cumbersome. In Wisconsin, opponents of a similar referendum argued that placing voter ID in the constitution would limit opportunities for future legislatures to tailor access to the ballot, even if circumstances change (ACLU of Wisconsin). Similarly, in Kansas, the choice of which forms of ID are acceptable and what reasonable accommodations should be made—issues that should be addressed through statutory changes and administrative rulemaking—would be subject to constitutional treatment instead. Put simply, this amendment risks cementing policy choices without the flexibility that complex, evolving election administration requires.

Conclusion

This proposed constitutional amendment does nothing to strengthen our democracy, improve election security, or expand access to the ballot. Rather, it needlessly complicates existing statute, adding unnecessary requirements for eligible citizens to participate in our elections; risks disenfranchising eligible voters by restricting the types of acceptable photo ID; and limits future lawmakers' ability to respond to changing needs and circumstances. Our constitution should protect fundamental rights and promote broad civic participation, not serve as a vehicle for redundant and restrictive policies. This committee should promote those same values. On behalf of the ACLU of Kansas, I urge the committee to oppose HCR 5021 and reaffirm Kansas's commitment to fair, accessible, and inclusive elections.

Logan DeMond
Director of Policy and Research

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References

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