

Legislative Testimony

In **Opposition** to House Bill 2491
House Committee on Elections
February 5, 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 Bill 2491, which creates privacy risks, invites government misuse of personal information, fuels false conspiracy theories about non-citizen voting, places unnecessary administrative burdens on state agencies, and contributes to a broader pattern of policies that target and stigmatize immigrant communities with no benefits to election integrity.

Privacy Risks and Unnecessary Surveillance

This bill does not address how data would be transferred from state agencies to the Secretary of State or how this information would be protected, which creates serious concerns about the potential for this information to be transferred in a way that risks exposure to outside entities through data breaches. Compiling a list of already vulnerable residents poses serious threats to their safety. Moreover, determining immigration status is complex and errors are inevitable. Agencies are not immigration enforcement bodies, yet this bill pushes them into that role, creating legal risks and operational challenges. Historically and nationally, lists like these have been used to intimidate, investigate, and exclude marginalized communities. Even when created for “informational” purposes, they often become tools for enforcement, political messaging, or public shaming. Once compiled, these lists cannot be easily controlled and risk ending up in the hands of bad actors. They may be subject to open records requests, internal misuse, or future policy changes that expand their use. Kansas should not create infrastructure that can be weaponized against vulnerable residents.

Lessons from *Moore v. Schwab*

Kansas residents have been exposed to these risks before, as well as the risks of mismatching information. In *Moore v. Schwab*—previously *Moore v. Kobach*—lead plaintiff Scott Moore shared a name and birthdate with a different man from Naples, Florida. The Crosscheck program used by then Secretary of State Kris Kobach’s office “matched” the two men and transferred Moore’s information to Florida officials via unencrypted emails, leaving Moore vulnerable to identity theft. Moore’s personal information was exposed in 2013, but he did not learn about the

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exposure until 2018 when he received a postcard and a one-year subscription to LifeLock, an identity theft protection company. The case resulted in a settlement between Moore and the Kansas Secretary of State's office, and the office agreed not to resume use of the Crosscheck system until all security upgrades recommended by the Department of Homeland Security had been implemented and industry-standard encryption practices were adopted. Participant states agreed to a penalty of expulsion from the program for any negligent, reckless, or intentional disclosure of information. Despite historical precedent, this bill provides no assurance that precautions will be taken and would be used to identify non-citizen voters, posing not only threats to privacy and security, but also the threat of misidentifying and removing eligible voters from the voter rolls.

Non-Citizen Voting

HB 2491 plays into false conspiracy theories about large swaths of non-citizens voting in Kansas and altering election outcomes. Strong, well-established safeguards are in place to ensure that only eligible voters participate in our elections. There is no credible evidence that non-citizen voting occurs in Kansas at any meaningful scale, nor that existing systems are failing to detect or prevent it.

Part of a Broader Pattern Targeting Immigrants

HB 2491 cannot be viewed in isolation. In recent years, the Kansas Legislature has considered and enacted numerous policies that disproportionately burden immigrants and mixed-status families, including restricting access to identification, voting, public services, and basic participation in civic life. This bill fits squarely within that pattern. By singling out noncitizens for special reporting and tracking, it sends a clear message that immigrant communities are to be monitored, scrutinized, and treated with suspicion. This undermines trust in government institutions and discourages people from seeking lawful assistance to which they are entitled. When families fear that applying for scholarships, healthcare, or nutrition assistance may place them on a government list, they are less likely to seek help, even when doing so is legal and necessary. That chilling effect harms not only immigrant communities, but also public health, education, and economic growth across Kansas.

Conclusion

In conclusion, HB 2491 raises privacy concerns and plays into conspiracy theories about non-citizens voting en masse in Kansas elections. It addresses a problem that does not exist, while creating new risks for thousands of Kansas families. It invites database misuse, abuse at the

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hands of bad actors, repeats past mistakes, burdens state agencies, and contributes to a broader effort to marginalize immigrant communities. For these reasons, on behalf of the ACLU of Kansas, I respectfully urge the Committee to oppose HB 2491.

Logan DeMond
Director of Policy and Research

References

American Civil Liberties Union of Kansas. (2018). *Moore v. Schwab (previously Moore v. Kobach)*. <https://www.aclukansas.org/cases/moore-v-schwab-previously-moore-v-kobach/>.