

Until the chair brought it to the public's attention that noncitizens can legally vote in municipal elections in Kansas wherever a municipality allows it, I, like most people, had believed that noncitizens could not vote at all: **"But there are no decisions and no statutes preventing a municipality from allowing non-citizens to vote in a municipal election."** -Pat Proctor, Chair of the House Elections Committee.

The superficial purpose of this HB2491 is to assist the Secretary of State with scrubbing noncitizens from voting rolls. Categorically removing non-citizens from voter rolls obstructs municipalities from conducting elections and **intentionally obstructs eligible voters from participating in elections where they are permitted.** You must never interfere with a person's lawful right to vote. Doing illegal things is criminal behavior. **This is criminal.**

**The Kansas Legislature ought never pass any law with criminal intent.** That is a very bad idea.

What is and is not a crime does not depend on what serves any person or any group politically, and the chair himself was very clear about the law: Noncitizens can vote. He was, again, very clear today: Noncitizens can't vote.

Maybe don't depend on the opinions of the proponents of this bill as to whether or not it is legal or illegal or criminal or just having fun.

At present, violating a person's lawful rights and interfering with municipal elections by targeting noncitizens are not only domestic legal liabilities, these are also crimes under international law where noncitizens, immigrants, and related ethnic minorities are concerned.

Under the Trump administration, United States officials, and even its citizens are uniquely vulnerable for prosecution in the ICC for actions targeting noncitizens. This is due to a bit of a gaffe Trump made with his Mass Deportation Scheme: Some of this policy was carried out on Salvadoran soil, which opens the door for the ICC to assume jurisdiction on territorial grounds without a referral from the UN Security Council.

Previously, yes, the US was pretty well bulletproof and we could do whatever we wanted with little consequence, but this single reckless choice, compounded by Trump's attempt to cripple the ICC through sanctions in 2025, and threats

of further sanctions on the ICC, after he begged the court for immunity, and was denied--has changed all this.

**Today, I became squarely convinced that, yes, we will be:** I called the Hague. I was looking to find out if it was possible for the state of Kansas to win an injunction against the federal government from committing crimes against humanity on Kansas soil, and she didn't really tell me one way or another if that was possible. What she told me, instead was alarming: she asked me to report make a report to the International Criminal Court Office of the Prosecutor via this online form: <https://otplink.icc-cpi.int/submission>

Specifically, she was talking about the recent public advertisements for a \$4 million pay differential offered to State prison employees contingent upon the grand reopening of CORECIVIC as an ICE detention facility. Yes. That shocked me, too

And that is all she told me. I don't think she really answered my question about how to protect Kansans. Except she *did* answer my question about how to protect Kansans, or maybe I answered it myself: **Don't break the law.**

Whether or not the United States leadership believes citizens and government officials of this country *should* be held liable for violations of international criminal law really has no bearing on whether or not we *will* be. I reiterate, Trump has begged for immunity from this court, then resorted to further threats. He was denied.

**Do not be fooled by the soothesayers, the salesmen, the pundits, posdcasters, policy wonks and silver-tongued attorneys who would assure you that United States is not bound by international law. Might does not make right, and where once our leaders were careful, men with reckless disregard for consequence are eager to lead us to ruin.**

Find comfort, rather, in this portion of article 25 paragraph 3 section (f) of the Rome Statutes:

*"However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose."*

Don't break the law. Don't make lists, don't make accusations, don't conduct useless investigations, don't make questionable alterations to the voting rolls, don't go fishing, just leave immigrants and minorities alone.

I further question the candor of several of the proponent's of this illegal voter intimidation elections interference law's attestations of honest intent where more straightforward answers are easily had. Has the question, "Are you a US Citizen been removed from voter registration forms?" That is most likely the easiest way to identify noncitizens.

While a hollow excuse for a cumbersome action likely to cause far more errors than it could possibly resolve seems pretty decent for plausible deniability, that's just not plausible in the first place. So deniability is NIL

The most likely outcome of this law will result in the removal of citizens having Spanish names and indigenous American ethnicities removed from the voter roles, instead. Other states around the country. have already begun to dragnet personal information of noncitizens and they were sorely mistaken to make these criminal illegal voter suppression elections interference laws. We know that will happen. We have already been through this once, with Kobach: This will be far worse, and of far graver consequence. The Hague is pretty nice, to be sure. But that's only for pre-trial detainees. It's just a jail, not really a prison. If you vote for this law, there is no telling where you will be.

Any action to target or intimidate immigrants, to put them on a list, to scrutinize them, deprive them of legal rights, or even to deprive citizens with foreign sounding names and different ethnicities of legal rights, to subject them to undue investigations, especially the most vulnerable, impoverished, and defenseless of this population, is cruel. It is bigoted, and it is predatory, and it is illegal, and anything our state government does to further violate noncitizens, racial, and ethnic minorities is easily an act of collusion with federal policies that have the total effect of the crimes of genocide, apartheid, forced deportations, forced disappearance, torture, slavery, and and various other crimes well enumerated by the Rome Statutes.

Myself and others have given you fair warning of the effects of this legislation upon the communities targeted by this list.

You have received fair warning that this legislation is tantamount to none but a very public, very criminal abuse of the law .

I will be frank: the person who introduced this legislation didn't look like a predator me, many of us here simply want to be of service to our government and to our country. These are trying times. These are difficult times. Do not be fooled about what master you truly serve, and look to serve justice. Look to serve Kansas. Vote against this bill.

Don't Jump on the illegal voter suppression elections interference bandwagon. The ICC isn't going to pardon you. A dragnet of our most exploited, vulnerable, hated, and fearful residents isn't some sort of civilized act in service of democracy. This is reactionary politic that feeds fearmongering amongst the public. This is not only an act instrumental to a broader campaign to violate the rights of immigrants, this is intimidation.

**Everyone on this committee is fully aware of the crucible of fear this country has shoved not only the citizenry, but immigrants themselves into. Stop. NO LISTS.**

See 8-13: due process, etc Context: ICE detention - Crimes Against Humanity Article 7 subsection (e) under Rome Statute

<https://www.ohchr.org/en/instruments-mechanisms/instruments/body-principles-protection-all-persons-under-any-form-detention>

See Genocide: Article 6 subsection (b) (reference solitary confinement) (c) denial of medical treatment (d) preventing live births: HB2491 (Rep Proctor's Statements about pregnant immigrants targeted by this law)

See Crimes Against Humanity: Article 7 (b) (c) (d) (e) (f) (h) (i) (j)

<https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

The Kansas legislature has not yet implicated itself in any crimes of Agression (Article 8) to date.