



## **Senate Bill 4**

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**Kansas State Legislature**  
**Senate Committee on Federal and State Affairs**

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Chairman Thompson and honorable members of the committee, my name is Madeline Malisa, and I am a Visiting Fellow at the Opportunity Solutions Project. OSP is a non-partisan, non-profit organization. We work in more than 40 states across the country with one goal—to help more people achieve the American Dream. I appreciate the opportunity to speak today in support of SB 4.

SB 4 will ensure that Election Day is Election Day in Kansas. Mandating the return of advance voting ballots by 7:00 p.m. on Election Day is a sensible policy that balances the need for timely results with the opportunity for voters to participate in advance voting. Furthermore, having a standard rule that applies to all ballots removes any uncertainty over whether ballots received after the close of polls should be counted.

USPS postmarks are not a reliable way to know when a ballot is sent; ballots can be returned without postmarks, making it impossible to tell whether these ballots should be counted. This can lead to ballots being mailed simultaneously and being treated differently, which is an unfair result. This clear deadline helps streamline the process and ensure ballots are treated fairly.

A ballot receipt deadline other than Election Day is also confusing for voters, and this bill will eliminate that. For example, in 2020, voters in Kansas experienced this firsthand when more than 1,500 ballots in the August primary either arrived too late or weren't postmarked by Election Day. And those lost votes could have changed the outcome of an election, with five state legislative primary races decided by fewer than 50 votes.<sup>1</sup>

A majority of states across the country requires ballots to be received by Election Day including Arkansas, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee.<sup>2</sup>

SB 4 will provide voters with clarity in the election process, and confidence in outcome. For all these reasons, I urge you to support this legislation. Thank you for your time and I'm happy to answer any questions.

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<sup>1</sup> The Associated Press, "1,500 mail ballots arrived too late to count in Kansas," KWCH 12 News Kansas, (September 25, 2020), <https://www.kwch.com/2020/09/25/1500-mail-ballots-arrived-too-late-to-count-in-kansas>.

<sup>2</sup> AR Code § 7-5-411(a)(1)(A)(i), Mo. Rev. Stat. 115.293 (1), Neb. Rev. Stat. § 32-950, Okla. Stat. 26 § 14-104, S.D. Codified Laws Ann. 12-19-12, Tenn. Code Ann. 2-6-304 (d).