

Opponent Oral Testimony on Senate Bill 4
Senate Committee on Federal and State Affairs
Davis Hammet – Loud Light Civic Action
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Chair Thompson, Members of the Committee,

I'm the President of Loud Light Civic Action which works to protect and advance voting rights. I've worked on Kansas election policy for the last decade and appreciate the opportunity to speak.

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.

USPS Coordination is the Appropriate Forum to Address Mail 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 last week that USPS is aware of issues in Kansas with mail processing 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 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

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.