

Date: January 22, 2025
Bill number: SB 4
Opponent
Conferee: Ann E. Mah
Representing: Self

Chairman Thompson and Members of the Committee:

Please accept my testimony in opposition to SB 4. This bill changes the deadline for receiving an advance ballot by mail from the last delivery of mail on the third day following an election to 7:00 p.m. on the date of the election. If passed, this bill would likely disenfranchise thousands of voters across the state of Kansas.

The deadline was changed in 2017 with the passage of HB 2158, sponsored by Rep. Vic Miller. The Kansas Legislature correctly changed the acceptable delivery date to three days following the election in recognition of several factors. First, most voters had already believed prior to HB 2158 that if they just got their ballot in the mail by election day it would be counted. They would have been surprised and disappointed to know that was not the case. Prior to HB 2158, thousands of Kansas voters' ballots were thrown out because of this misunderstanding and the voters didn't even know it.

Second, there was no reason not to allow voters' ballots to be counted if they were mailed by election day. It was a reasonable expectation on the voters' part and was easily accommodated. Three days following the election was a reasonable amount of time for receipt.

Third, the US Postal Service (USPS) made adjustments to the delivery system such that delivery times were extended in Kansas. What used to make it to the election office in one day was taking routinely longer with the closure of sorting facilities. Mail from Topeka now goes to Kansas City for sorting. Some Kansas mail goes to Nebraska and back. And things have only gotten worse since then. Who could forget the admonitions across the state advising voters not to use the US mail, but to deliver their ballots in person in November 2020 and again this past general election? But personal delivery is not an option for many. To make matters worse, in 2021 the Kansas Legislature voted to suppress the opportunity for neighbors to help neighbors get their ballots to the election office by making that a crime in many cases. With the 2021 voter suppression law, more voters are now forced to trust the USPS to deliver their ballots. Changing the receipt date back to 7 pm on election day puts voters into even more of a "postal roulette" challenge. They have no idea how many days ahead they need to mail a ballot to get it to the election office by election day. A letter I once sent from the east to the west side of Topeka took more than two weeks to be delivered!

I would also like to bring to your attention some data I received from the Shawnee County election office regarding mail in ballots. The Shawnee County election office reported that

217 ballots were received in the US mail in the three days following the 2020 election. 217 citizens whose votes would be denied by this bill. But there would likely be more than that in a more “ordinary” situation. In 2020 the pressure was on to deliver your ballots to a drop box instead of using the unreliable US mail. In Shawnee County, mobile drop boxes were set up outside of the election office. 3235 ballots were dropped off at the election office. But another 8690 were dropped off at mobile locations. If the drop boxes had not been available, even more ballots would have been received after election day. You can extrapolate these numbers across the state and the result of SB 4 is massive voter disenfranchisement.

The Shawnee County Election Office reported that in 2022, 291 ballots were received legitimately and counted after election day. Statewide there would be thousands. The fact is, the election is NEVER over on election day. There are always provisional ballots to account for. Is the next step to throw those out as well?

And let’s not be coy, here. We all know what this is really about. It is not about voting security or voter fraud. This is about pure partisan politics. In November 2024, Kansas Democrats cast 66,500 ballots by mail and Republicans 62,700, even though there are nearly twice as many registered Republicans than Democrats in the state. Nothing like trying to suppress the vote of the opposing party just because you have the power to do it. Even though both Republican and Democratic ballots would be tossed out with this bill, it is clear a disproportionate number of Democratic ballots would be discounted.

But the real “tell” here that this is about voter suppression is that there is no provision in the bill to educate the public about any change in the law. I guess the plan is to sneak this in and let folks think they can still mail ballots safely on election day, not knowing the plot to discount their votes.

The three-day delivery time was a good idea in 2017 and an even better idea in 2025. In fact, you might consider extending the time beyond three days, not shortening it, until the USPS delivery problems are resolved. FYI, HB 2158 passed 123 yeas to 1 nay in the House, and 40 yeas to 0 nays in the Senate. Before voter suppression became the norm in Kansas, we worked together to make sure every vote counted. I hope this 2025 Legislature has that same common-sense, bipartisan, and courageous approach to fair elections by defeating SB 4. Otherwise, we are looking at blatant voter suppression once again.

Submitted by:

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