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## STATE OF KANSAS

January 22, 2025

### **Testimony on SB4 (Oral Neutral)**

Senate Committee on Federal and State Affairs

Submitted: Tuesday, January 21, 2025

Chairman Thompson and members of the Committee:

Thank you for the opportunity to provide comments to the committee on Senate Bill 4. Our office is neutral on this legislation but wishes to make general background comments.

SB4 would remove the provision in K.S.A. 25-1132(b) allowing advance by mail ballots postmarked by 7:00 p.m. on Election Day and received by the county election office by the last postal delivery on the third day following the election to be counted. The Kansas legislature added the provision in 2017 in response to reports from the United States Postal Service that the standard time to deliver first-class mail increased from 3 business days to 5-7 business days. It also moved the cutoff for requesting an advance mail ballot earlier in the process, from the last Friday before the election to no less than seven days before the election.

State law requires voters to submit a request for an advance by mail ballot before every election. After receipt, review, and approval of such request, the county election office mails the advance by mail ballot to the voter beginning 20 days before the election. There has never been a mail ballot received in the 3-day period that was not requested and returned by a registered Kansas voter.

Approximately 97% of all ballots cast are counted and reported on election night; 2.5% of all ballots counted are provisional ballots that are added to the count at the county canvass; 0.25% are advance by mail ballots received on or before Election Day and other ballots that must be counted by hand; and 0.25% of all ballots counted are advance by mail ballots that are received within the three-day grace period. This data varies by election and county.

In the 2024 Kansas General Election

- Total ballots transmitted by mail – 163,405
- Total ballots returned by voter – 147,359
- Total ballots received after Election Day and counted – 2,110 (1.5%)
- Total ballots received after the 3-day period and not counted – 603
- Total ballots received with no postmark after Election Day – 104

If SB4 becomes law, Kansas voters temporarily living out of state who do not qualify for federal voting status (e.g. college students) may have increased difficulty in returning their advance by mail ballot by Election Day without the use of overnight delivery.

Should SB4 become law, we respectfully request that remote ballot boxes remain available to voters as a secure and accessible method to return their advance by mail ballot. Voters may use a remote or polling place ballot boxes to return their advance by mail ballot up to 7:00 p.m. on Election Day, when these ballot boxes are sealed, and no additional ballots may be submitted.

Thank you for the opportunity to provide comments to the Committee.

Respectfully submitted,

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