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PAT PROCTOR

41ST DISTRICT

LEAVENWORTH, FORT LEAVENWORTH & KICKAPOO

February 04, 2025

Chairman Mike Thompson
Chair, Senate Committee on Federal and State Affairs.

Mr. Chairman:

Thank you for allowing me to appear in strong support of HCR5004.

This Resolution proposes an amendment to the Kansas Constitution to make it clear that only U.S. Citizens are allowed to vote in any election in the state of Kansas -- from bond issues and local elections to presidential elections.

There is currently no measure in the Kansas Constitution or Kansas statute barring non-citizens from voting. The Constitution's framers considered this principle so obvious that they didn't even explicitly state it in the Constitution. Instead, they made it explicit that a U.S. Citizen could not, without due process of the law, be prevented from voting in the state of Kansas (if they are 18 and a resident of the district where voting).

There is a federal law barring non-citizens from voting in federal elections. And there is a nearly 100-year-old court decision ruling on who is eligible to hold a county office that has been subsequently interpreted to bar non-citizen from voting in elections for state offices. But there are no decisions and no statutes preventing a municipality from allowing non-citizens to vote in a municipal election. Further, this or a future Kansas Supreme Court could overturn previous judicial precedents in the state and allow non-citizens to vote in elections for county and state elections, as well.

The Constitutional amendment proposed in this resolution would preclude a municipality or future Kansas Supreme Court from allowing non-citizens to vote by making explicit in the Kansas Constitution the principle that only U.S. citizens may vote.

Sincerely,

Pat Proctor, PhD.
Colonel, U.S. Army, Retired
State Representative
Kansas House District #41
Leavenworth, Fort Leavenworth, and Kickapoo