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Senate Bill 445
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Proponent Testimony: Virtual



Testimony in Support of Senate Bill 445

Kansas State Legislature
Senate Committee on Federal and State Affairs

February 16, 2022

Stewart Whitson
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Chairman Olson, Vice Chairman Hilderbrand, and members of the committee,

Good morning, my name is Stewart Whitson, and I am a visiting fellow at Opportunity Solutions Project (OSP). OSP is a non-profit, non-partisan advocacy organization dedicated to advancing policies that reduce barriers to work and promote free and fair elections by making it easy to vote, but hard to cheat.

Thank you for allowing me the opportunity to submit this testimony in support of Senate Bill 445.

Prior to the 2020 elections, drop boxes were not widely used in Kansas. Then, in response to the COVID-19 pandemic, everything changed. In 2020, Kansas saw the number of drop boxes increase by more than 180 thanks to an offer by the Secretary of State to purchase two boxes for every county, with 79 counties requesting two new boxes and 12 counties requesting one new box.¹ Johnson County requested seven new drop boxes through this program (bringing its total in 2020 to at least eight).² Counties purchased even more additional drop boxes on their own using generous federal grants to pick up the cost.³ For instance, Douglas County purchased eight new drop boxes, and with the two received from the state, ten new drop boxes were added in that county alone.⁴

Of course, drop boxes can add a level of convenience for voters, but with that added convenience comes several problems that can undermine the integrity of elections and erode voter confidence in electoral outcomes.

One of those problems is that unsecured drop boxes invite tampering, theft, or destruction. Examples of this abound. For instance, in 2020, we saw reports of ballots left in unsecured drop boxes being destroyed by fire in Boston and Los Angeles.^{5 6} In 2021, an unsecured ballot drop box was vandalized overnight, with only one of the mail ballots it contained surviving undamaged.⁷ Also in 2020, election officials in Virginia received complaints from dozens of voters of missing ballots deposited in a drop box located outside of the Richmond City Hall.⁸ Those ballots were never found nor were they able to determine how they were removed from the unsecured ballot box without any sign of tampering. By simply placing ballot drop boxes inside a secure building and requiring they be monitored in-person whenever they are accessible to the public, as S.B. 445 would require, all of the inherent risks of drop boxes could be largely eliminated.

Another inherent problem with drop boxes is that they can unwittingly serve as a tool to help facilitate fraud by partisan ballot harvesters and other criminals. Ballot harvesters who prey on vulnerable Kansas voters, including the elderly and people with disabilities, can use unsecured drop boxes to help facilitate their efforts. For instance, in Pennsylvania this past fall, a county commissioner called for an investigation after surveillance footage captured a man stuffing multiple ballots into a drop box.⁹ The act was caught by surveillance cameras but only came to light after the commissioner obtained the footage through a right-to-know request, and then

personally reviewed it himself after the sheriff's office acknowledged they did not have the manpower to review the video themselves.¹⁰ This example illustrates the need for in-person monitoring as opposed to relying exclusively on 24-hour surveillance cameras to identify and discourage the exploitation of drop boxes by illegal harvesters. This bill would codify that requirement into Kansas law.

By placing drop boxes in secure public buildings and requiring they be continuously monitored by an employee of the county election office during those times when the ballot box is accessible by the public, the two inherent problems which unsecured ballot boxes invite, which I just described, can be largely addressed. This is exactly what S.B. 445 calls for.

Without a doubt, offering drop boxes with no real security or oversight would be easier for election officials and easier for voters, but the duty of the Kansas Legislature is not only to pass laws that make it easy to vote, but to also institute fair and commonsense measures that make it hard to cheat, while inspiring confidence in Kansas voters that all legally cast ballots are counted.

This bill takes a big step in that direction, and for these reasons we strongly support it.

Thank you for your time,

Stewart Whitson,
Visiting Fellow
Opportunity Solutions Project (OSP)

¹ Celisa Calacal, "How ballot drop boxes could help Kansans voting by mail this year," The Kansas City Beacon (October 12, 2020), <https://thebeacon.media/stories/2020/10/12/how-ballot-drop-boxes-could-help-kansans-voting-by-mail-this-year/>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Tim Elfrink & Paulina Villegas, "A disgrace to democracy: Man arrested in alleged arson of a Boston drop box," The Washington Post, (October 26, 2020), <https://www.washingtonpost.com/nation/2020/10/26/boston-ballot-dropbox-arson-election/>.

⁶ Kira Lerner, "States target ballot drop boxes in fight over voting rights," Kansas Reflector (February 12, 2022), <https://kansasreflector.com/2022/02/12/states-target-ballot-drop-boxes-in-fight-over-voting-rights/>.

⁷ Caitlin Antonios, "Voting drop box vandalized in Ontario," The Sun (August 24, 2021), <https://richmondstandard.com/richmond/2020/10/29/ballot-box-theft-rumors-in-richmond-unfounded-officials-say/>.

⁸ "Elections officials investigate reports of missing ballots," The Richmond Standard (October 29, 2020), <https://richmondstandard.com/richmond/2020/10/29/ballot-box-theft-rumors-in-richmond-unfounded-officials-say/>.

⁹ Borys Krawczeniuk, "A video appears to show a man stuffing a ballot box in Lackawanna County; a GOP county commissioner wants an investigation," The Morning Call (October 9, 2021), <https://www.mcall.com/news/breaking/mc-pa-ballot-stuffing-20211008-4npoby5nmnbszmvtxrgw6hbg5u-story.html>.

¹⁰ Christen Smith, "Ballot harvesting video in Pennsylvania draws criticism," The Center Square (October 12, 2021), https://www.thecentersquare.com/pennsylvania/ballot-harvesting-video-in-pennsylvania-draws-criticism/article_3b5be18e-2b76-11ec-9a25-f3e5be9dbfec.html.