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STATE OF KANSAS

Testimony on HB2056 (Oral Neutral)

House Committee on Elections

Thursday, January 26, 2023

Chairman Proctor and members of the Committee:

Thank you for the opportunity to provide comments to the committee on House Bill 2056. Our office is neutral on this legislation but wishes to address several technical issues.

HB2056 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 would be 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. The last day to submit a request for an advance by mail ballot is seven days before the election. Considering this short timeframe, the legislature authorized advance by mail ballots postmarked by Election Day and received within three days following the election to be counted.

Approximately 97 percent of all ballots cast are counted and reported on election night; 2.5 percent of all ballots counted are provisional ballots that are considered and counted at the county canvass; .25 percent are advance by mail ballots received on Election Day and write-in or other ballots that must be counted by hand; and .25 percent of all ballots counted are advance by mail ballots that are received within the three-day grace period.

Further, Kansas voters temporarily living out of state that do not qualify for federal voting status (e.g., college students) may experience difficulty in returning their advance by mail ballot by Election Day without the use of UPS or FedEx delivery.

In 2016, the Secretary of State's office began tracking the number of advance by mail ballots that were received after Election Day. In the 2016 general election, approximately 1,500 advance by mail ballots were received after the election and were not counted. During the 2022 general election, all 105 counties reported that roughly 1,000 ballots that were postmarked by Election Day and received by the third day were counted.

Lastly, voters may use a ballot drop box as a method of returning their advance by mail ballot. At 7:00 p.m. on Election Day, ballot drop boxes are locked and no additional ballots may be submitted. Should HB2056 become law, we respectfully request that ballot drop boxes remain available to voters as a secure and accessible method to return their advance by mail ballot.

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

Respectfully submitted,

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General Counsel