



Kansas

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## HB 2053 Opponent Testimony – Written Only

**Aileen Berquist, Policy Director**  
**American Civil Liberties Union of Kansas**

**Senate Federal and State Affairs Committee**  
**Wednesday, March 22, 2023**

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Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the American Civil Liberties Union of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in our state. Thank you for the opportunity to present testimony today.

The ACLU of Kansas is committed to defending the right to vote and upholding secure, accessible means of voting for all. As such, we are deeply concerned about the many election-related bills introduced this session that limit the accessibility of voting for Kansans or tamper with a well-functioning electoral system because of unsubstantiated concerns about the integrity of our elections. There is not now, nor has there been, any legitimate reason to limit the use of ballot boxes in Kansas. Though not explicitly stated, a potential outcome of HB 2053 is the creation of regulations that will undermine the principles we are trying to uphold. Because of this, we oppose HB 2053.

We value local control of elections, within established law, for a very important reason: what works in one county will not always, or even often, work in another.

### **Local Voter Preference**

Voters in communities across the state have different preferences and different needs. A rural community may deeply value their ballot box because it saves them from driving another 15 minutes out of their way to drop their ballot at the election office after a long trip into town. A city voter who is running errands all over may not need to access their local ballot box. There is no single regulation that will make sense for every county, and by trying to standardize ballot boxes the state would hamstring local officials who know their communities best.

### **Local Election Funding**

It is no secret that some county election offices are more financially supported by their county commission than others. This bill is incredibly vague about what kinds of rules and regulations are to be established by the Secretary of State's office. For example, a regulation could be written that requires 24-hour supervision of all remote ballot boxes by an election official. At a time when staffing elections is becoming increasingly difficult, simply finding the people to

serve this function would be arduous. Paying for them would be another matter entirely. These considerations may have the effect of forcing smaller or lesser funded counties to pull their remote ballot boxes entirely. Alternatively, regulations could conceivably be created to mandate one box per precinct, placing a significant financial and logistical burden on elections offices. Allowing local elections officials to make decisions about the administration of elections based on available funding is common sense.

### **Variability Every Four Years**

Opening regulation of ballot boxes to the Secretary of State's office would create an opportunity for wildly variable rules and regulations with each administration change. What may seem reasonable under one Secretary of State may be considered incredibly unsafe or, alternatively, tantamount to voter suppression by another. Our country is already experiencing attacks on the integrity of our election systems due to wild conspiracy theories that legislatures continue to entertain. Changing how our elections are run every four years is only going to seed additional confusion and doubt.

### **No Proof of Ballot Box Insecurity**

Drop boxes are a safe, convenient, and very popular method for Kansans to cast their ballot. Current drop box procedures protect Kansans' votes—only elections officials can access remote ballot boxes, making these boxes a secure method for casting a ballot. Indeed, there is no evidence to show that current drop box procedures are inadequate: just last fall, United States District Court Judge Daniel D. Crabtree found that there were no facts to support plaintiffs' claim that ballot boxes are a risk to election security. This bill is one of many election-related bills arising from unsubstantiated concerns about the integrity of our elections. It is attempting to create a solution to a problem that is wholly imaginary.

Voting should be easy and accessible to all Kansas voters, and this body has the responsibility to stand up to dangerous electoral integrity conspiracy theories that undermine voter confidence in our democracy. We encourage the committee to focus on legislation that will expand voting access for Kansans and strengthen our voting systems by listening to and empowering local election officials. Please do not vote HB 2053 out of committee.