

Melissa Stiehler
Resident of Topeka, Kansas
Opponent Testimony of SB209
For the House Elections Committee

March 6th, 2023

Chair Proctor and Members of the Committee,

Thank you so much for the opportunity to provide testimony today. I am a resident of Topeka, Kansas and I am deeply opposed to SB209, which would eliminate the 3 day grace period for advanced mail ballots postmarked on or before election day. This restriction of the mail ballot delivery deadline is unnecessary, harmful to democracy, and can only lead to further deterioration of trust in our electoral process.

Voting by mail is deeply rooted in Kansas history and our electoral traditions. Starting in 1868, state law allowed mail voting by military members. In 1902, this was extended to railroad workers. In 1953, to voters with disability or illness that prevented them from voting in person. And widespread absentee voting became legal for all in 1967.

In 1995, by amending the statute from absentee to advance, no excuse mail in voting became available to all Kansas citizens. This shift was motivated by long wait times at election day polling locations and the burden that placed on our local election officials, something Kansas voters have still had to overcome in recent elections.

While the 3 day grace period was only enacted in 2017, this bill was passed with unanimous approval in the Senate, overwhelming bipartisan support in the House with only two in opposition, and the Conference Committee Report was adopted with only one legislator in opposition, Representative Carmicheal. The 3 day grace period was so popular in this legislature because the increased inefficiencies of government provided mail required an extension in the ballot return deadline to prevent arbitrary disenfranchisement.

Director of Elections Bryan Caskey, serving under former Secretary of State Kris Kobach, said in his proponent testimony of the 2017 legislation that enacted the 3 day grace period, "The Secretary of State's office welcomes a discussion on the best manner in processing ballots that are transmitted and returned by mail. The United States Postal Service has decreased the number of locations that process mail in the state of Kansas. As a result, an increase in the amount of time needed to transmit mail has occurred in the last few years in Kansas (and across the country)."

As was pointed out by Rep. Borjon while opposing the elimination of the 3 day grace period last session, government provided mail inefficiencies have only gotten worse, especially in our rural communities. Mail ballots are being processed out of state even when the voter is mailing their ballot to an elections office within their own community. The 3 day grace period is now more important than ever. The elimination of it will only result in more duly cast ballots being arbitrarily rejected with no increased benefit of election security.

Proponents of this legislation say that it will instill more voter confidence in elections, but I counter that discovering your vote was thrown out because of the government's failure to deliver your ballot fast enough will cause far more voter distrust than keeping our safe, secure, and well functioning election system as it currently stands.

In closing, I ask you to please vote no on SB209. Thank you all for your time and I hope you take my testimony into consideration. I am happy to stand for questions when appropriate.