

Opponent Oral Testimony on Senate Bill 365

Senate Committee on Federal and State Affairs

Davis Hammet – Loud Light Civic Action

February 6, 2024

Chair Thompson, Members of the Committee,

SB365 – Reduces Time for USPS to Return Citizens Duly Cast Votes to Election Offices

The main purpose of this bill is to reduce the number of days an advance mail ballot that is properly cast on or before Election Day has to reach the county election office. The result would be the state legislature punishing Kansas voters because of mail delivery shortcomings. USPS has been experiencing delays in mail delivery over the last several years and rural communities face slower mail delivery times in general due to their lack of proximity to a USPS processing facility.

Voter Fraud – Is Not a Valid Concern with 3-Day Grace Period

In Kansas, the entire advanced *mail ballot process is tracked, documented, and available as a public record*. Every advance *mail ballot is associated with a specific voter*. Each ballot's journey is recorded from the initial application for the ballot to be sent to the time when the ballot arrives at the election office. Further, any advance ballot that arrives at the election office during the grace period must have a *dated postmark as proof* that it was mailed on or before Election Day to count. While it's already a *federal crime to alter such mail*, the Kansas Legislature passed HB2183 (originally SB11) in 2021 making it a *state crime to backdate or otherwise alter the postmark* on an advance ballot. It was made to address any security concerns justifying SB365. Reviewing Kansas statute, *any nefarious interference in the advance mail ballot process is a crime*.

Perceptions – Election Night Results are Preliminary and Have Always Changed

Election night results have never been final results. We do not have real election results until 1 to 2 weeks after Election Day when tens of thousands of provisional ballots have been processed and the county canvass concludes. The perception issues raised around “outcomes changing” and “voter fraud” are based on misunderstandings and misinformation. Such issues are addressed by educating voters on the election process and procedures not by passing policies and laws that disenfranchise voters.

Voter Confidence – Is Undermined When Citizens Duly Cast Votes are Thrown Out

This bill will not improve free and fair election perceptions. Conspiracy minded individuals who were unsatisfied by the voter restriction bills of the past few years will similarly be unsatisfied by this bill, but other Kansans will increasingly doubt the legitimacy of the election process if the legislature indulges baseless accusations by passing harmful election restrictions that lead to future news headlines about Kansas voters having their ballots thrown out.

Conclusion – SB365 is a Voter Suppression Bill

With security concerns addressed and an understanding that counting takes 2 weeks regardless, the only purpose of the bill is to disenfranchise Kansans for the crime of having slow mail provided by the government. The bill's justifications have no basis in fact. That's why efforts to abolish the 3-day grace period every year since 2020 have been met with bipartisan opposition and failed.

SB365 does not advance any government interest, does not enhance security, and goes against the public interest. We recommend this committee oppose SB365. Thank you. I'm happy to stand for any questions when appropriate.