



Michael Poppa
Executive Director
contact@mainstream.vote

Senate Committee on Federal & State Affairs
Chair, Sen. Mike Thompson
Hearing: February 6, 2024

Re: Opposition Testimony, Written-only
SB365– Requiring all advanced voting ballots be returned by 7:00 p.m. on election day.

Chair Thompson and Members of the Committee,

Mainstream opposes SB365, requiring all advanced voting ballots be returned by 7 p.m. on election day.

Voting by mail has been a safe, effective and popular way for Kansans to cast their ballot for the past decade. If the voter protection period did not exist, over tens of thousands of Kansans would have their vote disqualified for no valid reason.

There are infinite reasons why a ballot postmarked on or before election day may not be received by 7:00 p.m. on election day. You can easily imagine a scenario where a post office may have unforeseen delays - a natural disaster, weather, mechanical malfunctions, staffing shortages, etc. - that would prevent a ballot from being received in time. This bill would throw that ballot out, even though the voter is in no way at fault.

Kansas voters expect to have their vote counted as long as their ballot is mailed on or before election day. This is a logical assumption, and one that this bill will do nothing to prevent. Additionally, removing the 3-day voter protection period would create a double standard that disenfranchises mail ballot voters and favors individuals who vote in-person on Election Day.

As is the case with numerous elections-related bills that have been introduced in the Kansas Legislature, we question the purpose of SB365. There is no credible evidence that accepting mail ballots during the voter protection period leads to fraud or security concerns. In fact, we have heard repeatedly from the Secretary of State as well as a number of County Election Officials that Kansas elections are, in fact, secure. This bill instead disenfranchises voters -- specifically voters who rely on a system of advanced mail ballots that this state has successfully been implementing for over 25 years.

Founded in 1993, the Mainstream is a nonpartisan nonprofit that advocates for common sense public policy in Kansas. Our members do more than vote.

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When this legislature chose seven years ago to extend the amount of time that a mailed ballot could be received, it affirmed to voters: "We understand how important your vote is, and we will enact reasonable measures to make sure your vote is counted." If this proposed legislation becomes law, you would be going back on your promise to all Kansans. This is simply the wrong message for Kansans, and for the democratic process.

Kansans deserve the right to cast their ballots safely without unnecessary government interference. SB365 is a solution in search of a problem - a solution that would make it harder for eligible registered voters across Kansas to have their votes count.

We respectfully urge you to please oppose SB365, and keep Kansas elections secure, fair, and accessible to all eligible registered voters.