

Opponent Oral Testimony on House Bill 2020

House Committee on Elections

Davis Hammet – Loud Light Civic Action

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Chair Proctor, Members of the Committee,

I'm the President of Loud Light Civic Action which works to protect and advance voting rights. I've worked on Kansas election policy for the last decade and appreciate the opportunity to raise concerns within the proposed language of HB2020.

Opposition to Proposed Bill Language, Not Underlying Maintenance Practice

We support improvements to internal voter roll maintenance that enhances accuracy while not placing additional burdens on citizens. We do not oppose the underlying concept of utilizing DMV records to flag potential inaccuracies in the voter file; however, there are many unique considerations in accurately matching any two sets of data. Given the nature of what is at stake, the right to vote, the procedures and language codified into statute must be handled with great care to comply with federal law and prevent eligible voters from being disenfranchised.

Registration: Delete vs. Cancel

The bill directs the SoS to “delete any names of noncitizens that appear on the voter rolls”; however, the standard language used is to “cancel” a registration. Is this intended to force an entry into ELVIS that is different from standard cancellation entries?

Match Criteria & False Positives

There are many challenges when comparing two datasets and trying to determine which individuals are in fact an actual match between the sets. False positives, meaning an apparent match that isn't an actual match, are notorious and common. It is important to keep in mind that “matching” is a helpful tool to flag potential concerns worth investigating and not definitive proof that someone is improperly registered.

Legal Authority for Proof of Citizenship

HB2020 states that the “deleted” individual “may be reinstated on the voter registration rolls by proving proof of their citizenship”. What does this mean? Given the Fish federal court injunction, what is the legal authority and how would the process work?

Conclusion

Right now, the Secretary of State is performing their first maintenance schedule using the DMV's temporary driver's license dataset. In a few months, we will have a better understanding of how that process occurred and the challenges that came up. As written, the language in HB2020 goes beyond simply authorizing the maintenance. It uses language that is non-standard to voter maintenance practices, appears to violate due process, and appears to require the state to demand undefined documents that it may be legally enjoined from demanding.

We recommend the committee either wait to learn more about how the Secretary's initial round of DMV TDL maintenance goes before encoding it into statute, limit the language to only authorize the list being sent to the SoS, or engage in a deep dive to rework the language to address the legal and practical concerns raised. Thank you. I'm happy to stand for any questions when appropriate.