

Legislative Testimony

In **Opposition** to HCR5004
House Committee on Elections
January 23rd, 2025

Written Only

Chairman Proctor and Members of the Committee:

My name is Rashane Hamby and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonpartisan, non-profit organization with more than 35,000 supporters across Kansas that works to preserve and strengthen the civil rights and liberties of every person in our state. I am writing to express my opposition to HCR5004. This constitutional amendment is redundant and sets a dangerous precedent of meddling with the Kansas Constitution. HCR 5004 is nothing more than an unnecessary attempt to reinforce what is already established in Article 5, Section 1 of the Kansas Constitution. The right to vote is already restricted to U.S. citizens over the age of 18, with absentee ballots available for those who have recently moved or are temporarily out of state. This amendment serves no practical purpose beyond political posturing, setting a dangerous precedent for manipulating the Kansas Constitution on redundant issues and potentially paving the way for restrictive voting laws in the future.

Unnecessary Bolstering with Harmful Consequences

With the introduction of this redundant and harmful amendment, the Kansas Legislature is opening the door to the erosion of civil liberties under the guise of election integrity. HCR 5004 not only reiterates what is already established in Article 5, Section 1 of the Kansas Constitution, but it also lays the groundwork for future restrictions, such as requiring documentary proof of citizenship to vote— a tactic previously struck down in court for disenfranchising tens of thousands of eligible voters, particularly naturalized citizens, seniors, and low-income individuals.

This amendment could serve as a precursor to the reintroduction of a proof-of-citizenship requirement for voter registration. In 2011, the Kansas Legislature passed the Secure and Fair Elections (SAFE) Act, which mandated documentary proof of citizenship, such as a birth certificate or passport, to register to vote. This law resulted in the wrongful disenfranchisement of over 31,000 eligible voters, disproportionately impacting young voters, low-income Kansans, and naturalized citizens. The law was ultimately struck down in 2018 when a federal court ruled it unconstitutional, citing a lack of evidence for widespread noncitizen voting. Even Republican Secretary of State Scott Schwab later admitted that the law "wasn't a good idea."

The language in HCR 5004 could be weaponized to justify a return to restrictive voter registration laws, as it explicitly conditions voter eligibility on U.S. citizenship, despite no evidence of noncitizen voting in Kansas elections. Furthermore, the amendment's reference to "laws of this state relating to voting for presidential electors" could allow legislators to tighten residency requirements or impose further barriers under the pretense of aligning with federal law.

www.aclukansas.org
913-490-4100
Post Office Box 13048
Overland Park, KS 66282

ACLU
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If this resolution merely echoes existing law, then what is its true purpose? Rather than strengthening democracy, HCR 5004 is a political maneuver designed to justify future rollbacks of voting rights in Kansas—a dangerous precedent that could lead to further amendments or legislation aimed at restricting access to the ballot¹.

Changing Proactive Voter Language to Restrictive, Anti-Voter Language

This constitutional amendment changes the language of the Kansas constitution from the federal default standard promoting everyone one who fits the following criteria are able to vote, to only those who fit these criteria may vote. This subtle but dangerous distinction promotes voter suppression through its exclusionary tone, instead of inclusionary and default language.

In conclusion, HCR 5004 Is redundant and harmful, paving the way for the encroachment of civil liberties of Kansas, rather than solving any issue that currently exists. This amendment could lead way to versions of the proof clause, as well as creation of harmful voter suppression legislation in the future. Its language and tone undermine the federal constitution’s inclusionary language, instead changing the tone to restrictive and exclusionary.

For the reasons listed above, I urge you, please vote no on HCR5004.

Rashane Hamby

Director of Policy and Research