

Opponent Oral Testimony on House Concurrent Resolution 5004

House Committee on Elections

Davis Hammet – Loud Light Civic Action

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Chair Proctor, Members of the Committee,

The Kansas Constitution has Clearly Required U.S. Citizenship to Vote for Over a Century

“This amendment would clarify that only a person who is a citizen of the United States... is eligible to vote in this state.” Clarify for who? The Kansas constitutional requirement of U.S. citizenship for enfranchisement has been clear to those who administer elections and the Courts that rule on election controversies for over a century. In 1917, a Kansas Constitutional Amendment “Allowing only citizens of the United States to vote” was passed. In 1924, the Kansas Supreme Court ruled in the case *State ex rel. Gregory v. Irey*, 225 P. 1050 that “The Kansas constitution in its original form perhaps qualified this rule by giving aliens who had declared their intention of becoming citizens a different status through allowing them to vote. (Art. 5, § 1.) This privilege was withdrawn in 1918 by the amendment of the section cited, so as to restrict the right of suffrage to citizens. This change in the policy of the state explicitly depriving aliens of the right to vote.” The U.S. citizenship requirement to be an elector in Kansas and therefore eligible to vote has consistently been affirmed including as recently as last year (2024). Additionally, it has always been clear to the individuals who register to vote when they affirm, under penalty of perjury, that they are citizens who are eligible to vote.

Changes to the Constitution Need to be Taken with the Utmost Care

Our Constitution is a sacred document that needs to be handled responsibly. Changes to this document could have unintended long term consequences that harm our democracy. To say the least, it is irresponsible to make changes to the constitution based on the irrational and baseless feelings of extremists. As lawmakers, you have sworn an oath to this document which requires you to protect it. The fact of the matter is that this amendment does nothing to change the already established requirement of citizenship to vote and is unnecessary.

This Amendment will Cause Harm through Voter Confusion, Sewing Distrust, and Fueling Hate

The only result of this amendment will be to confuse voters about what the current constitutional requirements are for enfranchisement. The debunked conspiracy that non-citizens are voting en masse and those votes are influencing our election outcomes have spread hatred amongst our people. In recent history, this rhetoric has been used as justification for political violence against Kansans of color. The three men who were sentenced in 2019 for their conspiracy to kill Kansas immigrants used the anti-immigrant political discourse from politicians as justification in court for their plot. Anti-asian hate crimes went up 339% in 2021 and 124% in 2020 and is largely attributed to the anti-chinese rhetoric by those in power. Political violence and hate crimes have continued to rise according to FBI reports. As lawmakers and leaders, there is a responsibility to respond to this reality through steadiness, empathy, and accountability, not by stoking the flames of hate.

Conclusion

This amendment does nothing to strengthen our Constitution, it appears to do nothing at all legally, yet it will cause confusion, inflame tensions, and distract from important conversations. We recommend the committee respect our constitutional rights as they currently stand by voting no on HCR 5004. Thank you. I'm happy to stand for any questions when appropriate.