

01/29/2025

HB2021

Opponent

Written Only

Chairman Proctor and Members of the House Elections Committee,

I am submitting my opponent testimony for HB2021. I want to start off by saying I am completely against remote ballot boxes. They are not needed with the amount of early voting that is now allowed in counties throughout the state. Every polling location has a drop box that is monitored by poll workers. No need for a remote box that may be subject to damage or fraud. With that said, I am in strong opposition to this bill that grants the Secretary of State the authority to adopt rules and regulations for remote ballot boxes. I do not support this bill for a few reasons.

- 1) The legislature continues to give away its legislative authority. Stop doing that! Take back your legislative authority and write a well-thought-out bill that makes clear and concise rules. This bill does not have a clear set of parameters or boundaries set for the Secretary of State to stay within. The bureaucracy is left to pretty much do what it wants. I know what the response to that statement will be. I will be told the regulation cannot go against statute. In theory, that is correct. However, theory and real life can be two different things if left unchecked. A previous example of this is KAR 7-47-1. That regulation allowed the Secretary of State to bypass the state statute which called for the use of only paper ballots in post-election audits. The regulation stated that ballot images could be used. Images are not the same as the actual physical ballot. After plenty of public backlash, the regulation and statute were reconciled.
- 2) My second point is the fact the Secretary of State is asking for more guidance from legislators. Just this week, Clay Barker gave a presentation to the Legislative Modernization Committee. Barker noted the office of the Secretary of State often lacks the dedicated personnel to craft a well-defined regulation. He also referenced the legislature's language when granting rule making authority, saying "shall write regulations" is too broad and leads to unintended overreach. If the Secretary of State's office is asking for help, the legislature should give it to them.

For the reasons above I am not able to support bill HB2021.

Respectfully,

Brett Anderson

Republican Precinct Committeeman

Sedgwick County