

# Legislative Testimony

In **Opposition** to HB2016  
House Committee on Elections  
February 6<sup>th</sup>, 2025

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Written Only

Chair and Members of the Committee:

My name is Rashane Hamby, and I serve as the Director of Policy and Research at the American Civil Liberties Union (ACLU) of Kansas. The ACLU of Kansas is a nonpartisan, nonprofit organization with more than 35,000 supporters statewide, dedicated to preserving and strengthening the civil rights and liberties of every Kansan. I submit this testimony in opposition to HB2016. This bill would add an unreliable method of removing voters from the rolls that would fail to ensure the correct person is being removed. There is no evidence that Kansas has a problem of deceased people voting. The current system is sufficient, and this bill would add unnecessary confusion.

## Method Is Unreliable

Removing someone from the voter rolls based solely on an online obituary notice from a funeral home is an unreliable method of removing voters from the rolls. This does not account for people who have the same names as a parent or grandparent who may be removed by mistake. The following is an account of a man who was mistaken for his father on the voter rolls in Sedgwick County in 2010, as told by the Wichita Eagle.

Alfred K. Brewer, a Republican, registered in Sedgwick County with a birth date listed of Jan. 1, 1900. Brewer, according to the comparison of Social Security records and Kansas voter rolls, had died in 1996 yet had voted in the August primary, Kobach said. Reached Thursday at his home where he was raking leaves, Brewer, 78, was surprised some people thought he was dead. "I don't think this is heaven, not when I'm raking leaves," he said. Brewer, who lives in Wichita, said he has been an active voter since he could vote. He first registered to vote in Kansas in 1964. He said he plans to cast a ballot Tuesday. Brewer said his father, who had the same name and, according to Social Security records, was born in 1904, died in 1996. "I'm just as surprised as you are," he said of the mix-up. The date of birth of the still-voting Brewer shows up as Jan. 1, 1900 on voter lists because it is a placeholder used when the election offices don't know someone's birthdate, said Sedgwick County Election Commissioner Bill Gale. Until the early 1970s, people would simply write their age on the voter registration card, but not a birthdate<sup>1</sup>.

Obituary notices do not contain key identifying information about a voter, like their social security number. Without this information, it is not possible to know who is actually being removed from the rolls. Information provided to funeral homes is not always accurate, as it typically comes from family members, who may not have access to accurate information about the deceased due to the nature of the family's

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<sup>1</sup> Sundahl, A. (2016, October 28). *Kansas Secretary of State Kris Kobach's controversial voter fraud investigation* [Article]. *The Wichita Eagle*. <https://www.kansas.com/news/politics-government/election/article1046914.html>

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relationships or who simply may not remember. It is easy to confuse a father and a son with the same name, as shown by the example above. This is why relying on an obituary notice is an unreliable method of removing someone from the voting rolls.

## **Deceased People Don't Vote**

The deceased cannot vote. If there is an indication that someone who the county clerk, voting commissioner, or Secretary of State's office has marked as deceased has in fact voted, something about the information on that voter at one of these offices is incorrect. It may be that the social security number of a living person was incorrectly assigned to someone who is deceased, or a birthdate is incorrect because the actual birthdate is not available. Whatever the circumstances may be, there is no way for a deceased person to actually vote, and there is no evidence to suggest that living people are impersonating the deceased in order to vote in their stead. Any cases of "dead people voting" are, in reality, cases of misassigned data.

## **The Current System Is Sufficient**

The current system for removing deceased people from the rolls is sufficient. Currently, the recently deceased person is removed from the rolls after the election office has collected information on the person from newspaper obituary notices, a list of deceased residents or death certificates compiled by the Secretary of Health and Environment, and the Social Security Administration. After this information is received, the election office can cancel the person's voter registration<sup>2</sup>. To reduce the information needed to solely an online obituary notice leaves open the possibility that someone will be removed in error. Obituary notices lack critical information like addresses and social security numbers that ensure the correct person is being removed from the rolls. This could lead to disenfranchisement of legally registered voters who have the same name or a name similar to someone else. There is an argument to be made that any obituary notice, whether online or in a newspaper, is insufficient grounds for removing a person from the rolls. Again, obituaries lack critical identifying information about the voter that ensures the correct person is being removed from the voter registry. Given the state's history of mistaking very much alive citizens for their deceased parents, as noted in the above account, this is precarious ground.

## **Conclusion**

For these reasons, the ACLU of Kansas is opposed to HB2016. Obituary notices are an unreliable method of identifying the deceased, there is no evidence that Kansas has a problem of deceased people voting, and the current method is sufficient. Indeed, this body should even consider requiring an additional

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<sup>2</sup> Kansas Statutes Annotated, § 25-2316c(f) (2021). *Election laws—provisional ballots—counting and recounting*. Kansas Legislature. <https://kslegislature.org>

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identification method be used alongside an obituary before a person is removed from the rolls, as they lack essential information to identify the voter. I urge you to vote no on HB2016.

Thank you,

Rashane Hamby  
Director of Policy and Research

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[www.aclukansas.org](http://www.aclukansas.org)  
913-490-4100  
Post Office Box 13048  
Overland Park, KS 66282

**ACLU**  
Kansas