



STATE OF KANSAS

February 11, 2025

Testimony on SB4 (Oral Neutral)

House Committee on Elections

Submitted: Monday, February 10, 2025

Chairman Proctor and members of the Committee:

Thank you for the opportunity to provide comments to the committee on Senate Bill 4. Our office is neutral on this legislation but wishes to make comments.

Background:

SB4 would remove the provision in K.S.A. 25-1132(b) allowing advance by mail ballots postmarked by 7:00 p.m. on Election Day and received by the county election office by the last postal delivery on the third day following the election to be counted. The Kansas legislature added the 3-day provision in 2017 in response to reports from the United States Postal Service that the standard time to deliver first-class mail increased from 3 business days to 5-7 business days. It also moved the cutoff for requesting an advance mail ballot earlier in the process, from the last Friday before the election to no less than seven days before the election.

State law requires voters to submit a request for an advance by mail ballot before every election. After receipt, review, and approval of the request, the county election office mails the advance by mail ballot to the voter beginning 20 days before the election. There has never been a mail ballot received in the 3-day period that was not requested and returned by a registered Kansas voter.

Approximately 97% of all ballots cast are counted and reported on election night; 2.5% of all ballots counted are provisional ballots that are added to the count at the county canvass; 0.25% are advance by mail ballots received on or before Election Day and other ballots that must be counted by hand; and 0.25% of all ballots counted are advance by mail ballots that are received within the 3-day grace period. This data varies by election and county.

In the 2024 Kansas General Election

- Total ballots transmitted by mail – 163,405
- Total ballots returned by voter – 147,359
- Total ballots received after Election Day and counted – 2,110
- Total ballots received after the 3-day period and not counted – 603
- Total ballots received with no postmark after Election Day – 104

Arguments for Eliminating the 3-Day Period

- Allowing ballots not in the possession of election officers at close of polls to be counted creates public doubt, undermining confidence in the election system. Currently only 18 states have a grace-period after the election during which mail ballots may be received and counted.



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- Voters who rely on the 3-day period may not have their ballots counted because of slow delivery or lack of postmark.
- With the ability to drop off or have someone else carry a mail ballot to an election office, polling place (early or election day) or remote box, voters have available means to submit mail ballots by close of polls.
- It reduces administrative burden on election staff.

Arguments Against Eliminating the 3-Day Period

- Postal service delivery has gotten even slower since 2017
- Kansas has a comparatively short time-period in which ballots are mailed out and must be returned. Most states mail ballots to voters more than 30 days, many 45 days, before the election. Kansas mails ballots out 20 days before the election.
- If SB4 becomes law, Kansas voters temporarily living out of state who do not qualify for federal voting status (e.g., college students) may have increased difficulty in returning their advance by mail ballot by Election Day without the use of overnight delivery.

Invalid Arguments:

- Late arriving mail ballots cause election results to flip after election night. The reality is that most of the votes added to the election count after the unofficial election night results are from ballots that arrived on or before election day. Most of these votes are added at the county canvass.
- The 3-day period does not aid military or overseas voters. These ballots are mailed out 45 days before the election. In 2017, the 3-day period was not added to the state's military ballot laws (KSA 25-1221) or to the all-mail ballot election laws (KSA 25-433).

Request:

Should SB4 become law, we respectfully request that remote ballot boxes remain available to voters as a secure and accessible method to return their advance by mail ballot. Voters may use a remote or polling place ballot boxes to return their advance by mail ballot up to 7:00 p.m. on Election Day, when these ballot boxes are emptied and sealed.

Respectfully,

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