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**Senate Committee on Federal and State Affairs
Attorney General Kris Kobach
Proponent Testimony for SB 196
Office of the Attorney General
March 6, 2025**

Chairman Thompson and Members of the Committee,

I appreciate the opportunity to provide testimony in support of SB 196, a bill implementing E-Verify for all employees in the State of Kansas. This is a commonsense measure that ensures a legal workforce, upholds the rule of law, and provides a fair system for both businesses and workers. Federal law already prohibits the employment of undocumented immigrants, and E-Verify is the best tool available to help employers comply with these existing laws.

It is important to emphasize that this bill does not criminalize businesses but rather enforces compliance through civil sanctions, such as the suspension of business licenses. The goal is not to punish employers but to ensure that they follow federal employment laws. Kansas businesses that abide by the law should not have to compete with those that undercut wages and exploit unauthorized workers. E-Verify provides a clear and enforceable mechanism to create a level playing field for all employers.

The employment verification process in this bill is straightforward and builds upon voluntary federal procedures. Employers can voluntarily submit I-9 forms as part of the hiring process, but there is currently no federal requirement mandating their use. This bill ensures that all employers in Kansas utilize the I-9 form and verify the information provided through E-Verify. By electronically confirming employee eligibility with records maintained by the Department of Homeland Security (DHS) and the Social Security Administration (SSA), this web-based process offers a quick, efficient, and widely used method to ensure compliance with employment laws.

E-Verify is not a new or untested system. It has been successfully implemented in ten states for all or most employers, while 23 states have enacted some level of mandatory E-Verify for public employees. However, Kansas has yet to join these states in ensuring a legal workforce. By adopting this system, Kansas will align itself with a growing movement across the country that prioritizes lawful hiring practices.

Federal law is clear on this issue. Title 8 U.S.C. § 1324a(a)(1)(A) explicitly makes it unlawful to knowingly hire or recruit unauthorized workers. E-Verify is a tool that helps businesses comply with this law by providing near-instantaneous verification of employment eligibility. Rather than leaving employers to navigate complex documentation requirements on their own, E-Verify simplifies the process and provides definitive confirmation from federal databases.

Politicians with diverse views agree that E-Verify is necessary to ensure a legal workforce and uphold immigration laws. Leaders such as Mitt Romney and Donald Trump have both supported E-Verify as an effective tool for addressing unlawful immigration and protecting American workers. Additionally, the Senate Democratic leader in Florida, Jason Pizzo, recently proposed an E-Verify bill requiring all employers, both private and public, to use the E-Verify system. This demonstrates that ensuring a legal workforce is a bipartisan issue with broad support across the political spectrum.

Opponents of this bill are advocating for the Kansas legislature to support the continued violation of federal law, allowing businesses to hire unauthorized workers without consequence. Turning a blind eye to unlawful employment practices only perpetuates wage suppression, worker exploitation, and unfair competition among businesses. Ensuring compliance with federal law is a necessary step to protect Kansas workers and businesses alike.

It is also worth noting that the burden on businesses is minimal. The process of submitting an employee's information into the E-Verify system takes only a few minutes, and over 98% of verifications are confirmed without any issues. According to the U.S. Department of Homeland Security, over 20 million employees were processed automatically under E-Verify in fiscal year 2024, amounting to 98.14% of all processed entries. The benefits of maintaining a legal workforce far outweigh the small administrative task required to implement this system.

Furthermore, enforcing existing laws through E-Verify enhances public confidence in the integrity of our immigration and employment systems. Kansans deserve to know that their government is taking active steps to uphold labor laws, prevent fraud, and discourage illegal hiring practices. Adopting E-Verify signals a commitment to transparency and accountability in employment practices.

Business owners who already follow the law have nothing to fear from E-Verify. In fact, many businesses voluntarily use the system to ensure compliance and avoid legal risks. Those who knowingly employ unauthorized workers, however, undermine fair market competition and disadvantage law-abiding employers. By making E-Verify mandatory, Kansas can eliminate unfair advantages gained through unlawful hiring practices.

The 2024 election made it clear that voters expect strong action on immigration enforcement. Implementing E-Verify at the state level is a tangible way for Kansas to respond to this mandate. This policy is not about creating unnecessary burdens; it is about ensuring that job opportunities go to those who are legally authorized to work in the United States.

Kansas has the opportunity to lead by example. By joining other states in requiring E-Verify, Kansas will demonstrate a commitment to upholding labor laws, protecting job opportunities for legal workers, and fostering an environment of accountability. This is not an extreme or radical proposal—it is a logical and responsible step forward.

I want to stress that we are open to working with this committee to refine the language of the bill in a way that meets the needs of Kansas businesses while maintaining the integrity of the employment verification process. However, this bill is only a starting point—something must be done to ensure fairness in the application of law. The state should not aid and abet in violations of federal law by allowing the continued employment of unauthorized workers without accountability.

I strongly urge this committee to support SB 196 and help bring Kansas in line with the many other states that have successfully implemented E-Verify. This is a pragmatic and necessary step toward ensuring compliance with federal law and protecting both employers and employees across our state. Thank you for your time and consideration.