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STATE OF KANSAS

Senate Committee on Ethics and Elections

Testimony on SB 41

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in opposition of Senate Bill 41. This bill does one thing. It adds students attending colleges and universities located outside the state of Kansas to the list of persons in federal service who qualify to vote using the rules under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). This designation would allow these voters to request that an absentee ballot be transmitted beginning 45 days prior to the election. This transmission may be done by fax, email or other electronic ballot delivery method in the same manner as members of the military and overseas civilians. This would also allow the voter to return the voted ballot by mail, fax, email or other electronic ballot delivery method.

The Secretary of State's office opposes this bill for three reasons:

1) Current Kansas law is sufficient in providing adequate time for voting to Kansans attending college out of state. A student can complete and submit an advance voting application at least 90 days before an election. For every application on file, ballots are mailed on the 20th day before the election. In our experience, this allows ample time for ballot transmission to the voter and for the ballot to be returned to the election office. Kansas voters of all types, including students, have been able to successfully vote using the current system. In rare instances where the mail delivery is not successful, a replacement ballot may be sent.

2) Ballot production deadlines required to meet the 45 day are administratively difficult for county election officers to meet. Under current law, there are tight time frames between the filing deadline and ballot transmittal due to objections, administrative hearings and ballot production. It is not uncommon for counties to produce ballots that must be counted by hand to transmit to UOCAVA voters to meet the 45 day deadline. Generally speaking this affects only a few hundred ballots per year. In the 2014 General Election, 89,285 were ballots mailed on the first day of advance voting. Although it is impossible to predict how many of those ballots were sent to college students out of state, it is reasonable to assume that number could be several thousand. This would increase the number of ballots that must be counted by hand and add to the time and expense in tabulating those votes that would otherwise be counted by optical scan machines.

3) Equal protection issues. There is no rational basis for college students attending college out of state to be treated more favorably than other Kansans who are temporarily out of state for work, traveling on vacation, or attending to personal matters. Current Kansas law allows for ample opportunity for voters wishing to vote using the optional method of advance voting provided prior to Election Day.

Thank you for the opportunity to provide testimony this morning and I stand for questions.