



EQUALITY ♦ LAW ♦ JUSTICE

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Proponent for SB 264
House Elections
March 7, 2018

Chairman Esau and members of the Committee:

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

The issue of a signatures, particularly on ballots, can be very complicated. The current law takes into account situations where people may simply make a mark, squiggle, or put an X on the paper for their signature. For someone with quadriplegia, their legally binding signature could be a wink. These methods are all allowable under the federal ADA law. Our statutes, regulations, guidance, and even the return envelopes for mail ballots will need to accommodate all of these scenarios to ensure Kansans with disabilities do not get disenfranchised.

DRC was very concerned to learn last November about the 23 Sedgwick County voters who had their ballots tossed out because they failed to sign their own mail-in ballot envelopes.

In fact, we immediately called and met with Bryan Caskey, the Director of Elections to find out if there were any options to seek a remedy for those voters. We also immediately started working with him on ways to prevent this from happening again.

While we have had very productive meetings with Mr. Caskey and potentially see a path to remedy this situation through his office, we are here today to offer our support for this bill too. Whether it is a statutory fix or a regulatory fix, DRC is happy to work with this committee, the Secretary of State's office and others who are interested in addressing this issue.

Even if this bill passes and becomes law, the language on the return envelopes for mail ballots will still have to be changed. The current language on the envelopes directs the voter to only sign if they are the person who filled out the ballot and placed it in the envelope.

I, like the members of this committee who unanimously recommended it, think HB 2504 is also an important change to ensure the return envelopes are consistent statewide. **I would like to encourage the committee to amend the contents of HB 2504 into this bill.**

To help the committee better understand why the existing affidavits can be problematic please see the back page of my testimony.

We definitely want to get this issue fixed one way or another. We want to ensure that all Kansans with disabilities who are legally able to vote are able to exercise that right and be sure their vote will count.

Thank you for the opportunity to share our support for this bill. I would be happy to stand for questions at the appropriate time.

Official Advance Ballot

Voter! Please remember to:

- sign this envelope
- provide your residential address
- return this ballot by 7:00 PM on Election Day

1 Statement of Advance Voter ~~Failure to sign will invalidate ballot.~~

I hereby declare that I marked the enclosed ballot and that such ballot was enclosed and sealed in this envelope by me.

Your advance voting ballot will be separated from this signed advance voting ballot envelope in order to guarantee the confidentiality of your vote. *KSA 25-1120*

Required

Name of Advance Voter _____ Signature of Advance Voter _____ Date _____
My legal residence is as follows:

Street Address _____ City _____ County _____

2 Statement of Person Assisting Voter **Optional**

Check the statements that apply.

To be completed by voter:

I hereby authorize the following person to mail or deliver my advance voting ballot to the county election office:

Name of Authorized Person _____

To be completed by person assisting voter:

I hereby acknowledge that I have been designated by the voter to mail or deliver the enclosed advance voting ballot to the county election office and affirm that I will deliver such ballot as instructed by the voter and that I have not exercised undue influence on the voting decisions of the voter.

If assisting a voter with an illness, disability, or lack of proficiency in the English language, I hereby affirm that I have not exercised undue influence on the voter's decisions and have marked the ballot as instructed by the voter to whom the ballot was issued.

Name of Authorized Person _____ Signature of Authorized Person _____ Date _____