

Opponent Testimony on House Bill 2054

House Committee on Elections

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Loud Light Civic Action

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Chair Carpenter, Members of the Committee,

HB 2054 is identical to HB 2687 that this committee heard in 2020. That day technical issues prevented the hearing from being streamed or documented; however, I was present and recorded the audio. I'd like to highlight and expand upon concerns from that hearing.

Criminalization of Helping Neighbors - Improper Handling of Ballots is Already Illegal

This bill criminalizes a practice that has been common for years. It would result in felony charges against regular Kansans who are only guilty of properly fulfilling their promise to help their neighbors. Already any nefarious action done during ballot assistance is illegal including discarding the ballot or undue influence on the voter.

Solution in Search of a Problem - Voter Suppression in Search of Justification

What is the problem this bill seeks to address? There is no documentation that Kansans who volunteer to help their neighbors through ballot return assistance results in a problem. During the hearing on this bill last year, there were no proponents except then House Election Chairman Sutton who confessed it was not based on any issue found in Kansas, but that this was based on alleged issues in other states. Other states which have different election laws and standards.

One reason suggested last year to justify such a broad ban on assisted returns was that enforcement is impossible now. That is inaccurate. If the concern is unreturned ballots (which is already illegal), it can easily be investigated by calling through the lists of voters with unreturned mail ballots. Similarly if the concern is undue influence or other nefarious action then all one needs to do is contact voters who have assisted return mail ballots in the precinct of concern. Any criminal behavior can easily be investigated by a district attorney.

Unintended Consequences

The Secretary of State in his briefing to the Kansas Legislature shared how 2020 saw the highest number of requested absentee mail ballots be successfully returned. An incredible 92%. Why would we limit the options for properly returning ballots? The Secretary of State discussed how mail has been notoriously slow. Why would we further limit Kansans options to ensure their vote is returned in a timely fashion? Why strip Kansans of their options to work around the shortcomings of government? We know assisted return can be critical in cases of medical emergency. If you're unexpectedly hospitalized and do not have family or a designated caregiver in town, how do you get an emergency medical absentee ballot or return it? It's not clear who

can still offer ballot return assistance within this bill. The legal parameters of caregiver and family are not well defined. Why would we open up such unnecessary election law distinctions? Further, the Secretary of State last year stated this would create training issues for those who administer elections. If there is no clear harm being caused why would we risk causing harm through new confusing restrictions?

There are many more issues of concern regarding the negative impacts of HB 2054 that should be fully vetted before moving such legislation; however, first and foremost this body should consider what the problem is that it seeks to address. It appears clear that HB 2054 does not address any problem. It does not make elections more secure. It only makes elections less accessible, and potentially makes our overcrowded court system even more backlogged.

We should not criminalize helpful neighbors. We should not erect new barriers to having your ballot counted. We should not put new burdens on those citizens who ask for assistance in participating in our elections. We should not pass HB 2054.

I urge this committee to oppose HB 2054. I'm happy to stand for any questions when appropriate. Thank you.

Davis Hammet