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HOUSE OF REPRESENTATIVES

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CHARLOTTE ESAU  
14TH DISTRICT

Tuesday, February 15, 2021      Support for House Bill 2319, regarding the deadline for advance ballots returned by mail  
Chairman Carpenter and members of the House Elections Committee,

Thank you for considering this bill and hearing my reasons for it.

There was nothing but good intentions 4 years ago when this committee was presented with the idea to allow for the counting of late arrival ballots. At that time this committee was led to believe that it could be determined if a ballot was mailed by election day. It was expected that there would be postmarks or a barcode that could be read by the election offices showing the date the ballot was mailed. Later, after statute was changed, it was discovered there is no reliable way for the election offices to always confirm the mailed date on every ballot envelope, as some didn't even receive a barcode let alone a postmark.

We know – or reasonably can trust based on current post office practices – that any mailed ballots arriving the day after the election were mailed before the close of polls on election day and therefore cast before the deadline. Any arriving after that day are potentially suspect as to when they were mailed; once you start allowing for doubt as to when they were mailed, we begin to undermine the voter's faith in a fair and secure tallying of the votes cast in the election.

Voters are able to request advance ballots for months before an election and advance ballots are mailed out 3 weeks prior if requested by then or earlier. Even with slow delivery voters receive these ballots in plenty of time to get them mailed back to their local election office by election day. And now, as we saw this last cycle, every county in Kansas has the ability to accept advance ballots securely with a 24/7 drop box, so voters can drive to the drop box location and return their ballot if the election day is close enough that they are concerned their ballot won't arrive by mail by the day after the election. In addition, changes in statute 4 years ago allow for ballots to be returned to any polling place in the county on election day or at an advance voting location before that day. The need to allow for ballots to trickle in for several days after the polls close is no longer supported with these additional options for ballots to be returned on time.

Some might think some I have personal reasons to want ballots not counted when they arrive later than one day after the election but let me put your mind at ease; my vote counts and margin of victory went up each time additional ballots were counted in this last election. At the same time, I saw in other races that the margins closed or were changed, as I recall at least one changed more than once. It is challenging enough explaining to voters that election day results can change after provisional ballots are evaluated and those determined to be countable under statute are counted and added in, but watching results change day by day as ballots come in makes leads many to wonder if those ballots really were mailed before the polls closed or after when one side saw they were losing. Many voters expressed this to me directly and via social media. My intention with this bill is to increase the voter's faith and trust in our election system. Kansas does a great job in running fair and secure elections but making it better is always worth the effort if it can be done.

Thank you and I look forward to any questions.

Rep. Charlotte Esau