

Opponent Testimony on House Bill 2319

House Committee on Elections

Davis Hammet

Loud Light Civic Action

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Chair Carpenter, Members of the Committee,

No Justification

The Secretary of State has shared with this committee how the current Kansas election laws, especially the advance mail ballot laws, are the reason the 2020 election went well. There is no problem HB2319 would fix, yet there are several problems it would create. Like several bills before this committee this year, the bill is voter suppression in search of justification. That may not be the intention, but that will be the impact if this bill passes.

Reducing Return Time for Mail Ballots from 3 days to 1 day

The main purpose of this bill is to reduce the number of days an advance mail ballot that is properly cast on or before Election Day has to reach the county election office. The result would be the state legislature punishing Kansas voters because of mail delivery shortcomings. USPS has been experiencing a wave of mail delivery delays since the pandemic began. Rural communities face slower mail delivery times in general due to their lack of proximity to a USPS mail distribution site.

5,487 advance mail ballots were received between the 1st and 3rd day in the 2020 General election in Kansas.¹ That is 5,487 Kansas voters who would have been disenfranchised under the restrictions imposed by HB2319. They would be disenfranchised not because they did anything wrong, but because they are guilty of having slow mail provided by the government. In this sense this bill is government punishing citizens because of government.

Removing Secretary of State Crisis Return Time Extension

Unexpected emergencies and crises require urgent action and flexibility. There are a variety of circumstances that this provision may need to be invoked. Situations known like a snow storm, flood, or other natural disaster that delays the transportation of mail and situations unknown that could arise. This provision has never been misused and therefore the discretion needed to ensure the election goes on in times of unique crisis should remain in place as they are.

Preventing Return Time Adjustments by Courts

This appears to be unconstitutional encroachment on a separate branch of government. Instead of trying to unconstitutionally strip away the judiciary's powers, the legislature should avoid laws that invite court intervention by passing laws that are known to suppress eligible Kansas voters.

I recommend this committee oppose HB 2319. I'm happy to stand for any questions when appropriate. Thank you.

Davis Hammet

¹ Kansas Secretary of State "2020 GN Advance Return List" – Difference between 11/05/2020 (Thursday morning list reflecting Wednesday total returns) and 11/09/2020 (final list)