

Opponent Oral Virtual Testimony on Senate Bill 394

Senate Committee on Federal and State Affairs

Davis Hammet – Loud Light Civic Action

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Chair Olson, Members of the Committee,

Reducing Return Time – Postmarked Mail Ballots from 3 days to 0 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 processing facility. In fact, all Kansas mail is now processed out-of-state.

32,367 Kansas Citizens Disenfranchised

According to the Secretary of State's office, 32,367 advance mail ballots were received during the grace period in the 2020 General Election in Kansas. That is 32,367 Kansas voters who would have been disenfranchised under the restrictions imposed by SB394. They would be disenfranchised not because they did anything wrong, but because they are guilty of having slow mail provided by the government.

3-Day Grace Period – Passed with Unanimous Bipartisan Support

In 2017, HB2158 establishing the 3-day grace period was passed with a near unanimous vote (Senate: 40-0, House: 123-1). The law both established the grace period and pushed the advance ballot request deadline from the Friday before Election Day to one week before Election Day. This was an intentional timeline.

Dated Postmark – Required to Count & Felony to Backdate

Any advance ballot that arrives at the election office during the grace period must have a dated postmark as proof that it was mailed on or before Election Day to count. While it's already a federal crime to alter such mail, the Kansas Legislature last year passed HB2183 (originally SB11) making it a state crime to backdate or otherwise alter the postmark on an advance ballot. It was made to address the concerns justifying SB394.

Contradictory Testimony – The Bill Sponsor's 2021 Testimony Contradicts the 2022 Bill

Rep. Charlotte Esau introduced this bill in both the House and Senate this year. Last year, she introduced HB2319, which would have reduced the grace period from 3 days to 1 day. In her testimony, Rep. Esau argued why there should still be a 1-day grace period, but now she argues for the votes she trusted to be properly cast last year to now be uniformly thrown out.

Preliminary Results and Perceptions – Election night results have always changed

Election night results have never been final results. We do not have real election results until 1 to 2 weeks after Election Day when tens of thousands of provisional ballots have been processed and the county canvass concludes. This bill will not improve free and fair election perceptions. Conspiracy minded individuals who were unsatisfied by the bills last year will similarly be unsatisfied by this bill, but other Kansans will increasingly doubt the legitimacy of the election process if the legislature continues to indulge baseless accusations by passing harmful election restrictions.

I recommend this committee oppose SB394. I'm happy to stand for any questions when appropriate.

Thank you,

Davis Hammet

President, Loud Light Civic Action