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SB 208 – Opponent Testimony, Written-Only

Aileen Berquist, Policy Director
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House Elections Committee
Tuesday, March 7, 2023 – Room 218-N

Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the American Civil Liberties Union of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in our state. Thank you for the opportunity to present testimony today.

The ACLU of Kansas is committed to defending the right to vote and upholding secure, accessible means of voting for all. As such, we are deeply concerned about the many election-related bills introduced this session that limit the accessibility of voting for Kansans or tamper with a well-functioning electoral system because of unsubstantiated concerns about the integrity of our elections. There is not now, nor has there been, any legitimate reason to limit or prohibit the use of remote ballot boxes in Kansas.

Drop boxes are a safe, convenient, and very popular method for Kansans to cast their ballot. Current drop box procedures protect Kansans' votes—only elections officials can access remote ballot boxes, making these boxes both a secure and reliable method for casting a ballot. Indeed, there is no evidence to show that current drop box procedures are inadequate: **just last fall, United States District Court Judge Daniel D. Crabtree found in *Roberts v. Caskey* that there were no facts to support plaintiffs' claim that ballot boxes are a risk to election security.**¹ Banning remote ballot boxes does not make voting more secure because there is no proof that they are a threat to security. The only thing this bill does is make voting less accessible for your Kansas voters.

Despite the lack of proof of any ballot box tampering in Kansas, and only vague concerns about potential damage to boxes in the future, SB 208 weaponizes election procedures and re-crafts them to make voting more difficult. For many, casting their ballot at a drop box location is their only option. Work, school, family obligations, transportation, and mobility challenges are all barriers that make voting in-person difficult. Drop boxes ensure that voters can exercise their right to vote at any time convenient to them, increasing the likelihood that they will participate in

¹ *Roberts v. Caskey*, No. 22-2366-DDC-ADM, 2022 WL 11089308, at *1 (D. Kan. Oct. 19, 2022)

our elections. Removing ballot boxes from communities will decrease convenient avenues for voting, likely resulting in less electoral participation.

Voting should be easy and accessible to all Kansas voters. SB 208 creates absurd and unnecessary barriers to voting, and we ask that you not move this bill out of committee. Thank you for the opportunity to provide testimony today.