

Legislative Testimony

In **Opposition** of **HB2571**
House Committee on Elections
February 8th, 2024

[WRITTEN ONLY]

Dear Chairman Proctor and Members of the Committee,

My name is Rashane Hamby and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonpartisan, non-profit organization with more than 35,000 supporters across Kansas that works to preserve and strengthen the civil rights and liberties of every person in our state. I am writing to express my strong opposition to the proposed changes in the advance voting ballot system as outlined in HB2571; requiring any such ballots deposited in a remote ballot box to be considered provisional until verified by the county election office. The proposed amendments could significantly hinder the fundamental right to vote for many Kansans.

Below are key points of concern based on the proposed amendments:

Provisional Status of Remote Ballot Box Votes Negatively Impacts Rural Voters: Making all ballots deposited in remote ballot boxes provisional until verified by the county election office introduces unnecessary delays and potential disenfranchisement. This approach could disproportionately affect voters in rural areas or those with limited access to direct mail services, who rely on these boxes for convenience and accessibility.

Commented [RH1]: Looking for Stats around this.

Increased Risk of Voting Twice: The complexity introduced by these changes, especially around provisional ballots and the verification process, could inadvertently increase the risk of voters attempting to vote twice—once through a provisional ballot and again in person, out of confusion or concern that their vote won't be counted. This not only undermines the integrity of the election but could also subject voters to criminal charges for an act stemming from confusion and lack of clear guidance.

Potential Criminal Charges for Voters: The proposed changes could inadvertently criminalize voters who, out of confusion or misinformation, make honest mistakes. This includes the potential for being charged with voting twice or for assisting someone in a manner that is now restricted. The fear of criminal charges could have a chilling effect on voter participation, particularly among marginalized communities already wary of the legal system.

Operational Challenges for Election Offices: These changes demand significant resources for implementation, from training staff on signature verification to managing an increased volume of provisional ballots. Without adequate support, this could lead to delays and errors, exacerbating voter confusion and reducing public confidence in election outcomes.

Accessibility and Voter Participation: Introducing more barriers and complexities to the voting process could significantly deter voter participation. The potential for confusion, the risk of criminal charges, and the fear of disenfranchisement could discourage eligible voters, particularly those from underrepresented communities, from exercising their democratic rights.

Commented [RH2]: Would love to add sources/stats here. Awaiting response from some folk.

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In light of these concerns, I urge the Legislature to reconsider the proposed changes to the advance voting laws. It is crucial to find a balance between securing the election process and ensuring it remains accessible, transparent, and fair for all Kansans. Enhancing voter education, providing clear and accessible information, and ensuring robust support for election offices are critical steps towards achieving this balance without inadvertently penalizing or confusing voters.

For the reasons listed above, I urge you, please vote no on HB2571.

Rashane Hamby
Director of Policy and Research

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