

Opponent Oral Testimony on Senate Bill 366

Senate Committee on Federal and State Affairs

Davis Hammet – Loud Light Civic Action

January 24, 2024

Chair Thompson, Members of the Committee,

What problem is solved by SB366? What solution does SB366 provide?

It appears the only purpose of SB366 is to coddle Kansans who have fallen victim to election conspiracies and misinformation. Misinformation and conspiracies that may be addressed more appropriately by accurate information and a commitment from all elected officials to assist in providing accurate information to explain why the conspiracies are inaccurate.

Misinformation from Incorrect Use of Term Ballot Instead of Application

During bill introductions it was said that ballots were mass mailed. While language mistakes happen to us all, it's critical to accurately identify that only unsolicited advance ballot applications were sent out and not actual ballots. Intentional or innocent, this is a reoccurring point of misinformation that has fueled conspiracies, undermined trust and understanding in elections, and costs resources as organizations and election officials look into such claims only to learn that someone only received an application.

Limited Election Day Capacity – Limited Equipment, Poll Sites, & Workers

Counties often rely on a large number of voters utilizing advance voting by mail and in-person to reduce the capacity demand on Election Day. While the cost of mailing advance ballot applications may seem high, the cost of additional poll sites, staffing, and equipment can be exponentially higher. Since this bill appears to target Johnson County (JoCo), it's important to note that JoCo reduced polling sites from 213 in 2016 to 144 in 2022. JoCo, like many counties, are dependent on large use of advance voting options. Without the ability to ensure uptake of advance voting by mailing applications the county will need to make massive investments to expand Election Day capacity. If this transition is not meticulously planned it leads to chaos on Election Day. We saw this in Sedgwick County in 2022 when the county decided to change course and not send an advance ballot application which resulted in long lines and other bureaucratic inadequacies that suppress voter turnout and therefore undermining democracy and the legitimacy of the election. Long lines on Election Day are especially concerning since voters who experience long lines become less likely to vote in the future.

Unique and Crisis Scenarios

Beyond the overall concerns raised by the bill, there are unique crisis situations that would be more difficult to handle under SB366. Consider counties with limited polling sites where something such as a fire prevents the poll site from being used for an election. The county may be unable to secure a new poll site that meets regulatory requirements in close proximity to the closed site. In this situation it may be prudent for the county to mail all impacted voters an advance ballot application to offset the burden put on voters by the poll site closure.

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Undermining Local Control and Home Rule

Finally, there is concern about the state legislature's increasing tendency to usurp local control. Especially, the tendency to propose statewide legislation based on grievances with a specific county. Further, this bill is akin to an unfunded mandate on the taxpayers of Johnson County as they would have to incur the cost associated with increasing Election Day capacity caused by a state mandated reduction of advance mail ballot use.

Conclusion

SB366 will likely have a voter suppression impact and increase line wait times, require county election infrastructure investments to offset reduced advance mail ballot use, and make election crisis situations more difficult on election officials and voters. We recommend this committee oppose SB366. Thank you. I'm happy to stand for any questions when appropriate.