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HB 2013 Opponent Testimony - Written Only

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House Elections Committee
Tuesday, January 24, 3:30 PM 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 Kansas. Thank you for the opportunity to present testimony today.

The ACLU of Kansas stands opposed to HB 2013. While having a very clear majority winner of an election is a tempting prospect, the reality of runoff elections is that they discourage voter engagement and limit the ability of minority racial and ethnic groups to elect candidates of their choice.¹ At a time when the integrity of our elections is under attack and legislation making voting more difficult and confusing for citizens continues to be introduced in this building, we encourage the legislature to introduce bills that encourage citizen participation rather than attempting to impose vestiges of the Jim Crow south on modern-day Kansans.

Runoff Elections Discourage Voter Engagement

The history of systematic, racially motivated voter suppression in our country runs deep and has resounding implications for today's electoral engagement. Communities that were historically excluded from participating in our democracy via targeted voting laws continue to have lower turnout and engagement.² Runoffs exacerbate this problem by doubling the number of times a voter must hurdle barriers to have their voice effectively heard in any given election. These barriers include:

- **Transportation** – Not everyone owns a vehicle or is able to drive. The elderly, many people in the disability community, and others who do not have access to personal transportation would be forced to coordinate transportation twice to have their voice heard in a meaningful way.

¹ <https://www.pbs.org/newshour/politics/the-racist-history-behind-georgias-runoff-elections&sa=D&source=docs&ust=1674148952662235&usg=AOvVaw3qkEEjRawMtu7BsC7yTS4A>

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9177044/>
https://fairvote.org/resources/voter-turnout/#voter_turnout_101

- **Employment** – Many Kansans struggle to find time off work to take care of the daily business of life, including voting. In addition to coordinating time off to vote, many cannot afford to lose the wages from taking multiple hours off to vote multiple times.
- **Childcare** – As with transportation and employment barriers, not everyone in Kansas has access to readily available, affordable childcare. Finding and paying for childcare or having to bring young children to a polling location multiple times would be very detrimental to many parents’ ability to vote in a runoff election.

Because of these barriers—based on racial and economic factors—there is a great likelihood that voter turnout will drop significantly in a runoff election. Those with economic means and flexibility in their work, transportation, and childcare, will more readily be able to have their voices heard in runoffs than those without.

Runoffs Limit the Ability of Minority Racial and Ethnic Groups to Elect Candidates of Their Choice

Runoff elections were instituted in the Jim Crow south specifically to disenfranchise newly eligible Black voters.³ An avowed segregationist, the politician who introduced runoffs to the state of Georgia was unequivocal in his racist intentions⁴. That legacy of racism continues to this day making it “more difficult for any group which forms a minority in the population to elect its candidates of choice.”⁵

Voting patterns in Kansas are racially polarized, as they are across the United States. This racial polarization is not a product of partisanship and extends well beyond what a partisan context would predict. Given this racial polarization, racial and ethnic minority groups can struggle to elect candidates of their choice at any level of government. Eliminating plurality voting—especially when doing so only for statewide candidates, and not for all candidates on the ballot—in favor of a runoff system allows for racial polarization to become even more dramatic and pernicious. What appears to be a race-neutral system is, in fact, deeply racially discriminatory, and undermines the equal protection, equal suffrage, and liberty guaranteed by the Kansas Constitution.

We ask that this committee report HB 2013 unfavorably, and instead focus on passing legislation that will increase voter participation, such as instituting same-day registration and permanent mail-ballots. Thank you for your time.

³ <https://www.washingtonpost.com/made-by-history/2022/12/05/georgia-runoff-warnock-walker/>

⁴ <https://www.pbs.org/newshour/politics/the-racist-history-behind-georgias-runoff-elections>

⁵ <https://www.pbs.org/newshour/politics/the-racist-history-behind-georgias-runoff-elections>