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Testimony to the House Elections Committee

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BILL NUMBER: SB 209, requiring mail ballots by 7 pm Election Day

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Oral

Dear Chair & members of the committee,

I am writing to share my opposition to bill SB 209. This bill seeks to remove the three day voter protection period currently in place to ensure mail delays do not impact Kansans' right to vote.

To follow is the testimony I previously submitted on SB 209, but I'd like to add a few items due to recent events in the Senate.

During my oral testimony in the Senate, many proponents and senators on the committee were suggesting that these three days were no longer needed because of the prevalence and availability of ballot drop boxes. But, they then went and voted to ban all ballot boxes.

If we remove the ballot boxes we now have more voters forced to use the mail. This will lead to even more voters disenfranchised if the three day voter protection period is removed.

Let's protect voters in Kansas. Let's provide them with confidence that their valid votes will arrive to the election office and be counted.

Voters need both of these voter protections to stay in place.

Below is my previous testimony that provides important information explaining why the three day window is especially important to college students.

Testimony previously submitted for SB 209

This law was put into place in 2017 with bill HB2158 (with a near unanimous vote) at a time when many USPS processing centers had closed and mail delivery was taking longer. Since that time mail delays have only gotten worse, due to a shortage of postal workers. This three day grace period is needed now more than ever.

The removal of this voter protection period could invalidate the votes of many Kansas voters, but I'd like to share my specific concern in regards to young out-of-town/state college students.

As the parent of two college students, I have seen firsthand why this voter protection period is needed. My son in California experienced substantial mail delays with his ballot in both

November 2020 and again in August of 2022. Everything went smoothly for him this past November, however this time it was my daughter in Wisconsin who ran into issues with her ballot that caused a significant delay.

They requested their ballots early, but were still left worrying about their vote being counted. That three day voter protection period provided some peace of mind that as long as their ballot was postmarked by Election Day, it would arrive on time, despite potential mail delays that were out of their control.

And although advance ballots can be sent out as early as 20 days before the election, there are often other issues that can cause delays besides mail delivery time. Because of voter turnout work I've involved with; I often hear from friends who have questions about voting. A large number of those questions come from college students or their parents concerned about the student's mail ballot. Some of the issues they've experienced are:

- Simple mail delays on the outgoing side, incoming side, or both
- A typo in the zip code that caused the ballot to initially go to another part of the country
- A typo in the address included on the advance ballot application that the Election Office caught and took time to follow-up on with the student
- Issues with the signature on the advance ballot application requiring follow-up from the Election Office before the ballot could be mailed
- Accidentally requested ballot be sent to their home address versus their college address
- Thought they filled out an advance ballot application, but after waiting awhile for their ballot, followed up to find application had not been received by the Election Office
- Didn't realize they needed a mail ballot until a week or so before the election (remember: they are young and new to voting)

In most of these instances the Election Office was able to help them out, but it added more days to the process and made it all the more difficult for their ballot (although postmarked by Election Day) to be received by Election Day. This three day protection period is a necessity for out-of-town voters.

This same bill was proposed last year with the reasoning that some legislators were hearing from constituents who didn't trust our elections because votes were being counted after Election Day, not that there was any reason to believe the votes weren't valid.

In Kansas, we do a great job of ensuring we have fair and secure elections. Before we go and disenfranchise thousands of Kansas voters, maybe we should instead do a better job of educating the public on the election process.

Last year, I also heard the argument that with drop boxes and the ability to return your ballot to any county polling location, there was no longer a need for this three day voter protection period. However, that completely disregards the many people (including these young voters) who utilize mail ballots because they will be out of town on Election Day.

Everyone deserves to have their vote counted. At a time when mail delays are becoming more common and more substantial, the last thing legislators should be doing is making it harder for Kansas citizens to exercise their fundamental right to vote.

Please oppose House Bill SB 209.

Erin Woods
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