

February 16, 2023

Chairman Thompson and members of the Senate Committee on Federal and State Affairs,

I am in favor of SB209.

As many of you know, I had the privilege of serving in the Kansas House from 2013 through 2018. I was the chair of the Elections Committee when we passed HB2158 in 2017, a bill that included the acceptance of mailed ballots after election day. As we often find out with the laws that are passed, there are unintended consequences that legislators are not aware of when passing the bill or that occur down the road. Such is the case with the bill I helped pass.

When we passed the original bill, our goal was to make sure that we could count as many legitimate mail ballots as possible, especially overseas ballots from our military. The US Postal Service was shutting down mail processing centers and the ballots had to travel farther locally, and they took more time to be returned. HB2158 was an attempt to give more time for the delivery of the ballots and we were ensured that there was a way to check postmarks or bar codes on the returned ballots to verify they were sent before the close of elections. Unfortunately, that has turned out not to be true in a majority of cases. Today people are much more aware that the postal service is slow and unreliable than they used to be – so much so that many people simply avoid using the postal service and drop their ballots in drop boxes that have been added. This makes the extra time for mail ballots unnecessary.

A recent problem that has arisen since the extension became law is confidence in the election results. People do not like seeing “new” ballots arrive after the polls are closed. It alarms some people that election results change daily after the election leading many to believe that the election is being “stolen.” While most people understand that provisional ballots may change the results in very close races, they also know that those ballots were received before the close of the polls. What bothers me and many others is that we are accepting new ballots after the polls close — ballots that could have easily been turned in on time with minimal effort — and having constant changes in the results.

I ask you to support SB209 to improve the confidence in fair elections by setting a standard closing time for accepting any ballot. Thank you for your time and attention to this bill.

Submitted,

A handwritten signature in cursive script that reads "Keith Esau". The signature is written in black ink on a light blue background.

Keith Esau  
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