

SCOTT SCHWAB
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564
sos.ks.gov

STATE OF KANSAS

Testimony on HB2319 (neutral, written)
House Elections Committee
Tuesday, February 16, 2021

Chairman Carpenter and members of the committee:

Thank you for the opportunity to testify on HB2319. As with most other bills introduced by third parties, our office is neutral on this legislation but would like to raise a few areas for possible consideration.

HB2319 would reduce the deadline for advance by mail ballots to be returned to the local election office to 5:00 p.m. the day after the election. Under current law, advance by mail ballots may be counted as long as they are postmarked on or before election day and received in the local election office by the close of business on the third day following the election (K.S.A. 25-1132). Since 1996, Kansas has allowed registered voters to request an advance by mail ballot without providing an excuse. During the 2017 session, the Legislature passed legislation to extend the deadline for advance by mail ballots.

The bill has potential to decrease the burden on local election offices who would only need to process advance by mail ballots for one day following the election, not three. However, the bill could increase the number of advance by mail ballots disqualified because they arrived after the statutory deadline. Although voters can return their advance by mail ballots directly to their local election office, at any polling location in their county or by a secure election drop box, a majority of voters return their advance by mail ballots through the United States Postal Service (USPS). It can take up to seven days for mail to arrive at its destination which was the motive for extending the deadline in 2017. Finally, should the committee move forward on HB2319, we respectfully recommend you make this change consistent to apply to all Kansas elections (local elections, local all mail ballot question elections) so the standards are equally applied and voters are not confused by the different deadlines.

Attached to our testimony is data from past elections to assist in your deliberations. The Secretary of State's office continues to urge caution in making major changes to Kansas election administration. The 2020 elections reaffirmed Kansas is a voter friendly state where voters have multiple options for how to cast their ballot safely and securely. Unlike many states which struggled to implement mail balloting for the first time, Kansas' election system has 25 years of experience with mail ballots and has developed the institutional knowledge, procedures, and infrastructure to securely process the increase in mail ballots due to the Coronavirus pandemic. The Kansas election system's ability to handle the surge in mail ballots in the 2020 election demonstrates the election system's capabilities.

Thank you for your consideration of this testimony.

Respectfully submitted,

Katie Koupal
Deputy Assistant Secretary of State
Communications & Policy

Attachment

Advance by Mail Ballot Statistics

<u>ELECTION</u>	<u>SENT</u>	<u>RETURNED</u>	<u>RETURN RATE</u>
2020 General	509,486	459,229	90.1 percent
2020 Primary	315,096	261,1802	82.9 percent
2018 General	194,505	152,267	78.2 percent
2018 Primary	51,455	30,169	58.6 percent
2016 General	202,138	173,457	85.8 percent
2016 Primary	54,302	36,532	67.3 percent

2020 Primary Election Voting Trends

Advance by mail ballot	261,182
Advance in-person ballot	51,664
In-person ballot	323,188

2020 General Election Voting Trends

Advance by mail ballot	459,229
Advance in-person ballot	371,854
In-person ballot	544,042

2020 Primary Election Advance By Mail Ballot Data (by party)

Total Ballots Sent	315,095	Total Ballots Returned	261,182
Democrat	157,385	Democrat	129,406
Republican	155,518	Republican	130,999
Unaffiliated	2,137	Unaffiliated	763
Libertarian	39	Libertarian	14

2020 General Election Advance By Mail Ballot Data (by party)

Total Ballots Sent	509,486	Total Ballots Returned	459,229
Democrat	231,598	Democrat	211,799
Republican	191,395	Republican	173,978
Unaffiliated	83,721	Unaffiliated	71,283
Libertarian	2,627	Libertarian	2,164