

HOUSE COMMITTEE ON ELECTIONS

TESTIMONY – HB 2319

FEBRUARY 16, 2021

Honorable Chairman and Committee:

Please accept my testimony in opposition to HB 2319. This bill changes the deadline for receiving an advance ballot by mail from the last delivery of mail on the third day following an election to 5:00 p.m. on the day following an election. If passed, this bill would disenfranchise thousands of voters across the state of Kansas.

The deadline was changed in 2017 with the passage of HB 2158, sponsored by Rep. Vic Miller. The Kansas legislature correctly changed the acceptable delivery date to three days following the election in recognition of several factors. First, most voters had already believed prior to HB 2158 that if they just got their ballot in the mail by election day it would be counted. They would have been surprised and disappointed to know that was not the case. Prior to HB 2158 thousands of Kansas voters' ballots were thrown out because of this misunderstanding.

Second, there was no reason not to allow voters' ballots to be counted if they were mailed by election day. It was a reasonable expectation on voters' part and was easily accommodated. Three days following the election was a reasonable amount of time for receipt.

Third, the US Postal Service had made adjustments to the delivery system such that delivery times were extended in Kansas. What used to make it to the election office in one day was taking routinely longer with the closure of sorting facilities, etc. And things have only gotten worse since then. Who could forget the admonitions of election officials across the state advising voters not to trust the postal system at all and deliver their ballots in person in November 2020? But personal delivery is not an option for many. They must trust the USPS to deliver their ballots.

The three-day delivery time was a good idea in 2017 and an even better idea in 2021. In fact, you might consider extending the time beyond three days, not shortening it, until the massive USPS delivery problems are resolved. FYI, HB 2058 passed 123 yeas to 1 nay in the House, and 40 yeas to 0 nays in the Senate. I hope this 2021 legislature has that same common-sense approach to fair elections by defeating HB 2319.

Ann E. Mah
Former State Representative, District 53
annmah@att.net