

Opponent Testimony on House Bill 2333

House Committee on Elections

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Loud Light Civic Action

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Chair Carpenter, Members of the Committee,

Mandatory Rejection of Incomplete Mail Ballot Applications

Sec. 1 (j) would mandate that counties do not process or maintain any list of applications for advance mail ballots if the application is considered incomplete in any manner. This could conflict with other statutes related to notifying missing photo IDs on mail ballot applications and election records maintenance. Further, this section would result in Kansans believing they had successfully applied for an advance mail ballot without ever being notified or without any record being maintained of why they did not receive a mail ballot. This could discriminate against several different groups including disabled individuals and Spanish speakers in counties required to offer equal assistance in Spanish under federal law. Further, it would prevent a level of oversight and potentially allow rogue election officials to engage in criminal conduct since they would be authorized to destroy election records.

Criminalization of Mail Ballot Assistance by Broadly Defined Candidates

Sec. 2 (g)(1) criminalizes a candidate assisting a voter in their application for a mail ballot. This appears to suggest that a candidate posting on social media about how to request an advance ballot would be committing a crime. Sec. 3 (B)(i) criminalizes candidates from ever assisting voters in seemingly any way. It is written so broadly that it appears to apply to even the candidates themselves meaning a candidate cannot touch or handle their own ballot during the voting process.

The broadly written restriction on broadly defined candidates could mean that the Secretary of State and County Clerks cannot be involved in the mail ballot process. This could prevent a county clerk from processing mail ballot applications, tallying votes, or doing many other key functions of their job duties. Further, it could apply to all precinct committee persons who traditionally are involved in informing their neighbors of the voting process and ensuring they vote.

No Justification

Election law changes should demand a clear documentation of a problem before allowing adjustments to address the problem. This bill does not solve any documented issue, yet it raises a variety of potential problems that would cause confusion, could negatively impact the Kansas election process, and may cause voter disenfranchisement.

I recommend this committee oppose HB 2333. I'm happy to stand for any questions when appropriate. Thank you.

Davis Hammet