

TESTIMONY OF CALEB SMITH
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HOUSE COMMITTEE ON ELECTIONS
IN OPPOSITION TO HB 2555
FEBRUARY 10, 2022

Members of the House Committee on Elections:

My name is Caleb Smith; I am a Campaign Director for Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed is opposing HB 2555. HB 2555 allows for registered voters to be removed from the registration list simply because they have not participated in recent elections. This bill goes beyond ensuring the accuracy of the voter rolls and would suppress the voice of Kansans.

Kansas Appleseed strongly believes that Kansas is better off when more people vote. Research shows that communities with more voters have more access to comprehensive health care, secure housing, nutritious food, quality education, jobs with livable wages, while also having less crime and lower measures of discrimination.¹

Voter participation differences create a negative feedback loop, where the people who face the most barriers to voting are disproportionately more likely to suffer health and economic disparities. The new provision added by HB 2555 will amplify differences in voter participation and past practices in Kansas make this proposal particularly concerning. Under the Crosscheck system that Kansas previously had in place, over 99% of the voter removals were done in error.²

Voter purges directly prevent people from exercising their constitutionally guaranteed suffrage, thus any removal policy should be tightly focused so the risk of error does not impact too many people. A practice that only focuses on active participation, as this bill does, has the potential to impact a majority of the electorate in Kansas, as 30-50% of voters do not vote in federal election years.³ Having hundreds of thousands of voters be sent notice in the mail that they are subject for removal necessarily invites significant error and creates an unnecessary risk of improper infringement on the right to vote.

¹ Yagoda, N. "Addressing Health Disparities Through Voter Engagement." *Annals of Family Medicine*. 2019.
<https://www.annfammed.org/content/17/5/459.long>

² Goel, S. et. al., "One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections." *American Political Science Review*. 2020.

<https://www.cambridge.org/core/journals/american-political-science-review/article/one-person-one-vote-estimating-the-prevalence-of-double-voting-in-us-presidential-elections/F0F11207B6EC1A0A5DE18DC283ACE926/share/f196dcf91a6c8aa31c5793ad900a47aa727975bb>

³ Kansas Secretary of State. "Voter Registration: Voter Turnout." <https://sos.ks.gov/elections/elections-statistics-data.html>. *Turnout has ranged from 49.7% to 70.9% since 2010.*

Black and Brown communities and younger people are particularly at risk of being impacted by this policy. Voters in those communities are more likely to move,⁴ which means they may not receive their notice in time. These Kansans should not have to risk losing their right to vote simply because their mailing address fluctuates.

These communities already face barriers that make it harder for them to vote. A recent study shows that ballots from younger voters, people of color, and first-time voters are the most likely to be thrown out.⁵ They are less likely to already possess the identification necessary to vote.⁶ And they are more likely to face longer wait times to vote. Research into the 2018 elections found that Latino voters waited on average 46 percent longer than white voters, and Black voters waited on average 45 percent longer than white voters.⁷

Rural voters share a similar barrier with black and brown voters - the accessibility of nearby polling places. The number of polling places across the country have decreased significantly in recent years, particularly in heavily Black and Brown communities, and rural communities.⁸ On average, a one mile increase in the distance to a polling place decreases the likelihood of voting by 1.1%.⁹

These existing barriers mean these communities are more likely to be affected by any measure that uses non-voting to trigger voter-roll purges.

Existing law already protects the accuracy of the voter rolls. The provisions already in effect for this section deal with deceased voters, voters who have registered in another jurisdiction, voters who have felony convictions, and voters who have moved. Outside the context of removing voters who have not voted recently, this provision is redundant.

In conclusion, removing inactive voters is a poorly targeted means for ensuring voter roll accuracy and this bill would weaken our democracy. This policy leaves too much room for erroneous removals and would have an outsized impact for certain communities. Any benefit to voter roll accuracy would be minimal as the existing provisions of K.S.A. 25-2316(c) already provide sufficient safeguards.

For all of these reasons, Kansas Appleseed urges you to oppose HB 2555.

⁴ Redman, H. "How the Practice of Maintaining Voter Lists Became So Polarized." Kansas Reflector. Oct. 8, 2020. <https://kansasreflector.com/2020/10/08/how-the-practice-of-maintaining-voter-lists-became-so-polarized/>.

⁵ Shino, E., Suttman-Lea, M., & Smith, D. "Here's the problem with mail-in ballots: They might not be counted." Washington Post. May 21, 2020. <https://www.washingtonpost.com/politics/2020/05/21/heres-problem-with-mail-in-ballots-they-might-not-be-counted/>

⁶ Brennan Center for Justice. "https://www.brennancenter.org/our-work/research-reports/research-voter-id"

⁷ Klain, H., Morris, K., Ayala, R., & Feldman, M. "Report: Waiting to Vote." Brennan Center for Justice. 2020. <https://www.brennancenter.org/our-work/research-reports/waiting-vote>

⁸ The Leadership Conference Education Fund. "Democracy Diverted: Polling Place Closures and the Right to Vote." 2019. <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>

⁹ Bagwe, G., Margitic, J., & Stashko, A. "Polling Place Location and the Costs of Voting." 2020. https://jmmargitic.github.io/JM/Margitic_JMP.pdf