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STATE OF KANSAS

Testimony on SB388 (Neutral)

Senate Committee on Federal and State Affairs
Thursday, February 10, 2022

Chairman Olson and members of the Committee:

Thank you for the opportunity to appear before you today to provide comments on SB388. Although our office is neutral on this legislation, we wish to provide more information on this proposal.

SB388 bars the use of FedEx or UPS to deliver a completed advance by mail ballot in a properly completed envelope to the county election office. Instead, it limits delivery by mail to the United States Postal Service (USPS). Delivery of an advance by mail ballot by FedEx or UPS is rare, and both organizations have advised against the use of their services for ballot delivery as they are unable to issue a postmark. In these few cases, our office is not aware of any issues regarding the acceptance of a non-USPS delivered advance by mail ballot. Regardless of the delivery method of a completed advance by mail ballot inside a properly completed ballot envelope, rigorous voter identification and signature matching safeguards are applied.

In cases where time is extremely sensitive, county election officers have sent properly requested ballots to voters via FedEx or UPS. Under SB388, voters who have concerns with the timeliness of USPS delivery could lose the only viable option to deliver the ballot. This could present barriers to voting for Kansans temporarily residing outside the state.

Lastly, SB388 creates a potential conflict with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which requires states and territories to allow citizens residing abroad to vote via advance by mail ballot and submit their completed ballot pursuant to the provisions outlined in the federal law. Due to the global COVID-19 pandemic and international conflicts, states and communities face postal disruptions that continue still today. For instance, effective January 28, 2022, USPS discontinued mail delivery to China.

Thank you for your consideration. We look forward to working with the Committee on proposed changes to this bill.

Respectfully submitted,

Clay Barker
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General Counsel