



EQUALITY ♦ LAW ♦ JUSTICE

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February 21, 2022
Opponent for SB 439
Oral in-person Testimony

Chairman Olson and members of the committee:

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

The Disability Rights Center of Kansas opposes any policy changes that will make it more difficult for Kansans with disabilities to vote and have their vote counted. Unfortunately the changes in SB 439 will make it more likely that Kansans with disabilities will be cancelled from the voting rolls.

With this bill, a voter who fails to do any election related activity (voting, signing a petition, etc.) for several years and then fails to respond to a postcard from their election officer would be canceled from from the voting rolls. While we absolutely encourage Kansans with disabilities to exercise their right to vote, there are a number of very valid reasons why a person with a disability might miss voting in elections and then fail to respond to a postcard mailed by their county election office. Under SB 439, that would lead to them being canceled from the voter rolls.

Imagine you are an individual with a cognitive impairment (possibly a brain injury or an individual with an intellectual disability), or anyone else that receives lots of junk mail does not realize they will be canceled from the voter rolls simply because they do not reply to a postcard that slid in between all of that junk mail they receive.

In addition to being canceled from the voting rolls, the real harm would happen when the voter shows up to vote knowing they had previously registered to vote only to be told their name is not in the poll book. The worst part is there is no recourse for this individual who had previously been duly registered to vote. They will be offered the opportunity to vote a provisional ballot, but that vote will not count.

While we would hope that individual would go ahead and complete the process to vote provisionally, I can tell you from firsthand experience as an election board worker there are many people who will simply give up and not complete that process.

We have had some discussion with representatives from the Kansas Secretary of State's office about a possible amendment that would allow these otherwise eligible voters to have their provisional votes count. This would help alleviate some of the negative consequences of the bill. If the committee decides to move forward with the bill, we would appreciate the opportunity to work with them on that amendment.

Thank you for the opportunity to share some of our concerns with this bill. I would be happy to stand for questions at the appropriate time.