



EQUALITY ♦ LAW ♦ JUSTICE

Disability Rights Center of Kansas
214 SW 6th Avenue, Suite 100 ♦ Topeka, KS 66603
Phone: 785.273.9661 ♦ Toll Free: 1.877.776.1541
Toll Free TDD: 1.877.335.3725 ♦ Fax: 785-273-9414
www.drckansas.org *info@drckansas.org*

Testimony in Opposition to HB 2332
House Elections Committee
February 18, 2021

Chairman Carpenter and Members of the Committee:

My name is Rocky Nichols. I am the Executive Director of 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, created by and empowered by federal law to protect and advocate for the rights of people with disabilities. 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. Among those rights we protect is the right for people with disabilities to vote and cast a ballot, which often times involves advance voting due to limitations with transportation or mobility impairments.

DRC Kansas is testifying in opposition to HB 2332.

Federal law, the Protection and Advocacy for Voting Accessibility (PAVA), requires our organization as the designated Protection and Advocacy system to educate individuals with disabilities about their voting rights and responsibilities, including helping them register to vote and cast a ballot. PAVA is a part of the larger Help Americans Vote Act, or HAVA, which was passed in the wake of the problems with the 2000 election. One of the many ways we carry out this requirement of federal law is to send every person with a disability who requests our services the voter registration and permanent advance voting forms and to educate them on their options to vote. Again, federal law says that as the designated PAVA program that we must help people with disabilities register to vote and cast a ballot.

For every individual that contacts our agency for assistance, we send them an extensive “intake packet” which is a total of at least 16 pages. This intake packet includes a number of items with extremely helpful information for a people with disabilities. Some of the items were created by our agency and others were created by another state or federal agency. One of the items we include happens to be a voter registration form that includes information to apply for the permanent advance voting list. That form we include is created by the Kansas Secretary of State.

We have concerns about the requirement of including prominent wording on every page of that 16 page intake packet with the following required text: “Disclosure: This is not a government

mailing. It is from a private individual or organization.” While I can only assume that this language was developed with the best of intentions, we believe this disclosure will have unintended, negative and confusing consequences. In the case of our intake packet, this unnecessary disclosure will create a significant amount of confusion for Kansans with disabilities who rely on our services and rely on us to help them register to vote and cast a ballot, which again is part of the federal law.

As you can see from the intake packet attached to my testimony, there are a number of valuable forms and materials in the packet. Everything from informing people with disabilities about how they can apply for a homestead property tax refund, to getting student loan debt forgiven due to disability, obtaining free assistive technology, to applying for a US Parks Service pass to visit all National Parks for free because of their disability. As you can see, only 3 of the 16 pages of our intake packet (which also has a cover letter explaining the packet and covering what they called us about) are about registering to voting or applying for an advanced ballot. The remaining 13 of the 16 pages of the intake packet are about other important benefits and services for your Kansas constituents with disabilities. Yet, we would have to put this unneeded disclosure on every single page of the packet, even when it has nothing to do with voting.

We mail this intake packet to every person with a disability who contacts us to request our legally-based advocacy services, which can number upwards of 2000 Kansans per year. Again, this bill would unnecessarily require every page of our intake packet to have this “disclosure” statement on it, even on the pages that have nothing to do with voting. This will cause a lot of unnecessary confusion. I am also not sure what the National Parks Service will think about this requirement forcing us to place an unrelated disclosure as required in this bill on their application to obtain a free “Access Pass” for people with disabilities, which has nothing to do with voting. Do you see how confusing this becomes? I doubt the US Parks Service will allow us to change their application form, which has already gone through a long and tedious government approval process. If the Parks Service form is altered, they may not accept the application from your constituents with disabilities who fill out this form, as it has been altered, and there are strict federal rules against doing that. Yet, that is what this bill would require. We would have to put that disclosure on every single document in our intake packet, including each of the three pages of the packet which are the US Parks Service application to get a free disability park pass.

What will the person with a disability think about this disclosure which must be made on every single page of the packet? It will surely cause a lot of unnecessary confusion.

Also, we are non-profit and money is extremely tight right now. To save money, we may print thousands of copies of this intake packet at one time to maximize savings through batch printing (the more you print at once, the lower your print bill). If we have thousands of copies printed currently, and you pass this law, we would have to throw away all of those thousands of copies and reprint new ones with the new disclosure on every single page. That seems pretty darn wasteful and unnecessary, particularly when non-profits like ours are just trying to scrape by and survive during this pandemic.

Also, how would we actual go about the process of inserting this disclosure language on forms that we do not create or control? For example the Parks Service application or the Voter Registration or Advanced Voting forms created by the Kansas Secretary of State. We don't control or create those forms. They are created by the Parks Service and the KSOS. Do we have to buy a stamp and pay someone to physically hand stamp each one of those third-party forms with this new disclosure?

We should also note that we do not mail out this intake packet unsolicited. We only mail it out to people with disabilities who contact us and request our legally-based advocacy services. We explain to them over the phone that the packet is coming and what it contains. We include a cover letter that details and explains the materials in the packet. In spite of this, the Disability Rights Center of Kansas would be required to place this disclosure language on every page of our 16 page intake packet, even though we got verbal approval from the person to send it to them, they are expecting it and even though it was the person with a disability who initiated this contact and requested our help.

Again, attached to the testimony is a copy of our intake packet to give you an idea of the information we send out to Kansans with disabilities who contact our office.

Thank you for the opportunity to share our opposition to HB 2332. I would be happy to stand for questions now or at the appropriate time.