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BILL NUMBER: SB 388

DISPOSITION: NEUTRAL

ORAL IN-PERSON TESTIMONY

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TESTIMONY OF CALEB SMITH
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SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
NEUTRAL TESTIMONY ON SB 388
FEBRUARY 10, 2022

Members of the Senate Committee on Federal and State Affairs:

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 providing neutral testimony on SB 388. This bill seeks to ensure that advance voting ballots are only returned either by personal delivery or by mail using the United States postal service (USPS).

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

Advance ballots make it easier for more people to exercise their right to vote. It can be helpful for those without easy access to transportation and it helps mitigate the effects of potential Election Day obstacles like bad weather, long lines at polling places, or the inability to take time off from work. During public health crises, such as the current coronavirus pandemic, advance ballots also can make it easier to vote safely. This is especially true if advance ballots can be returned by the use of secure ballot collection boxes that obviate the need for in person contact.

The statute being amended by SB 388, K.S.A. 25-1128 (g), says a voter may return advance ballots to the county election officer by personal delivery or by *mail*. The amended language in this bill would replace “*mail*” with “*by mailing the ballot using the United States postal service.*” This makes clear that the only way to mail the ballot would be by use of the USPS.

¹ Yagoda, N. “Addressing Health Disparities Through Voter Engagement.” *Annals of Family Medicine*. 2019.

The amended language would also replace “A voter may return such voter’s advance ballot to the county election officer by personal delivery or by mail” with “A voter shall return such voter’s advance ballot to the county election officer by personal delivery....” This change is where there may be grounds for confusion.

The *shall* language that currently exists regarding the return of advance ballots received by mail is in K.S.A. 25-1124 (a). This subsection states that advance ballots transmitted by mail “shall be mailed or otherwise transmitted to the county election officer.” The use of the word transmitted clearly allows for the delivery of advance ballots to county election officers by means of secure ballot collection boxes.

Under the language proposed in SB 388, personal delivery to the county election officer could be interpreted to mean that the only way other than mail to return an advance ballot would be to hand the ballot in-person directly to the designated county election officer. It also creates a situation where the *shall* language regarding the return of an advance ballot is different in K.S.A. 25-1128 than it is in K.S.A. 25-1124.

Kansas Appleseed recommends an amendment to this bill. Language should be included to make clear that this bill does not foreclose the use of secure ballot collection boxes as a means for someone to personally transmit their advance ballot in a sealed and signed advance ballot envelope. Furthermore, the requirements regarding the return of an advance ballot should be the same in both K.S.A. 25-1124 and K.S.A. 25-1128.

Thank you for your time and consideration of our potential concerns and our recommendations regarding this bill.