

Opponent Oral Testimony on Senate Bill 208

House Committee on Elections

Davis Hammet – Loud Light Civic Action

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Chair Proctor, Members of the Committee,

Justification – What problem is being solved?

Any bill that has the potential to increase the burden on a citizen casting a ballot or reduces the likelihood of their vote being counted should be treated with extreme caution. An evidence based problem should be documented and a solution should be carefully crafted to address that problem.

Proponents Use a Bait and Switch Argument

There has been no documented problem with drop boxes in Kansas. Instead some have used broad unsubstantiated accusations and extrapolated from cherry picked examples from other states. For example, Attorney General Kobach testified in the Senate on this bill. He repeatedly mentioned the 2018 North Carolina fraud case which involved Republican operatives illegally mishandling ballots including filling in ballots against voters intent, not returning ballots believed to be for the Democratic candidate, forgery, and perjury. Notably, the North Carolina case involved the use of the USPS for ballot return. It's simply not accurate to claim the North Carolina incident would be prevented had drop boxes been banned.

Investigations of alleged fraud aren't "impossible." They aren't even difficult.

The whereabouts of advance ballots are documented on a daily basis. Kobach focuses on the concern of ballots being collected and not returned. However, there are lists of all voters who received, but did not return an advance ballot. Meaning if allegations arise, law enforcement already has a list of potential victims and witnesses to talk to. Something similar happened in Shawnee County in 2019. Will Pope, a Topeka man who is currently facing charges for his involvement in the insurrection against the United States, raised claims of fraud in connection with ballot collections. The Shawnee County Election Office investigated the charges armed with the advance ballot voter status lists and used video provided by common home surveillance cameras such as Ring. Ultimately, nothing came of it because there was no fraud - just allegations of fraud from a conspiracy minded man who would go on to participate in an insurrection against our country.

Sec.1(e) – Technical definition concern preventing poll site ballot returns

The definition of "remote ballot box" appears to include ballot boxes used for advance ballots returned to a poll site on Election Day. If the committee advances the bill despite all of its concerns, I hope this section is modified to prevent any legal uncertainty around the ability to return a ballot to a county polling site on election day.

This bill solves no problem while creating numerous new problems. I recommend this committee oppose SB208. I'm happy to stand for any questions when appropriate.