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March 7, 2023 - Kansas House Elections Committee hearing on SB 208, prohibiting the use of remote drop boxes – Opponent testimony from Rick Piepho, representing KCCEO.

Chairman Proctor and Distinguished Committee Members,

My name is Rick Piepho, Harvey County Clerk and Chairman of the Elections Committee of the Kansas County Clerks and Election Officials Association (KCCEO). The KCCEO is a statewide organization with 109 members including all county clerks and election commissioners in Kansas. Our duties are significant under statute and one of our most public facing functions is free and fair administration of elections. We take this duty very seriously. We prepare for every possible, and impossible, scenario which could occur.

I am submitting this testimony on behalf of the KCCEO membership. The KCCEO prepared a legislative agenda which was developed through a policy committee process and agreed to by a majority of the members. One of the items specifically included is: "Maintain local control of usage and placement of drop boxes for advance ballots".

This bill was amended by the Senate Committee of the Whole to prohibit the use of remote ballot boxes for the return of advance ballots. We are concerned that passage of this bill would also eliminate the deposit of advance ballots at polling places on Election Day as allowed under KSA 25-1132. This bill states that a "remote ballot box" does not include any boxes located in a county election office or satellite advance voting site. Election Day polling places would not be considered satellite advance sites or part of the county election office.

We believe that drop boxes for depositing advance ballots are an important tool for voters to ensure that their ballots are received by the election office. With delivery delays by the US Postal Service expected to continue, we believe that allowing ballots to be deposited in a secure drop box prior to the close of polls on Election Day is a good option for voters to return their ballots. County election offices should be allowed to place and utilize drop boxes appropriately for their jurisdiction following guidelines established by the Secretary of State.

In Harvey County we have allowed voters to deposit advance ballots in the outdoor drop box near our courthouse for many years; prior to the 2020 elections we replaced the box at the courthouse and added a box at Fire Station #3 in Newton. Both remote drop boxes were available to voters 24/7. For the 2020 General Election in Harvey County almost 50% (3,292 of 6,820) of the total advance ballots returned were deposited in our outdoor boxes. For the 2022 General Election in Harvey County about 34% (644 of 1,940) of the advance ballots returned were deposited in outdoor boxes.

Specific issues with this legislation as it was presented to the Senate Committee of the Whole:

- (a) *Limits remote ballot boxes to 1 per county located inside county election office.* All counties, regardless of geographic size or location or quantity of population centers would only be allowed to have one box located in the election office.
- (b) *Boxes must be continuously monitored by two individuals of different parties. Boxes shall be closed/not accessible when election office is closed.*

- It is not feasible to station two individuals who are affiliated with a recognized political party, but not the same party, near the box to continuously observe it. Many election offices have very few staff members so it would be difficult to fulfill this requirement without additional staff. Additional costs would be incurred to hire election workers to fulfill this duty and unaffiliated voters could not be utilized.
 - Attorney General Kris Kobach indicated in his testimony to the Senate Federal and State Affairs Committee that this provision is needed to help enforce the 10 ballot limit on delivery of ballots per KSA 25-2437. The presence of individuals monitoring the drop box could deter this crime, but election officials and potential election workers are not law enforcement officers.
 - One of the main reasons for the drop boxes is so voters can deposit their voted ballots after hours. If the box must be located in the county election office and it cannot be open when the election office is closed there is not much reason to have one.
- (c) *Signage on drop box.* Some additional cost to create and attach signage.
- (d) *Ballots returned using a remote drop box shall be preserved separately.* It would be difficult to keep these ballots segregated throughout the entire tabulation and auditing process.
- (e) *Definition of remote drop box.* There was an issue with the definition of a remote ballot box that was resolved in committee.

The KCCEOA opposes SB 208 which would eliminate remote drop boxes if passed as currently presented or will effectively eliminate all drop boxes in most counties if it is returned to the version presented to the full Senate. We ask that the committee hear our concerns and act accordingly. I will gladly stand for questions at the appropriate time.

Sincerely,



Rick Piepho
Harvey County Clerk & Election Officer – KCCEOA Elections Committee Chair