



Thursday, January 25, 2024

House Committee on Elections
State Capitol, 300 SW 10th Ave.
Topeka, Kansas 66612

Via Email

Re: Opposition to House Bill 2512

Dear Members of the House Committee on Elections.

Campaign Legal Center (CLC) is a non-partisan, non-profit organization that works to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. We write to express our strong opposition to House Bill 2512 (hereinafter “HB 2512”), which would shorten the timeframe for advance voting. If passed, HB 2512 would make democracy less accessible to Kansan voters.

Presently, Kansas’ advance ballot voting system, like other early voting opportunities across the country, reduces administrative burdens on Election Day and increases the number of voters who can participate in our electoral system.¹ HB 2512 would reduce the advance voting time period for all Kansans, and would have an even more restrictive effect on Kansans in counties where election officials exercise their discretion to end advance voting earlier.

¹ Brennan Center for Justice, Early Voting: What Works, available at <https://www.brennancenter.org/our-work/research-reports/early-voting-what-works>.

In 2024, all major election days in Kansas are on a Tuesday.² If HB 2512 were enacted in advance of any of these elections,³ the current deadline of Monday (the day before the election) at 12:00pm for receipt of advance ballots would become Sunday (two days preceding the election) at 7:00pm. At minimum, all Kansan voters would lose half a day on Monday which they are currently able to use to return their advance ballots by personal delivery or cast them in-person. However, HB 2512 may cause many voters to have even less time to advance vote in-person. This bill would leave to the discretion of county election offices whether they will be open for voters to drop off or cast advance ballots during the weekend before Election Day.⁴ It would also limit the ability of county election offices to issue applications for advance voting ballots beyond Sunday (two days preceding the election) at 7:00pm.⁵

Kansas law already provides county election offices the discretion to decide whether they will be open to accept in-person advance ballot applications on the Saturday preceding the election.⁶ Enshrining into law further discretion for election officials to unilaterally decide not to permit advance voting during the entire weekend before Election Day is deeply troubling when at least one Kansas county has previously been sued for inadequate in-person voting access.⁷ In the counties where election officials opt of out weekend advance voting, voters will not have the opportunity to turn in or cast an advance ballot after the Friday before Election Day when currently they have until Monday—the day before Election Day. As a result, depending on where they live, different voters will have different opportunities to advance vote.

HB 2512 would also disproportionately impact voters of color who early vote in-person at greater rates than the general population. According to U.S. Census data, 24.9% of Black voters and 20.2% of Hispanic voters early voted in-person during the

² These dates are Tuesday, March 19 (Presidential Preference Primary), Tuesday August 6, 2024 (Primary Election), and Tuesday November 5, 2024 (General Election). Kansas Secretary of State, Important Election Dates, available at <https://sos.ks.gov/elections/important-election-dates.html>.

³ Section 4 of HB 2512 provides “This act shall take effect and be in force from and after its publication in the statute book.” HB 2512, § 4.

⁴ “If the county election officer so provides, such ballots may be delivered or cast on the Saturday or Sunday preceding the election.” HB 2512, § 2(g).

⁵ HB 2512, § 1(g)(1).

⁶ K.S.A. § 25-1122(g)(1).

⁷ *Rangel-Lopez v. Cox*, 344 F.Supp.3d 1285, 1291 (D. Kan. 2018) (denying plaintiff’s motion for a temporary restraining order but expressing concerns with defendant election official’s response and questioning whether it manifests a disregard for the fundamental right to vote).

2022 elections, compared to the national average of 18%.⁸ Over the past decade, an average of 60.9% of Asian voters also cast their ballots before Election Day.⁹ By shortening the early voting time by at minimum one day –and up to three days in some counties– HB 2512 will disproportionately harm Kansas’ Black, Hispanic, and Asian voters.

In sum, by decreasing the time to return and cast advance ballots, HB 2512 serves no legitimate purpose and only reduces the opportunity for Kansans to vote. For the foregoing reasons, we respectfully urge you to oppose HB 2512. Thank you for your consideration.

Respectfully submitted,

/s/ Mel Neal

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⁸ U.S. Census Bureau, Voting and Registration in the Election of November 2022 Table 14, available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html>.

⁹ U.S. Census Bureau, High Registration and Early Voting in 2022 Midterm Elections, available at <https://www.census.gov/library/stories/2023/05/high-registration-and-early-voting-in-2022-midterm-elections.html>.