



2022 - 2023 Executive board

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February 20, 2023 - hearing on SB 208, regulating the use of remote drop boxes –
Opponent testimony from Rick Piepho, representing KCCEOA.

Chairman Thompson and Distinguished Members of the Senate Federal and State Affairs Committee,

My name is Rick Piepho, Harvey County Clerk and Chairman of the Elections Committee of the Kansas County Clerks and Election Officials Association (KCCEOA). The KCCEOA 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 KCCEOA membership. The KCCEOA 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".

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.

Specific issues with this legislation:

- (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. We are also concerned that passage of this bill would eliminate the deposit of advance ballots at polling places on Election Day as allowed under KSA 25-1132.
- (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.
 - 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.* This bill states that a “remote ballot box” does not include any boxes located in a county election office, but requires in section 1(a) that the remote ballot box be located in the county election office.

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.

The KCCEOA opposes SB 208 that if passed as currently presented will effectively eliminate all drop boxes in most counties. 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