



**TESTIMONY OF LETITIA HARMON  
POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS  
IN SUPPORT TO HB 2018 & HB 2042  
KANSAS HOUSE COMMITTEE ON JUDICIARY  
JANUARY 28, 2019**

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Thank you, Chairman Jennings, and members of the committee for affording this opportunity to provide testimony on HB 2018 and 2042. My name is Letitia Harmon and I serve as the Policy Director of the American Civil Liberties Union of Kansas, a membership organization dedicated to protecting and strengthening the freedoms and democratic processes guaranteed to all of us by the United States Constitution.

It is precisely our reverence for the rule of law, liberty, and democracy that moves us to support HB 2018 and HB 2042. We are delighted to see that both bills would remove prosecutorial authority from a state agency that is not equipped to exercise that authority.

Removing prosecutorial power from the Secretary of State's Office means declaring that voting and voting crimes are taken seriously. Voting is the very essence of the American experiment in democracy. For that reason, we must cherish and guard the right to vote. We cherish that right by making it easier for citizens to vote; we guard it by treating voting crimes seriously. Voting-related crimes are exceedingly, exceptionally rare—and even then are most often the result of mistakes like voting in one's old precinct after having moved to a nearby neighborhood, rather than a willful attempt to subvert an election—but if they occur, they should be handled in an appropriate manner.

That means that in those very rare cases where there is credible evidence that a real voting crime has been willfully committed, it should be pursued and prosecuted by those who are most capable of doing so – county and district attorneys in the place

where the act allegedly occurred. The public has entrusted county and district attorneys with the power to prosecute crimes large and small, everything from petty shoplifting to murder. That is because we have collectively realized that the pursuit of justice and prosecution of crime requires specialized skills and attributes. Moreover, effective prosecution requires sensitivity to local concerns and possession of local knowledge that these attorneys are uniquely well-positioned to provide. County and district attorneys have already made use of that expertise and local knowledge to prosecute voting crimes.

There is a reason that, so far as we have been able to determine, no other state in the union grants prosecuting power to a Secretary of State. It is because expertise in maintaining voting records and organizing elections does not translate into an ability to prosecute voting crimes. The Office of the Secretary of State is a state-wide administrative agency; it is not designed to have the capacity, expertise, or local knowledge to serve as a prosecuting agency.

If we truly believe that the right to vote is important, then, in those very rare circumstances where a willful voting crime is committed, it should be treated as a real crime. That means that voting crimes should be pursued only by experienced, and trained prosecutors, not consigned to the margins with non-experts in other state agencies. We entrust our prosecutors with the power to pursue other crimes that we hold to be threats to our social fabric – they can surely be counted upon to prosecute intentional, willful voting crimes on the extraordinarily rare occasions when they occur.

We respectfully ask that you support HB 2018 and HB 2042.