



EQUALITY ♦ LAW ♦ JUSTICE

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**February 9, 2022**  
**Opponent for SB 388**  
**Oral in-person Testimony**

**Chairman Olson and members of the committee:**

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

Voting is a fundamental right for the citizens of Kansas, including Kansans with disabilities. In general, DRC is not supportive of policy changes that will limit options or make it more difficult for Kansans with disabilities to have their vote counted.

SB 388 changes the word “may” to “shall” in several places and further specifies that a voter will have to use the United States Postal Service or personally deliver the ballot.

We believe these are not minimal or simple changes. We believe these changes will have a negative impact on the ability of some Kansans with disabilities to be able to vote and have their vote counted.

For individuals with mobility challenges or who use a wheelchair or power chair for mobility, it often is not just a matter of hopping into their car to drive their ballot to the election office. That is why it is important to allow (as the law currently does) individuals to have their ballot returned to a polling place, election office, drop box, or even utilize FedEx or UPS to ensure their ballot is returned in time to be counted.

One example was an eligible voter with a disability who was in a serious accident just before an election. They were receiving specialized care out of state and due to the timing of the accident had to utilize a next day service to transport their ballot to them and then to return it to the election office. While not common, it does illustrate how important the right to vote is for some individuals and how this bill would erect new barriers to make it more difficult (or in some cases impossible) for individuals to vote and have their votes be counted.

Also, while our election officials do an amazing job, they are still human and occasionally do make mistakes. It is important for election officials as well as voters to be able to have the option to utilize FedEx, UPS, and other overnight services to help correct an error if they make one and to help Kansas voters to be able to successfully vote and have their votes counted.

While the examples I raise are definitely not exhaustive, they do illustrate how these seemingly simple changes in this bill will make it more difficult for Kansans with disabilities to vote and have their vote counted.

Thank you for the opportunity to speak on this bill. I would be happy to stand for questions at the appropriate time.