

Legislative Testimony

In Opposition to House Bill 2438
House Committee on Elections
January 15, 2026

Written Only Testimony

Mr. Chair and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I am writing in opposition to House Bill 2438. This bill unnecessarily restricts how Kansans may register to vote, suppresses lawful civic engagement by non-governmental organizations, and will reduce participation in civic life, all without evidence of a problem that warrants such restrictions.

Eliminating Non-Governmental Voter Registration Efforts

HB 2438 prohibits Kansans from registering to vote online unless they use a website with a “.gov” domain or one that has been approved by the Secretary of State and bars county election officials from accepting applications submitted through any other platform.

In practice, this prohibits external organizations, including nonprofits, civic groups, student organizations, faith-based groups, and community coalitions, from engaging in online voter registration efforts unless they receive discretionary approval from the state. Third-party voter registration has long played a crucial role in reaching young voters, first-time voters, rural Kansans, voters with limited internet access, and communities historically underrepresented in the electorate.

HB 2438 replaces a healthy civic ecosystem by gatekeeping voter registration and allowing the legislature to decide who may assist voters in navigating the registration process.

This Is a First Amendment Problem

Voter registration activity is not merely administrative—it is political speech protected by the First Amendment. Courts have consistently recognized that helping voters register is a form of political expression and association. By limiting lawful voter registration assistance to government-controlled or government-approved websites, HB 2438 restricts how organizations may communicate with voters and conditions political speech on government approval. This bill does not merely regulate technology; it regulates who gets to speak and how, privileging faulty state platforms while barring private civic engagement.

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Voters Have the Right to Choose How They Register

HB 2438 eliminates voter choice by dictating which registration methods are acceptable, regardless of voter preference, accessibility needs, or trust. Kansans should be free to register:

- Through community organizations they already engage with
- Via platforms designed for accessibility or language access
- Using tools tailored to young or first-time voters

When government restricts registration pathways to a narrow set of state-controlled options, it undermines voter autonomy and confidence, especially among those who are wary of government systems or who rely on trusted community intermediaries. These intermediaries already use government-issued forms and transmit registrations in exactly the format of, and with all of the information needed by, government agencies. It is not the case that these registration methods diverge from, compromise, or otherwise undermine election integrity and voter data. They are useful because of the trust and convenience that they provide to eligible citizens who wish to register to vote; getting rid of them is only an exercise in making registration harder, less convenient, and more intimidating, therefore reducing participation in elections by eligible citizens.

Centralizing Control in “.gov” URLs Creates Risk, Not Security

Proponents may argue this bill enhances security, but centralization increases vulnerability. Concentrating voter registration infrastructure into a small number of government-approved portals creates single points of failure, higher consequences for outages or cyber incidents, and reduced innovation in accessibility and outreach. Security can be achieved through standards and enforcement without excluding non-governmental actors altogether.

Lower Voter Registration in a Critical Election Year

This year, Kansas voters are preparing for two consequential elections. In August, voters will determine whether they wish to elect partisan State Supreme Court Justices, and in November, they will determine the balance of power in the state legislature, as well as who holds powerful statewide and federal positions. Historically, restrictions on voter registration methods correlate with lower registration rates, particularly among young voters and voters new to the process. By limiting outreach and reducing the number of trusted points of contact, this bill will lower the

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number of new registrations—not because voters are ineligible, but because access will be restricted. Election integrity is best protected by maximizing lawful participation, not by restricting the avenues through which eligible Kansans engage with democracy.

Conclusion

HB 2438 is a solution in search of a problem. It suppresses lawful civic participation, burdens free speech and association, limits voter choice, and risks depressing voter registration at a moment when democratic participation should be encouraged. On behalf of the ACLU of Kansas, I respectfully urge the committee to oppose HB 2438.

Logan DeMond
Director of Policy and Research