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Opponent Written-Only Testimony for HB 2190

Aileen Berquist, Policy Director
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House Elections Committee
Tuesday, February 7 at 3:30 – 218-N

Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in Kansas. Thank you for the opportunity to present testimony today.

The ACLU of Kansas is grateful to the Secretary of State and his staff for all the hard work, conversations, and receptivity to feedback that went into creating this bill. There are many provisions in HB 2190 that we support—including the clarification about special election timelines. However, there are two provisions that have caused our team considerable concern. Because of this, we are opposed to HB 2190 but would support the bill if these provisions were removed.

New Provision- 25-2303(e) – Banning the Use of Third-Party Voter Registration Sites

Though improvements have been made in recent years, the official online Kansas voter registration form lacks functionality—specifically, there is no e-signature option, and people without Kansas identification cannot use the site. Because of this, voters must print out, sign, and mail in their completed voter registration form. In response to this cumbersome process, third-party sites were created to make registration as easy as possible for voters while maintaining security.

These websites have been shown to be effective, safe, and reliable for many years now, and are used by a wide range of individuals and organizations as they encourage Kansans to vote. If this bill is passed with this provision included, all the nonprofits, social service organizations, re-entry programs, and others that currently use these sites would be unable to continue to do so if they want to receive state funding. This would limit the most accessible avenue we currently have for registering to vote in the state. Until the official government website for voter registration is made more accessible to voters, these third-party sites are critical.

New Section- 25-2320(c) – Blocking Public Access to Provisional Ballot Data

Each election cycle, thousands of Kansans cast provisional ballots. This occurs for a variety of reasons—from signature mismatch to poll worker confusion. After election day, each of those ballots must be reviewed and cured, i.e., the issue that caused the provisional to be cast must be addressed. If this is not done, the ballot cannot be counted. This often requires the voter to engage with the elections office to answer outstanding questions.

Though poll workers do their best, it is not always clear to voters that they must take steps to ensure their provisional ballot is counted. Nonprofit organizations often take on the task of calling provisional voters to remind them to contact their election office and follow up on their ballot. Denying the public access to provisional ballot information would make this time-honored public service impossible, potentially leading to thousands of valid ballots being thrown out every election.

Both provisions outlined in this testimony would undermine voting accessibility for thousands of Kansans every year. Because of this, we cannot support HB 2190 as written.