



OPPOSITION TESTIMONY RE HB 2319 – Shortening the deadline for the return of advance voting ballots to 5:00 p.m. the day after the election and providing the deadline cannot be altered by an elected or appointed official or a court.

Testimony of Kendall Seal, Director of Advocacy, American Civil Liberties Union of Kansas

House Elections Committee – February 16, 2021

Chairman Carpenter and Members of this Committee,

Thank you for the opportunity to present testimony today. My name is Kendall Seal, and I am the Director of Advocacy for the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the constitutional liberties of all Kansans. We strongly oppose the passage of HB 2319.

First, this bill diminishes trust in our democracy and elections. We want voters to have a good experience participating in democracy, to feel confident that their vote counts and is counted. This past election cycle in Kansas proved the value of flexibility in providing that good experience. Mail-in ballots are a viable, efficient, secure alternative to voting in person. Despite budget cuts and concerns about the postal service, anecdotal evidence suggests that most, maybe even all, of the mail-in ballots submitted in Kansas were postmarked by Election Day and received within three days. While this speaks to the diligence of our county clerks and the postal service, this is not a valid reason to remove all flexibility to adjust, if necessary, to ensure fair elections in times of natural disasters, pandemics, wars, or in light of another urgent, unforeseen delay.

Next, this bill fails to acknowledge that natural disasters, pandemics, or wars could affect the efficiency of our postal service. The United States Postal Service may not always be capable of delivering mail within a three-day timeframe, especially if unforeseen events occur outside of our borders making it difficult for out-of-state residents or our service members and their families to vote. Delivery may also be hindered significantly if a natural disaster were to strike close in time before or after an Election Day. In such a scenario, you would want to adjust for interrupted mail service. If you pass this bill as written, you will take that flexibility away and make government less responsive to its citizens' needs.

Finally, and most importantly, this bill, as written, is an overt act of voter suppression. There is no cogent reason for enacting the limits posed by this bill. It is a punishment to hardworking, civically-minded Kansans who do their part to mail their ballots on time and who, in turn, expect every properly postmarked vote to count. This bill eliminates all flexibility when properly postmarked ballots may otherwise count. It undermines our notion of basic fairness and is an unsubtle eroding of the right to vote in Kansas.

We urge this Committee to preserve our constitutional right to vote and reject HB 2319 as written. Running a fair election means retaining the flexibility to account for natural disasters, pandemics, wars, or other urgent, unforeseen delays. This flexibility is even more important because our elections rely on the postal service. HB 2319 removes our flexibility at the detriment to all Kansans—and to our democracy.

Thank you again for the opportunity to present testimony. I am happy to answer questions from this Committee at the appropriate time.