



**Opponent Testimony for SB 388- Requiring USPS when returning advance ballots**  
**Aileen Berquist, Community Engagement Manager,**  
**American Civil Liberties Union of Kansas**  
**Senate Federal and State Affairs**  
**Thursday, February 10, 2020, 10:30 AM – 144-S**  
**Oral- In Person**

Committee Chairs and Members of the Committee,

Thank you for the opportunity to present testimony today. My name is Aileen Berquist. I am the Community Engagement Manager and lobbyist 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.

Our Secretary of State, Scott Schwab, has consistently defended the integrity of the 2020 elections. In fact, he has said that Kansas is one of the most secure states in terms of preventing election fraud. And yet, this session, we have seen a slate of bills introduced that would limit access to voting for thousands of Kansans—supposedly with the intent to make our elections safer. What SB 388 would do is seriously limit how Kansans vote by mail, potentially disenfranchising a huge portion of the electorate. SB 388 represents a solution in search of a problem – a problem that does not exist.

SB 388 would have an enormous impact on voter access if implemented. In the 2020 general election, 459,229 people voted early by mail out of 1,375,125 participating voters.<sup>1</sup> That's 33% of ballots cast that were sent by mail. This means that, should SB 388 become law, almost half a million Kansans' ability to vote would be significantly curtailed.

This bill would make advance voting more confusing and difficult for voters, forcing them to use one single mail delivery service. Under current law, if a rural voter does not have ready access to a post office, they can use the FedEx at the Walmart. A voter with mobility issues could arrange for expedited UPS pickup at their house. SB 388 takes these options away from voters, making voting less accessible.

Additionally, in conjunction with SB 394 SB 388 would have devastating consequences. SB 394 removes the grace period for ballots received by election offices up to three days after the election. The USPS has been hit hard by the pandemic, resulting in mail delays. If you pass SB 388, and require that mail ballots be sent only through USPS, thousands of validly mailed ballots could be nullified simply because of delays in our mail system. We cannot and should not disenfranchise voters for delivery delays that occur through no fault of their own.

Finally, voting rights activist have raised concerns that the way the language is currently written could ban the use of advance ballot collection boxes. Ballot boxes are a safe, common-sense way to collect ballots at a time that is convenient for them. Using ballot boxes removes the concern about mail delays or grace periods. Especially as the pandemic continues, ballot boxes are crucial to providing voters every opportunity to cast their vote.

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<sup>1</sup> <https://sos.ks.gov/elections/elections-statistics-data.html#advance-voting>

This body should not be in the business of making voting harder for Kansans. Limiting safe, accessible avenues for ballot return is an attack on voting rights and is an absolutely unnecessary interference of this body into what our state's own election official says is a safe, fraud-free process. We ask that this committee not pass this bill out of committee and instead focus on legislation that will expand voting access to Kansans and strengthen our voting systems by empowering local election officials.