



Opposition to SB 394 – Requiring all advanced ballots be turned in by 7:00pm on election day

Testimony of Aileen Berquist

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Senate Committee on Federal and State Affairs

Oral In-Person Testimony

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.

The ACLU of Kansas opposes the passage of SB 394. This bill is one of many election-related bills introduced this session that limits the voting rights of Kansans for no discernable reason. The current 3-day grace period is necessary to allow voters, the USPS, and election clerks much-needed flexibility to ensure all votes are appropriately counted—flexibility that has been even more necessary during a worldwide pandemic.

The 2020 election was a triumph for civic engagement: despite a crushing pandemic, a record number of citizens cast their vote in the most secure election in United States history.¹ In Kansas, our own Secretary of State, Scott Schwab, has consistently defended the integrity of the 2020 elections, saying we are one of the best states at 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. ^{SB 394/HB 2585}

Kansans relied heavily on vote by mail during the 2020 election: 459,229 people voted early by mail out of 1,375,125 ballots cast². Of those ballots, **32,367 arrived after election day—during the 3-day grace period.**³ That is almost the entire population of Leawood. If this bill had been law during the 2020 elections, it would have been responsible for disenfranchising a city's worth of Kansas voters.

Mail does not always arrive on time. Even before the COVID-19 pandemic, this was the case. And this reality does not point to a conspiracy or evidence that our postal service is not secure—it is simply a reality of the complex system that gets our mail where it needs to go. At any time, a natural or manmade disaster could limit the ability of this system to work efficiently. We need flexibility to ensure that all validly cast votes are counted.

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 our constitutionally protected right to vote and is an absolutely unnecessary interference of this body into what our state's own election official

¹ <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>, ¹ <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>

² <https://sos.ks.gov/elections/elections-statistics.html>

³ Testimony of Deputy Assistant Secretary of State, Katie Koupal, 2/16/21, http://www.kslegislature.org/li/b2021_22/committees/ctte_h_electns_1/documents/testimony/20210216_18.pdf

says is a safe, fraud-free process. We ask that you 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 listening to and empowering local election officials.