

Proponent Testimony on House Bill 2092

House Committee on Elections

Davis Hammet

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Chair Sutton, Members of the Committee,

The Secretary of State hasn't released the 2018 provisional voting report, but in 2016 **5,496 Kansans ballots were thrown out** solely because the citizens hadn't registered before an arbitrary 21-day deadline set by the state. These are numbers as reported by the Kansas Secretary of State in the Election Administration and Voting Survey sent to the Federal Election Assistance Commission.

Here's how the process works today: You aren't registered or your address isn't updated and you show up at the polls on Election Day. They ask you to fill out a registration form and look at your government issued photo ID to confirm your identity is the same as you've put on the form. Then you cast a provisional ballot and it's put in an envelope attached to your form. You leave incredibly proud that you did your civic duty. Then the elections office throws away your ballot, but and this is a big but, they process the voter registration form and update or add you to the voter rolls for future elections. House Bill 2092 is simply asking you to stop forcing election officers to throw away these citizens votes.

I've worked with various groups to help register thousands of Kansans over the last few years. I primarily work with youth and I deeply believe that participating in elections and civic life is an important bond between young people and their communities. Throwing away votes delegitimizes the elected offices each of you hold and disinvests young people from their perception of their stake in the community.

Leading up to elections people contact me to ask how to vote and I have to inform them it's too late to register. While some may dismiss these young Kansans as lazy or uninformed, many of them have plans to register and vote, they just have never had anyone tell them there is a deadline. And while elected officials and political junkies may find this hard to believe, most people are living their lives and not obsessing over the next election months away.

Of course, we don't have the time to list the names of the 5,500 Kansans who had their votes thrown away. So I'd like to tell you a few stories from the thousands of disenfranchised Kansans.

An 18-year-old arrived at his polling site on Election Day with a smile ear to ear. He told my friend, a poll worker, how excited he was to vote for the first time and all the poll workers cheered "we have a first-time voter!" I had the same experience 10 years ago and fondly remember that cheer, but I had the luxury of being born into a home where my parents encouraged civic participation and informed me of the register deadline. This young Kansan didn't have that. No one told him there was a deadline. He wasn't on the rolls so the poll worker instructed him to vote provisionally, she didn't have the heart to tell him his vote was going to be thrown away.

A Kansas State University student from Johnson County requested a mail ballot be sent to her. She called the county office and was told it was on the way, but it still hadn't come on election day. This was likely a postal service issue completely out of her control and out of the election offices control. She couldn't make it to Johnson County that day so she decided to cast a provisional ballot in Manhattan as is her right since students can claim either their college address or their parents address. She did everything right in this process. Her vote was thrown away.

A woman completed all the terms of her felony. She was off the paper as they say and her rights were finally restored, but they were restored in the window after the registration deadline and before the election. It was illegal for her to attempt to register before the deadline, but it was too late once her rights were restored. She found herself on Election Day a woman with the legal right to vote, but with an arbitrary legal barrier preventing her from voting.

A worker makes a clerical error while entering your voter registration, a voter roll cleaning accidentally removed you from the rolls, you moved only one block over, but you crossed into another county, you're a college student from another part of Kansas and the postal service lost your ballot, or maybe you're an 18 year old and no adult ever told you, you had to register 3 weeks early.

None of these scenarios should be a sentence of disenfranchisement. These Americans, Kansans, Citizens, deserve to have their votes counted not their voices thrown away. Election Day registration is a safety feature that reduces the likelihood of Americans being wrongfully disenfranchised.

Ideally, this bill would allow citizens to fully register and cast a regular ballot on Election Day which many states already do and some have been doing for decades; however, understanding that this may pose a challenge to some counties this is a compromise bill to simply stop forcing election officials to throw away provisional votes solely based on the 21-day deadline.

Logistically, I think it's acceptable to replace the registration deadline with a date at which you must instead register in conjunction with casting a provisional ballot. This would make statute easier to interpret and allow you to remove Sec. 1(2)(c). Also, in Sec. 2.(c)(1) I'd recommend removing the references to specific voting locations and instead write something such as "any person who appears at a voting location they are eligible to vote at."

There are minor tweaks that may be made, but ending the practice of throwing away citizens votes must end as soon as possible. By utilizing provisional instead of regular ballots this bill has a very minimal impact on how elections are administered. They simply do instead of don't count.

HB2092 is an important and patriotic measure to protect the foundational right of our democratic republic. Please work HB2092 and pass it out favorably so we can stop forcing counties to throw away citizens votes.

Thank you,
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