

TESTIMONY OF CALEB SMITH (Written and Oral-Virtual)
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SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
OPPOSED TO SB 394
FEBRUARY 15, 2022

Members of the Senate Committee on Federal and State Affairs:

My name is Caleb Smith; I am a Campaign Director for Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed is opposed to SB 394. SB 394 imposes a deadline for advance mail ballots that is not within the voters' control. This bill prioritizes the election night spectacle over the ability of all Kansans to have their voice heard.

Every Kansan who casts a vote deserves to have that vote counted. Kansas communities depend on this right. It is important that everyone has the ability to exercise their right to vote, not only because it is the fair and just thing, but also because research shows their health depends on it. Ballot barriers perpetuate health inequalities and are linked to limited accessibility of comprehensive health care, less-secure housing, less nutritious food, lower quality education, fewer jobs with livable wages, and less freedom from crime and discrimination.¹

The revisions to K.S.A. 25-1132 in this bill would amplify differences in voter participation by removing the window for any delays in ballots sent before the polls close. If this bill was in place during the 2020 general election, 32,367 voters would not have had their votes counted.²

Rural communities will be particularly impacted by this new deadline for receipt of advance ballots. Even minor postal delivery disruptions could put thousands of Kansans at risk of having their vote discarded.³ The closure of processing centers in Colby, Dodge City, Hays, Hutchinson,

¹ Yagoda, N. "Addressing Health Disparities Through Voter Engagement." *Annals of Family Medicine* (2019).
<https://www.annfammed.org/content/17/5/459.long>

² Koupal, K. "HB 2319 Committee Minutes and Testimony - Advance by Mail Ballot Information." Kansas Secretary of State's Office (Feb 16, 2021). http://www.kslegislature.org/li/b2021_22/committees/ctte_h_electns_1/documents/testimony/20210216_18.pdf

³ Herron, M. & Smith, D. "Postal delivery disruptions and the fragility of voting by mail." *Research and Politics* (2021).
<https://journals.sagepub.com/doi/pdf/10.1177/2053168020981434> (Researchers found over 10% of votes cast by mail in Maine over four general election cycles were received on election day or the day before and were vulnerable to small disturbances in mail delivery).

Liberal, and Topeka slowed delivery times for significant portions of rural Kansas.⁴ The pandemic has increased the incidence of mailboxes being removed and delivery hours being reduced, which leads to more mail delays that are often unpredictable.⁵ The current statute includes clear safeguards for those delays, as voters are responsible for sending their ballot before the polls close and can plan accordingly for the three day delivery deadline. This bill completely removes those protections and creates an unnecessary burden for rural residents voting by mail.

People with disabilities will also be disproportionately affected by this bill. Voters with disabilities are significantly more likely to cast their ballot by mail than the general population, they are more likely to need assistance with voting, and they are more likely to send their ballots in later.⁶

Removing the three day window for delivery of timely sent ballots is an arbitrary decision based on the media coverage of elections. Newly elected officials do not take office until several weeks after the election so the canvassing has no need to be official that same day. Only the media benefits from a uniform deadline for the receipt of all ballots, as reporters can release stories on election night or the next morning with final results. Kansans should not have their democratic participation placed at risk by a practice that is convenient for the media.

This bill has no exception for unordinary delays. A voter could potentially receive their ballot twenty days before the election, send the completed ballot the same day, and not have their vote count because it arrives the Wednesday after the election, perhaps due to inclement weather or short staffing causing low delivery for the local postal service. That individual would have done everything possible to have their mail ballot received on time but lose their ability to vote because of an unpredictable delay in the delivery time. For voters who regularly have issues with timely delivery of mail, the further reduction of the mailing window to 20 days could effectively deny them the right to vote by mail.

In conclusion, the removal of the window for delivery delays of timely advance ballots is an unnecessary measure that would weaken our democracy. This policy adds too much pressure on a timeline that is already tight, especially for the disabled and those in rural communities, and creates a substantial risk that Kansans will lose their right to vote for reasons that are out of their control.

For all of these reasons, Kansas Appleseed urges you to oppose SB 394.

⁴ Landrith, G. "The Postal Service's Lagging Performance Hurts Rural America, Even as Urban Areas Get Additional Non-essential Services" Kansas City Star (June 25, 2015). <https://www.kansascity.com/news/business/article25502980.html>.

⁵ Shorman J., Hardy K., & Lowry B. "In Rural Kansas, Residents Fear Post Office Will Face Cuts. 'It Will Hurt People.'" Wichita Eagle (Aug. 23, 2020). <https://www.kansas.com/news/politics-government/article245112965.html>.

⁶ Schur, L., Adya, M., & Kruse, D. "Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections." Report to US EAC and RAAV (2013). https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Disability%20and%20voting%20survey%20report%20for%202012%20elections.pdf