

February 15, 2022

SB 394 Requiring all advanced voting ballots be returned by 7 p.m. on election day

Opposition Testimony to be presented orally in person

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I am writing in opposition to SB 394 which seeks to change the final deadline for accepting ballots to 7 pm on Election Day regardless of whether the ballot was postmarked before Election Day. Voting by mail has been a part of the electoral process for decades whether people realized it or not. I voted by mail the first time in 1992 as a college student doing a semester abroad in London. I wanted to make sure to participate in my civic duty. Not only that, but I often remind myself that many of my ancestors fought, marched, and protested for me, a Black girl from Kansas, to have the right to vote. I filled out my ballot and got it back in the mail as quickly as I could. After all, it was a long way back to Kansas City, Kansas from London. College students, military families, people who travel for work have all relied on mail voting. Additionally, there are people with physical disabilities for whom standing in line to vote would be a hardship and people in long-term care facilities, and who have relied on mail ballots to ensure their voices are heard.

Ahead of writing this testimony, I put in a call to the Johnson County Election Office and asked for the number of valid ballots from the most recent election cycle that arrived during the 3-day grace period. All the ballots were clearly postmarked BEFORE Election Day and for whatever reason, they arrived after 7 pm on Election Day. The official count? 1478. That number may seem low, but that is the count from only Johnson County in an odd year, a local election where turnout is notoriously low. Those three days of ballots changed the outcome of at least one race for the Olathe School Board. In past years several races were decided when official valid ballots continued to come in.

[Fred Sherman, the Johnson County Election Commissioner, was kind enough to walk me through the process they use to collect ballots and provide me with the statistics that accompany my testimony. As an aside, he mentioned that they actually receive ballots that have been lost in the mail all the time. Recently, they received a valid postmarked ballot...from the 2020 election cycle. Obviously, there needs to be a reasonable cut-off for accepting ballots and 16 months is too long, but 3 days is reasonable.]

Under SB394 those 1478 votes would be thrown out. Those 1478 voters would be disenfranchised. Those 1478 people, who followed the rules and jumped the hoops would have their voices stifled due to a delay in the mail system.

I was present last week for the hearing on SB 388 Requiring the use of the United States postal service when returning an advance ballot by mail. I actually learned then that several Senators represent areas where even local mail is sent as far away as Kansas City, Missouri, Nebraska, or Oklahoma for processing before being delivered. That is the system set in place. It seems that that extended mail cycle may take a few days to complete. A three-day grace period would help ensure that the votes of rural Kansas have a chance to be counted. I urge you to vote no and not pass this bill out of committee.

| Date | Post Office | EO Drive Through | EO Front Office Dropbox | Blue Valley Library | Central Resource Library | De Soto Library | Gardner Library | Shawnee Library | Spring Hill Library | Northeast Offices | Total |
|--------------|--------------|------------------|-------------------------|---------------------|--------------------------|-----------------|-----------------|-----------------|---------------------|-------------------|---------------|
| 10/14/21 | | | | | | | | | | | 0 |
| 10/15/21 | | | | 1 | | | | | | | 1 |
| 10/18/21 | 7 | 25 | 6 | 6 | 7 | | | 2 | 1 | 11 | 65 |
| 10/19/21 | 3 | 45 | | 19 | 24 | 2 | 2 | 9 | 2 | 3 | 109 |
| 10/20/21 | 100 | 76 | 5 | 47 | 40 | 1 | 4 | 27 | | 21 | 321 |
| 10/21/21 | 502 | 92 | | 26 | 28 | 2 | 5 | 18 | 3 | 19 | 695 |
| 10/22/21 | 469 | 94 | 10 | 34 | 32 | 2 | 3 | 15 | | 18 | 677 |
| 10/23/21 | 471 | | | | | | | | | | 471 |
| 10/25/21 | 690 | 301 | | 171 | 91 | 6 | 29 | 59 | 8 | 80 | 1,435 |
| 10/26/21 | 35 | 322 | 32 | 101 | 78 | 8 | 8 | 47 | 2 | 62 | 695 |
| 10/27/21 | 1,023 | 195 | 18 | 111 | 91 | 4 | 11 | 53 | | 75 | 1,581 |
| 10/28/21 | 923 | 192 | | 70 | 72 | 2 | 10 | 37 | | 47 | 1,353 |
| 10/29/21 | 607 | 231 | 40 | 79 | 66 | 11 | 12 | 34 | 11 | 57 | 1,148 |
| 11/1/21 | 1,688 | 637 | 35 | 329 | 241 | 27 | 41 | 158 | 6 | 198 | 3,360 |
| 11/2/21 | 36 | 384 | 13 | 203 | 122 | 14 | 35 | 70 | 8 | 138 | 1,023 |
| 11/3/21 | 728 | 170 | 7 | 85 | 90 | 10 | 10 | 63 | 4 | 66 | 1,233 |
| 11/4/21 | 533 | | | | | | | | | | 533 |
| 11/5/21 | 217 | | | | | | | | | | 217 |
| Total | 8,032 | 2,764 | 166 | 1,282 | 982 | 89 | 170 | 592 | 45 | 795 | 14,917 |

All Drop Boxes Closed & Locked at 7pm Election Day Nov 2nd then ballots retrieved on Nov 3rd.