

September 22, 2023

Chairman Thompson and members of the 2023 Special Committee on Elections,

As many of you know, I had the privilege of serving in the Kansas House from 2013 through 2018. I was the chair of the House Elections Committee when we passed HB2158 in 2017, a bill that included the acceptance of mailed ballots after election day. As we often find out with the laws that are passed, there are unintended consequences that legislators are not aware of when passing the bill or that occur down the road. Such is the case with the bill I helped pass.

When we passed the original bill, our goal was to make sure that we could count as many legitimate mail ballots as possible, especially overseas ballots from our military. The US Postal Service was shutting down mail processing centers and the ballots had to travel farther locally, and they took more time to be returned. HB2158 was an attempt to give more time for the delivery of the ballots and we were ensured that there was a way to check postmarks or bar codes on the returned ballots to verify they were sent before the close of elections.

Unfortunately, that has turned out not to be true in most cases. Mail is not routinely postmarked anymore, and a barcode that cannot be deciphered is used in many cases if there is a mark at all. This makes it nearly impossible to tell whether a late ballot can be counted or not under this law.

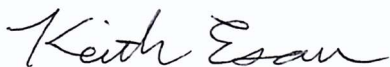
Fortunately, people are much more aware that the postal service is slow and unreliable than they used to be – so much so that many people simply avoid using the postal service and drop their ballots in drop boxes that have been added. This makes the extra time for mail ballots no longer necessary.

Another problem that has arisen since the extension became law is confidence in the election results. People do not like seeing “new” ballots arrive after the polls are closed. It alarms some people that election results change a lot daily after the election leading many to believe that the election is being “stolen.” While most people understand that provisional ballots may change the results in very close races, they also know that those ballots were received before the close of the polls. What bothers me and many others is that we are accepting new ballots after the polls close — ballots that could have easily been turned in on time with minimal effort — and having constant changes in the results.

I ask you to return to the standard of having all ballots in hand at the close of the polls to improve the confidence in fair elections by re-establishing a standard closing time for accepting any ballot. Not only will this improve confidence of an accurate election, it will also benefit the election offices in their processing after the election by reducing constant additions and recounts.

Thank you for your time and I will stand for any questions on this matter.

Submitted,



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