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HB 2437

Opponent Testimony- Written

Mike Fonkert, Deputy Director

Kansas Appleseed Center for Law and Justice

[mfonkert@kansasappleseed.org](mailto:mfonkert@kansasappleseed.org)

Senate Committee on Federal & State Affairs

Chair Thompson and Members of the Committee on Federal and State Affairs,

Thank you for the opportunity to provide testimony on behalf of Kansas Appleseed in opposition to HB 2437. While the bill is presented as an election integrity measure, it would instead increase the risk of wrongful voter removal, reduce transparency in election administration, and impose new administrative burdens on county officials without evidence of a widespread problem requiring such intervention.

HB 2437 mandates expanded voter list maintenance procedures, including biannual comparisons of Kansas's statewide voter registration database against the federal Systematic Alien Verification for Entitlements (SAVE) system and additional residency data sources. However, database matching—particularly citizenship verification through federal systems—is widely documented to produce false positives due to outdated records, clerical discrepancies, and incomplete datasets. Even minor inconsistencies in names, hyphenation, or dates of birth can result in eligible citizens being flagged as ineligible.<sup>1</sup>

The SAVE system itself is not a comprehensive citizenship database but a query tool that relies on underlying records that may be incomplete or outdated. A privacy threshold analysis of SAVE published by U.S. Citizenship & Immigration Services in the fall of 2025 acknowledges that misspellings, transposed numbers, and missing data may produce inaccurate results.<sup>2</sup> SAVE may be unable to confirm the citizenship of individuals who have acquired citizenship but lack updated records in federal databases, including naturalized citizens and citizens born abroad to

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<sup>1</sup> Jasleen Singh, Homeland Security's "SAVE" Program Exacerbates Risks to Voters, Brennan Center for Justice (July 21, 2025), <https://www.brennancenter.org/our-work/researchreports/homeland-securitys-save-program-exacerbates-risks-voters>.; Jude Joffe-Block & Miles Parks, 33 million voters have been run through a Trump administration citizenship check, NPR (Sept. 11, 2025), <https://www.npr.org/2025/09/10/nxs1-5477367/save-election-citizenship-data-trump>.

<sup>2</sup> U.S. Department of Homeland Security. (2026, February 2). *Voter Registration and Voter List Maintenance Fact Sheet*. U.S. Citizenship and Immigration Services. <https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet>

U.S. parents.<sup>3</sup> Recent reporting from jurisdictions using SAVE has confirmed these risks: St. Louis County found that approximately 35% of individuals initially flagged as noncitizens were in fact naturalized citizens.<sup>4</sup> In Alabama, election officials inactivated more than 3,200 registrations based on suspected noncitizenship, later acknowledging that at least 2,074 were eligible voters.<sup>5</sup>

Evidence from prior large-scale citizenship verification programs demonstrates that database-driven purges produce significant error while identifying extremely few ineligible voters. In Texas, a similar review program wrongly flagged tens of thousands of eligible voters, leading to litigation and a settlement requiring the state to pay \$450,000 in legal fees.<sup>6</sup> Federal election data similarly show that noncitizen voting is exceedingly rare. Across 42 jurisdictions that oversaw 23.5 million votes in the 2016 general election, only approximately 30 suspected incidents were referred for investigation—representing 0.0001% of votes cast.<sup>7</sup> Kansas-specific evidence is consistent: litigation reviewing voter registration records identified at most 125 noncitizens who registered or attempted to register between 1999 and 2013, representing less than 0.0007% of registered voters.<sup>8</sup>

Despite the minimal scope of the problem, HB 2437 shifts the burden of proof onto voters flagged through database comparisons by requiring them to affirmatively demonstrate citizenship or residency to maintain or reinstate registration. This requirement creates substantial barriers for eligible voters. National research indicates that millions of citizens lack readily available proof of citizenship, and obtaining documents such as passports or certified birth records can be costly and time-consuming. Approximately 9% of voting-age citizens nationwide do not have citizenship documentation readily available, and passport possession is far from universal.<sup>9</sup> Only 40.8% of Kansans have a valid U.S. passport.<sup>10</sup> Acquiring proof of citizenship is a burden that will fall most heavily on low-income residents, newly naturalized citizens, and individuals experiencing housing instability.

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<sup>3</sup> U.S. Commission on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States*, 2018 Statutory Enforcement Report (Sept. 2018),

[https://www.usccr.gov/files/pubs/2018/Minority\\_Voting\\_Access\\_2018.pdf?inline=1](https://www.usccr.gov/files/pubs/2018/Minority_Voting_Access_2018.pdf?inline=1).

<sup>4</sup> Alexandra Berzon & Nick Corasaniti, *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump Claim*, *New York Times* (Jan. 14, 2026),

<https://www.nytimes.com/2026/01/14/us/politics/noncitizen-voters-save-tool.html>.

<sup>5</sup> <https://www.npr.org/2024/10/12/nx-s1-5147789/voting-election-2024-noncitizen-fact-check-trump>

<sup>6</sup> Alexa Ura, *Texas will end its botched voter citizenship review and rescind its list of flagged voters*, *The Texas Tribune* (Apr. 26, 2019),

<https://www.texastribune.org/2019/04/26/texasvoting-rights-groups-win-settlement-secretary-of-state/>.

<sup>7</sup> Keith, D., & Pérez, M. (2017, May 5). *Noncitizen Voting: The Missing Millions*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>

<sup>8</sup> *Fish v. Kobach*, 309 F. Supp. 3d 1048 (D. Kan. 2018).

<sup>9</sup> Morris, K., & Henry, C. (2024, June 11). *Millions of Americans Don't Have Documents Proving Their Citizenship Readily Available*. Brennan Center for Justice.

<https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>

<sup>10</sup> Center for American Progress. (2025). *Passport possession, by state*. Washington, D.C.

<https://www.americanprogress.org/wp-content/uploads/sites/2/2025/01/SAVEact-tables.pdf>

HB 2437 also authorizes the use of residency information from a wide array of sources, including nongovernmental entities and other jurisdictions. This broad authority lacks clear standards and risks creating subjective or error-prone voter challenges. Expanding the number and type of data inputs increases the probability of administrative error while placing additional workload demands on county election officials. The fiscal note for HB 2437 explains that the Kansas Association of Counties has indicated implementation could require additional staffing, and the Department of Revenue anticipates new costs associated with data matching and reporting infrastructure.

Equally concerning, HB 2437 designates large categories of voter verification information as confidential and exempts that information from disclosure under the Kansas Open Records Act until at least July 1, 2031. Public transparency is a cornerstone of accurate and accountable voter list maintenance. Shielding the data used to question voter eligibility prevents independent review by journalists, researchers, civic engagement organizations, and affected voters themselves, making it difficult to identify errors or discriminatory impacts. By expanding removal mechanisms while simultaneously restricting public oversight, the bill undermines confidence in election administration rather than strengthening it.

Kansas already maintains procedures to ensure accurate voter registration rolls and to remove ineligible registrations consistent with federal law. HB 2437 would layer additional error-prone processes onto existing safeguards without demonstrating a corresponding benefit. Instead, the bill risks wrongful disenfranchisement of eligible Kansas voters, imposes new costs on state and local governments, and reduces transparency in the administration of elections.

We respectfully urge this committee to reject HB 2437.

Thank you for your time,

Mike Fonkert