

August 19, 2024

*Via email to: All County Election Officials*

Re: Election Protection Program for August 6, 2024 Primary Election



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

**Kansas**

PO Box 13048  
Overland Park, KS 66282  
(913) 490-4100  
aclukansas.org

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Dear County Election Officials and Election Office Staff:

Although we know that many of you remain busy with certification and other work finalizing election results, we wanted to take a moment to express our appreciation of your efforts to ensure a smooth, safe, and fair August 6, 2024, primary election, and to follow up on the results of our Election Protection program that day.

Our nonpartisan Election Protection program, run by the ACLU of Kansas with assistance from Stinson LLP and the Lawyers Committee for Civil Rights, engaged 65 volunteers spread across 13 counties. An additional 12 volunteer attorneys responded to calls to the 866-OUR-VOTE hotline. The hotline received only 13 calls on August 6: most were questions about voter registration or how to vote in a primary, and only a few concerned more serious issues such as potential electioneering. This low volume of calls speaks to how well you and your election staff operated the polls that day.

That said, there were a few recurring issues arising out of the primary that we wish to bring to your attention.

First, we received reports from multiple counties of voters receiving ballots for the incorrect political party. While this issue is not likely to come up during the November General Election, we encourage you to remind poll workers to double check ballots before handing them out to voters.

Second, out of the 86 polling sites our volunteers visited across the state, 36 sites lacked clear or obvious signage regarding curbside voting. K.S.A. § 25-2909(d) mandates provision of a curbside voting process for voters with disabilities. Without clear signage or other directions for curbside voting outside polling locations, voters with disabilities cannot communicate their needs to poll workers and are thus prevented from voting.

Our volunteers also observed that not all polling locations appeared to comply with the Americans with Disabilities Act (“the ADA”)—for example, lacking clearly marked or unblocked handicapped parking spaces, wheelchair-friendly surfaces and grading, ramps, etc. The ADA, the Voting Accessibility for the Elderly and Handicapped Act of 1984, and other federal statutes require state and local governments to provide people with



disabilities a full and equal opportunity to vote in all elections.<sup>1</sup> We encourage you to (1) select polling locations that are ADA-compliant and accessible, and (2) remind poll workers to ensure that curbside voting options are obvious and available at all polling locations.<sup>2</sup>

As we look ahead to the November General Election, we welcome feedback about the Election Protection program and how we can continue to work collaboratively with you and your office.

We will reach out again in October to inform you about our plans for the program in November. We anticipate even more volunteer poll monitors and hotline attorneys to participate in the program. We will provide you with advance notice of the polling locations where we expect to have volunteer poll monitors so you may notify your staff. Please make sure your staff are aware of the rules surrounding our volunteers' engagement with voters. We will also provide you with a copy of the identification name badge and sign our volunteers will have on them when they show up for their poll monitor shifts.

Thank you again for your work in this state on behalf of all voters. We appreciate it and look forward to working with you again in November.

Regards,

A handwritten signature in black ink that reads "Kunyu L. Ching". The signature is written in a cursive style.

Kunyu Ching  
Staff Attorney

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<sup>1</sup> See, e.g., 52 U.S.C. § 20102(a) (“Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.”); 52 U.S.C. § 21081(a)(3) (voting systems must “be accessible for individuals with disabilities . . . in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters”); 28 C.F.R. § 35.149 (“[N]o qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.”).

<sup>2</sup> For more information, please visit <https://www.ada.gov/topics/voting/>. Federal funds are available to assist in this process. 52 U.S.C. § 21021.