



**Kansas Senate**  
**Committee on Federal and State Affairs**

February 15, 2024  
Stewart Whitson, *Visiting Fellow*  
Opportunity Solutions Project

Chair Thompson, Vice Chair Kloos, and honorable members of the committee:

Good morning, my name is Stewart Whitson, and I am a visiting fellow at the Opportunity Solutions Project (OSP). OSP is a non-profit, non-partisan advocacy organization that seeks to enhance the lives of *all* Americans by improving welfare, workforce, health care, and election integrity policy at both the state and federal levels.

Today, I am here to testify in support of Senate Bill 367.<sup>1</sup>

The U.S. Constitution places primary responsibility for determining the “times, places, and manner of holding elections” squarely on the shoulders of state legislatures with limited oversight from Congress. Nowhere does the U.S. Constitution allow the president (or the agencies led by his political appointees) to interfere in the administration of elections. And for good reason. Yet, that is precisely what the current administration is attempting to do through Executive Order 14019.<sup>2</sup>

The order commands every federal agency to use their power and resources (including their offices based in the state of Kansas) to engage in a first-of-its-kind get-out-the-vote effort in close (and secret) coordination with hand-selected third-party groups allied to the president’s political party.

Obviously, there is a legitimate concern that taxpayer-funded resources are being used to try to tip the scales of the next election in favor of the current president’s political party. Regardless of the political party you happen to hail from, the order should worry you since there is nothing to stop a future president from the other political party from attempting to engage in this same kind of improper behavior to keep himself in power.

This bill, SB 367, offers one important way you, the Kansas State Legislature, can help keep the federal executive branch out of the administration of Kansas elections by limiting the ability of the administration to use federal agency funds to help carry out this order.

Such improper behavior might involve enticing a state or local official to interpret a voting law in a way that benefits the president’s political party in exchange for federal funding. It might also entail efforts by the administration to direct funding only to those districts that predominantly support the current president’s political party (the way Mark Zuckerberg did in 2020), or only to those agencies who interact primarily with potential voters deemed more likely to vote for the current president’s political party.<sup>3</sup> Federal election funding would then be used to finance—on the backs of all taxpayers—get-out-the-vote efforts in Kansas designed to benefit only one political party.

While this bill would not solve all the problems created by President Biden’s unlawful order, it would help this legislature to ensure that all election funding is allocated fairly and in a manner that will promote free and fair elections while inspiring voter confidence.<sup>4</sup>

One way this bill might be strengthened, is by adding language requiring approval from this legislature before any federal agency may be designated “by the state” as a voter registration agency under Section 7 of the National Voter Registration Act (NVRA) and rendering null and void any previous designations unless and until approved by the state legislature.<sup>5</sup> This would, of course, include Haskell Indian Nations University (HINU), which, according to the Biden administration was designated in 2022, though it remains unclear by whom the designation was made, as well as any other federal agencies supposedly designated that we just don’t know about yet.

With that, I strongly urge you to vote in favor of this bill and I look forward to any questions you might have. Thank you.

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<sup>1</sup> Senate Bill 367, Kansas Legislature (2024), [https://www.kslegislature.org/li/b2023\\_24/measures/sb367/](https://www.kslegislature.org/li/b2023_24/measures/sb367/).

<sup>2</sup> Executive Order on Promoting Access to Voting, EO 14019, White House Briefing Room (2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

<sup>3</sup> Stewart Whitson & Trevor Carlsen, Wisconsin’s Zuckerbucks Report: A Call to Action on Election Integrity, Real Clear Policy (2022), [https://www.realclearpolicy.com/articles/2022/03/31/wisconsins\\_zuckerbucks\\_report\\_a\\_call\\_to\\_action\\_on\\_election\\_integrity\\_824595.html](https://www.realclearpolicy.com/articles/2022/03/31/wisconsins_zuckerbucks_report_a_call_to_action_on_election_integrity_824595.html).

<sup>4</sup> Executive Order on Promoting Access to Voting, EO 14019, White House Briefing Room (2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

<sup>5</sup> 52 U.S.C. §§20502, 20506.