

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2056**

As Amended by Senate Committee of the Whole

**Brief\***

Senate Sub. for HB 2056, as amended, would limit county election offices to one remote ballot box for every 30,000 registered voters in the county; require remote ballot boxes to be monitored or under constant video surveillance; tie the available hours of a remote ballot box to the hours of operation of a county election office; extend the advance voting period by three days; and shorten the voter registration deadline before an election by three days.

The bill would be in effect upon publication in the *Kansas Register*.

***Remote Ballot Boxes***

***Definitions***

The bill would define the following terms:

- “Remote ballot box” to mean any form of a locked ballot box designated by the county election officer as available for depositing advance voting ballots. The definition would not include any ballot boxes located in a county election office or satellite advance voting site.
- “State or municipal building” to mean a building owned or leased by the state or municipality.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “State or municipal building” would not include a building owned by the state or a municipality that is leased by a private entity or a building held in title by the state or municipality solely for revenue bond financing.

#### *Quantities Limited*

The bill would limit county election offices in counties with fewer than 30,000 registered voters to one remote ballot box per election. In counties with more than 30,000 registered voters, the bill would authorize the county election office to use one remote ballot box for every 30,000 registered voters in the county.

#### *Monitoring Requirements*

The bill would require remote ballot boxes, when open, to be:

- Continuously observed by an employee of the county election office;
- Located inside a state or municipal building where employees are physically present; or
- Located inside any other building and continuously observed by two authorized poll agents who shall not be registered with the same political party.

#### *Available Hours*

The bill would prohibit remote ballot boxes from being open and accessible for the deposit of advance voting ballots when the county election office is closed.

The bill would require remote ballot boxes to be open until 7:00 p.m. on the date of the election or until all persons in line for the remote ballot box have been able to deposit

their advance voting ballots. The ballots would then be removed from the remote ballot boxes and transmitted to the county election office, and the remote ballot box would be closed and inaccessible for the deposit of any additional advance voting ballots for such election.

#### *Signage Requirement*

The bill would require each remote ballot box to have a sign clearly posted near its opening stating the statutory limits on the return of advance voting ballots on behalf of another voter as specified in KSA 25-2437, and the penalty for violations. Signage would be required to comply with any rules and regulations adopted by the Secretary of State (Secretary).

#### *Authority to Regulate*

The bill would require the Secretary to adopt rules and regulations necessary to implement and enforce the remote ballot box provisions, including, but not limited to, requiring ballots received from remote ballot boxes be preserved separately from other ballots.

#### *Return of Advance Voting Ballot by Drop Box*

Current law provides that a voter may return their advance voting ballot by personal delivery or by mail. The bill would amend this provision to also authorize the return of advance voting ballots by remote ballot box.

#### ***Advance Voting Period***

The bill would extend the application period for an advance voting ballot to be mailed to the voter from the current 90 days to 93 days before a November general election.

The bill would amend the filing deadline for applications for in-person advance voting ballots to between ten days prior to such election and 12:00 p.m. on the day preceding such election. Under current law, the application may be filed from the Tuesday next preceding the election until 12:00 p.m. on the day preceding the election.

The bill would amend the advance voting ballot period from the current 20 days before an election to 23 days before an election.

The bill would amend the deadline for county election officers to provide for the registration of voters at 1 or more places from the current 20 days preceding the day of a primary, general, or any election not otherwise specified to 23 days before such elections.

The bill would amend the deadline for county election officers to accept voter registration applications from voter registration agencies and the Division of Vehicles from the current 21 days before an election to 24 days before any election. The bill would amend the deadline for the postmark on a mailed voter registration application from the current 21 days preceding the date of any election to 24 days.

### ***Return of Advance Voting Ballot by Mail***

The bill would require a voter returning an advance voting ballot by mail to use the U.S. Postal Service or any other delivery service that provides the voter with a receipt indicating the ballot was mailed and allowing the voter to verify delivery of the ballot.

The bill would amend the deadline for the receipt by mail of advance voting ballots by county election officers to 7:00 p.m. on the date of the election. Under current law, such ballots must be received by the election officer by the last delivery of the mail of the U.S. Postal Service on the third day following the date of the election.

## **Background**

The Senate Committee on Federal and State Affairs amended SB 394 (pertaining to advance voting ballot deadlines); replaced the contents of HB 2056 with the contents of SB 394, as amended; and recommended a substitute bill be passed.

HB 2056, as introduced in the 2021 Session, concerned the regulation of sale and distribution of kratom products. Background information on HB 2056 is contained in the supplemental note for the introduced version of that bill.

## **SB 394**

SB 394 was introduced by the Senate Committee on Federal and State Affairs at the request of Representative Esau.

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

In the Senate Committee hearing, Representative Esau, a former Representative, a representative of Opportunity Solutions Project, and a private citizen testified as **proponents**, generally stating the need to increase voter faith in the election process. Written-only proponent testimony was provided by four private citizens.

A representative of the Office of the Secretary of State testified as neutral.

**Opponent** testimony was provided by a former Representative and representatives of the Disability Rights Center for Kansas, Kansas African American Affairs Commission, Kansas Appleseed for Law and Justice, League of Women Voters of Kansas, Loud Light Civic Action, Mainstream Coalition, and a private citizen. Opponents generally stated the three-day mail delivery deadline was

enacted in 2017 in response to mail delivery reliability issues with the U.S. Postal Service, and that changing the deadline would disenfranchise thousands of voters. Written-only opponent testimony was provided by representatives of the ACLU of Kansas, Kansas County Clerks and Election Officials Association, Kansas National Education Association, and 13 private citizens.

The Senate Committee amended the bill to:

- Restrict the number of remote ballot boxes available in each county by population;
- Tie the use of remote ballot boxes to the hours a county election office is open;
- Require remote ballot boxes to be monitored or under video surveillance;
- Require certain signage, record keeping, and promulgation of rules and regulations related to remote ballot boxes;
- Change deadlines for voter registration leading up to an election; and
- Change the number of days available for advance voting; and
- Make technical amendments.

***Senate Committee of the Whole***

The Senate Committee of the Whole amended the bill to:

- Remove video surveillance of remote ballot boxes as an alternative to continuous observation by a county election office employee;

- Allow remote ballot boxes to be located inside a state or municipal building with employees present, or inside any other building while continuously observed by two authorized poll agents; and
- Define “state or municipal building.”

### **Fiscal Information**

A fiscal note for Senate Sub. for HB 2056 was not available when the Senate Committee took action on the bill.

According to the fiscal note prepared by the Division of the Budget on SB 394, as introduced, the Secretary indicated the bill would have no fiscal effect. The Kansas Association of Counties indicated enactment of SB 394 could decrease county election costs because it would reduce the time frame during which ballots could be accepted, which would reduce the required staffing hours. The exact costs would vary depending on how many personnel would be reduced, which would depend on each county’s population size.

Elections; advanced voting ballots; deadlines; ballot box; monitoring