



## STATE OF KANSAS

### **Testimony on HB2190 (Oral Proponent)**

House Committee on Elections  
Tuesday, February 7, 2023

Chairman Proctor and members of the Committee:

Thank you for the opportunity to provide comments in support of House Bill 2190. Our office introduced this legislation to prevent the harassment of election officials and volunteers, secure the voter registration database and procedures, protect voter privacy, and provide clarity on multiple statutory references.

HB2190 creates or amends existing statutes regarding election crimes to address issues facing the election system. Multiple states have enacted similar provisions to those included in this bill:

- Section 1 creates a new specific crime of interference with an election official. This addresses the national epidemic of threats, intentional harassment, and verbal and physical assault on election officials.
- Section 2 creates a crime of violating voter database procedures. The voter database is the center of the election system, and intentional failure to follow security procedures can leave the database vulnerable.
- Section 9 amends current law to provide additional detail as to what constitutes voter intimidation. This addresses a wave of incidents nationwide involving individuals who intentionally act to intimidate or interfere with voters.
- Section 11 removes the authority of the Secretary of State to prosecute election crimes. Considering that county and district attorneys and the Kansas Attorney General already possess prosecutorial authority over election crimes and, unlike the Secretary of State, possess the resources and trained staff to investigate and prosecute election crimes, this provision will remove a layer of redundant government bureaucracy.

HB2190 contains several privacy protections for voters through the following measures:

- Sections 7 and 8 address the release of information from the voter database. In addition to the already-prohibited public release of a voter's Social Security Number and driver's license number, a voter's email address would now be prohibited from being publicly released. While state law lists phone numbers as data to be requested and publicly released upon request, there is currently no statutory authority to request or possess voter email addresses. The over 200,000 voters who have registered to vote online, however, have their email addresses stored in the voter database. The Kansas courts have ruled that whatever is in the voter database must be released to the public unless otherwise exempted. This provision ensures that voter email addresses are exempt from public release.
- Section 8 exempts individualized provisional ballot information from public release but authorizes the release to the relevant voter. Voters have shared concerns about being contacted after the election by individuals using the incomplete and often outdated provisional ballot information to help remedy deficiencies on their advance by mail ballot, which results in voter confusion and frustration.
- Section 10 amends current law regarding ballot secrecy provisions by incorporating the provisions of K.S.A. 25-2912(a) enacted in 2022 by specifying that disclosure of a ballot, in any form, is a crime.

Lastly, HB2190 addresses several issues with election processes:

- Sections 4 and 13 define a "special election" as distinct from a primary or general election and provide that a special election cannot occur within 45 days of a primary or general election. This provision would prevent the unintended violation of the federal 30-day maximum closure of voter registration before an election. In addition, this provision would ease the burden on county election officials who have been required to conduct two separate elections simultaneously.

- Section 5 addresses candidate filings for city candidates elected by district. In 2015, the legislature amended K.S.A. 25-2110 to require all city candidates to file with the county election officer and not with the city clerk. K.S.A. 25-2110a, which governs city candidates elected by district, was not amended due to an oversight. This statutory inconsistency results in confusion as to where to file for city positions elected by district – especially when the city elects council members by district and the mayor at large.
- Section 6 provides that whenever a non-governmental organization works with, or is sponsored by, a Kansas government agency to register voters, the government agency must ensure that only the state voter registration form, or .gov voter registration site, is used to register voters rather than a third-party site. Often, this data is transferred to other organizations that may be partisan-leaning organizations, which conflicts with government’s duty to maintain strict neutrality in election matters.

Thank you for the opportunity to submit comments to the committee. We respectfully request the passage of HB2190.

Respectfully submitted,

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