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STATE OF KANSAS

Testimony on SB439 (Proponent)

Senate Committee on Federal and State Affairs
Monday, February 21, 2022

Chairman Olson and members of the Committee:

The Kansas Secretary of State's office appreciates the opportunity to provide testimony in support of SB439.

Voter roll maintenance takes place daily, with collaboration alongside local, state, and federal government agencies to exchange data. SB439 provides county election officers an additional tool to ensure voter rolls are as accurate as possible and protect properly registered voters from being inadvertently removed from the voter rolls.

Federal and state law permit the following reasons for a voter to be removed from the voter rolls: death, federal and state felony conviction, or notice from the county election office.

Pursuant to federal and state law, a county election officer who receives evidence from the United States Postal Service (USPS) that the voter no longer resides at the registered address must send a postage prepaid confirmation notice to the voter. If the notice is returned to the county election office as undeliverable or is not returned, the county election officer must wait two federal election cycles of no election related activity by the voter before the voter may be removed from the voter rolls. Less than 40 percent of people who move file a change of address form with the USPS and are listed on the change of address database.

SB439 provides an additional reason for a registered voter to be sent a confirmation notice by the county election office: no election-related activity for a four-year period. This confirmation notice ensures the voter is still registered at the same address. The same process described above is followed, and if the voter does not participate in election-related activity for two federal election cycles since the mailing of the confirmation notice, the voter shall be removed from the voter registration database.

SB439 defines the term "no election-related activity" to mean an elector that has not voted, attempted to vote, requested or submitted an advance by mail ballot application, filed an updated voter registration card, signed a petition which is required by law to be verified by the county election officer or the secretary of state, or responded to any official election mailing transmitted by the county election office. Many inactive registered voters are those who have moved and not updated their registration.

Several states have utilized this practice for their respective voter rolls. In 2018, the U.S. Supreme Court approved of this uniform and nondiscriminatory process as an effective and legal path to improve the accuracy of a voter registration database. The Kansas Secretary of State is in support of this proposal to ensure our voter rolls continue to be accurate and reliable.

Thank you for your time and consideration.

Respectfully submitted,

Clay Barker
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General Counsel