

SESSION OF 2008

SUPPLEMENTAL NOTE ON SENATE BILL NO. 562

As Amended by House Committee of the Whole

Brief*

SB 562 would establish a process whereby, beginning on January 1, 2010, every nursing facility, assisted living facility, and hospital-based long-term care unit could serve as a voting place for its residents who are registered to vote. Specifically, the bill would:

- Permit the county election officer to contact the administrator or operator of each such facility, at least 60 days before any election other than a mail ballot election, to request that the registered voters in the facility be offered the opportunity to vote there. If the administrator agrees, a mutually agreed upon date for the voting would be established.
- Require the county election officer to appoint a special election board to administer the ballots to the residents of a participating facility. Qualifications for the board, consisting of two or more members, are established in the bill.
- Require the special election board for each participating facility to follow advance voting procedures, to the extent practicable.
- Permit any facility resident who is a registered voter to request a ballot from the special election board. The special election board may deliver an advance ballot to any voter who has received permanent advance voting status, instead of mailing the ballot.

*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>

- Permit any voter to receive assistance from a special election board member or from a person of the voter's choice, if the person rendering assistance signs a written statement as required by law.
- Require the special election board to protect the privacy of each voter and seal each ballot in an envelope or deposit it in a locked ballot box. Security measures also would be required when direct recording electronic voting systems are used. Voting materials must be returned to the county election officer at the close of voting at the facility. Tabulation procedures are specified in the bill.
- Require the county election office to post the appropriate notice at each participating facility when it is serving as a mobile voting site.
- Define the terms "nursing facility" and "hospital-based long-term care unit."
- Make participating facilities subject to the provisions of the electioneering crime statute, during the time when the facility is serving as a polling place.

Background

Testifying in favor of the bill were representatives of the Office of the Secretary of State, the Kansas Office of the State Long-Term Care Ombudsman, the Shawnee and Wyandotte county election offices, and the Kansas Health Care Association. A Johnson County Election Office representative testified in support but offered suggested amendments. A representative of the Kansas Department on Aging suggested amendments as well.

The Senate Committee amended the bill to make it effective on January 1, 2010.

The Senate Committee of the Whole amended the bill to:

- Replace the requirement with permissive language regarding contact of the facilities by the county election officer;
- Exempt swing beds within the affected facilities; and
- Make a technical change.

The House Committee amended the bill to:

- Change the names of facilities that may participate to include adult care homes, and exclude nursing facilities and assisted living facilities;
- Make participating facilities subject to the provisions of the electioneering crime statute, during the time when the facility is serving as a polling place;
- Require posting of appropriate notice at participating facilities;
- Exclude mail ballot elections; and
- Make technical and clarifying changes.

The House Committee of the Whole changed the facility names back to nursing facilities and assisted living facilities (from adult care homes).

According to the fiscal note, passage of SB 562 would have no fiscal effect on the operations of the Secretary of State's Office. However, county election offices would incur additional costs as the result of this bill. The costs would depend on a number of factors related to population and the number of participating facilities located in the county. The Office of the Secretary of State estimates that, based on a

sample survey of county election officers, the cost of this program could be \$88,000 per election if all eligible facilities in the state opt to participate.