

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 366

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 366, as amended, would amend election law concerning the mailing of advance voting ballot applications.

***Mailing of Advance Voting Ballot Applications by County
Election Officers***

The bill would require county election officers to receive a request for an advance voting ballot application from a voter before mailing such application to voters. The bill would prohibit any portion of the advance voting ballot application from being completed prior to being mailed by the county election officer.

***Mailing of Advance Voting Ballot Applications by Private
Individuals and Organizations***

Mailing by Nonresidents

The bill would remove a provision in current law prohibiting any person who is not a resident of Kansas or domiciled in Kansas from mailing or causing to be mailed an advance voting ballot application. In addition, the bill would remove related provisions concerning Attorney General oversight of complaints, investigations, and civil penalties for violations of this prohibition. [*Note:* These provisions related to advance voting ballot applications have been permanently

*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>

enjoined by the U.S. District Court for the District of Kansas since February 2022.]

Disclosure Requirements

The bill would make the following amendments to the disclosure requirements for mailings sent by private individuals or organizations including an application for advance voting ballot:

- Change the requirement for where specified information must be included in the mailing to either the exterior of the mailing or on one of the pages contained within the mailing. Current law requires the information be included on both the exterior and on each page of the mailing;
- Reduce the font size for all required information on either the exterior of the mailing or on one of the pages contained within the mailing from 14-point or larger font to 12-point or larger font; and
- Add the word “official” to the disclosure statement. [Note: The statement would read: “Disclosure: This is not an official government mailing. It is from a private individual or organization.]

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Thompson.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, **proponent** testimony was provided by four private citizens who generally stated the bill would help improve election security and integrity, protect

individual privacy, and reduce United States Postal Service issues. Written-only proponent testimony was provided by 11 private citizens.

Representatives of the Kansas County Clerks and Election Officers Association, Kansas League of Women Voters, and Loud Light Civic Action; and one private citizen provided **opponent** testimony. The opponents generally discussed concerns about undermining local control, limiting the ability to use advance voting ballot applications as a voter education opportunity, and restricting the options available for county election officers to best meet the needs of their jurisdiction. Written-only opponent testimony was provided by representatives of the ACLU of Kansas and Health Forward Foundation; and two private citizens.

Neutral testimony was provided by a representative of the Office of the Secretary of State (Secretary of State). The representative addressed concerns regarding individual privacy, stating the bill aligns with the direction the Secretary of State gave to the election commissioners for the 2024 elections to not mail advance voting ballot applications, and that county election officers routinely mail advance voting ballot applications to all voters as part of their standard procedures.

The Senate Committee amended the bill to add the word “official” to the disclosure statement required to be included either on the exterior of the mailing or on one of the pages contained within the mailing.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Secretary of State indicates it would use existing resources to provide training and update manuals for county election officials; update the agency’s website; update public documents and information; and work with media, political parties,

candidates, and the public to ensure knowledge of the new prohibition on mailing advance voting ballot applications.

Additionally, the agency indicates enactment of the bill would have a fiscal effect on county election office budgets. The offices would need additional workers to process the increase in the volume of calls requesting applications, forms, postage, and printing costs. Depending on the election, costs could range from a few hundred dollars to thousands of dollars per election, per county. Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill would have a fiscal effect on the counties but is unable to estimate the effect.

Elections; county election officer; advance voting ballot application