



STATE OF KANSAS

January 14, 2026

Testimony on HB 2437 (Oral Support)

House Committee on Elections

Thursday, January 15, 2026

Chair Proctor and members of the Committee:

The Kansas Secretary of State supports HB 2437 which would make several discrete improvements to KSA 25-2316c, the statute that controls voter roll maintenance.

Background:

Two federal laws mandate voter roll maintenance:

1. The National Voter Registration Act Of 1993 (NVRA) (52 USC 20507(a)(4)) directs that states must “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters” by reason of death or change of residence.
2. The Help America Vote Act of 2002 (HAVA) (52 USC 21083(a)(4)) requires states “to ensure that voter registration records in the State are accurate and updated regularly.”

The NVRA establishes procedures for, and strict limits on, voter removal. The federal policy is that when in doubt it is better that a voter remains on the voter rolls than to mistakenly remove a legitimately registered voter.

KSA 25-2316c is the state law that governs voter roll maintenance and sets out the approved sources of information and procedures to remove voters from the voter rolls. Only county election officers may remove voters registered in their county. The Secretary of State assists them in this process.

Provisions of the Bill:

The bill’s three goals are to (1) improve Kansas’ voter roll maintenance procedures; (2) to codify what constitutes “reasonable effort” to remove ineligible voters; and (3) to ensure voter privacy concerning voter roll maintenance efforts.



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Part I: New Tools for Better Voter Roll Maintenance

Use of DMV Records: The amendment adding 25-2316c(e)(5) would allow county election officers to use DMV records indicating a registered voter has changed residence outside the county of residence as a reason to send a confirmation notice and start the due diligence process to update the voter rolls. This is the same process used when information from the postal service indicates a voter may have changed residence. DMV records constitute a source of information that is as reliable as, and in many cases more reliable than, postal records for identifying potential changes in an individual's residence.

Use of Social Security Death Index: The amendment to KSA 25-2316c(f)(2)(F) clarifies the existing authority for county election officers to use the Social Security Administration (SSA) death index as a reason to remove a registered voter as deceased – if the individual's death has been verified by a reliable means.

Election officers receive weekly updates of those who die in Kansas and were issued a death certificate. The SSA death index (and verified obituaries) are the only reliable sources for proof a Kansas voter died out of state. For the first time in many years, Kansas was permitted to run its voter database against the SSA death index and has identified several thousand likely deceased voters and, after performing due diligence, removing them.

Death Attestation: The amendment adding KSA 25-2316c(f)(2)(G) allows county election officers to use a new tool, affidavits with sufficient proof from close family members to substantiate an individual's death and allow that person to be removed from the voter rolls.

Multiple states already use death attestations as the basis to remove deceased voters including North Carolina; Colorado; West Virginia; Washington; Alabama; Georgia; Maine; and Maryland.

This amendment adds a third method of identifying deceased individuals on the voter rolls.

1. Systematic matching with official death records from Kansas vital records and the Social Security Death Index.
2. Obituaries, both in newspapers and online funeral homes, once verified.
and now
3. Family death attestations with sufficient information made under penalty of perjury.

Federal law (NVRA) sets minimum requirements for voter list maintenance but does not mandate specific procedures for removing deceased voters. States can decide how they allow death notifications to be made, as long as the overall process complies with federal standards and nondiscrimination requirements.

If the bill is enacted, the Secretary of State will develop a standard form that delineates what qualifies as "sufficient proof" that would be subject to verification by county election officers.



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This would be valuable source to identify deaths without a death certificate and an additional source to identify out of state deaths if the SSA death index is not available.

Felony Removal: The amendment to KSA 25-2316c(g) clarifies that a county has five *business* days after notification to remove a voter convicted of a state or federal felony, rather than five sequential days

Part II: Codifying What Constitutes “Reasonable Effort” to remove ineligible voters

New KSA 25-2316c(i) establishes the frequency that certain voter roll maintenance actions, already being conducted; must be performed, if the frequency has not already been otherwise provided by law, and grants the Secretary authority to use other reliable sources of information regarding change of residence by registered Kansas voters.

KSA 25-2316c(i)(1) provides that the Secretary of State must perform and process a statewide de-duplication at least twice a year and, if enacted, obtain and process the DMV change of residence list at least once a month.

KSA 25-2316c(i)(2) provides that the Secretary of State must request at least annually a comparison of the voter rolls with the SSA death index, and the list of non-citizen legal immigrants maintained by the United States Citizenship and Immigration Services (more commonly known as the USCIS’s SAVE program)

KSA 25-2316c(i)(3) grants the Secretary of State the discretionary authority to request and use reliable voter residence information obtained from state and federal agencies; non-government agencies such as credit bureaus; and from inter-state voter roll comparisons (a practice successfully used for over 30 years).

Part III: Protecting Voter Privacy

KSA 25-2316c(j) was added to protect the privacy of Kansas voters. Media and activists often try to obtain information of names that were initially flagged as potentially a name on the voter database. For example, a death index or non-citizen list compared to the voter rolls. Election officers are, however, very cognizant of the fact that some of the initial potential matches are in fact different people or have a valid reason to remain a registered voter.

Currently the Secretary refuses to produce the information citing collectively a variety of exemptions to the Kansas Open Records Act. With the bill, the Secretary is seeking a single clear basis to keep the information about the names and the status of the internal processing non-public.

- When a voter is removed from the voter rolls and the reason is public information.
- There are two reasons to keep this information non-public

First, based on our experience comparing other data sets to the voter rolls, many initial matches ultimately turn out to be different individuals. Publicly releasing unproven suspicions or

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investigative theories risk damaging reputations and, in today's highly charged political climate, could even endanger individuals. For that reason, we employ a multi-step investigative due diligence process designed to avoid making public unsupported allegations and removing the wrong individual from the voter rolls.

Second, public access to our investigative process, especially for suspected crimes, would reveal the methods we use, potentially allowing for the exploitation of that knowledge to commit election-related offenses.

Sincerely,

Clayton Barker

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