



## STATE OF KANSAS

### **Testimony on HB2453 (Oral Neutral)**

House Committee on Elections

Tuesday, February 3, 2026

Chair Proctor and members of the Committee:

The Secretary of State is neutral on HB2453 which makes changes to the timing of certain pre-election deadlines primarily for advance by-mail voting.

**Legislative Authority.** The Legislature possesses plenary authority to authorize advance voting—and to prescribe the associated procedures, conditions, and deadlines (except for federally mandated voting). Consistently, since at least 1864, the Kansas Legislature has repeatedly exercised this authority, adjusting advance-voting rules in response to changing election administration needs, demographic shifts, and public concerns.

Each change reflects a legislative judgment about election administration and ballot integrity at the time.

The Legislature's treatment of mail-ballot deadlines illustrates this ongoing authority. From 1864 to 1918, there was no grace period for the receipt of mail ballots. From 1919 to 1943, Kansas law provided a 10-day grace period. No grace period existed from 1944 to 2017. The Legislature adopted a 3-day grace period from 2018 through 2025, before eliminating the grace period again in 2026.

Likewise, Kansas historically required voters to assert a statutorily designated reason to vote by mail. In 1995, the Legislature eliminated the excuse requirement and adopted no-excuse advance mail voting, citing increased voter mobility and the administrative complexity of enforcing excuse-based voting. This change, too, reflects the Legislature's authority to revise advance-voting rules as policy conditions evolve.

### **Summary of Bill Provisions:**

| <b>Action</b>  | <b>Current</b>                          | <b>Bill</b>                            |
|--|---|--|
| Registration Closes KSA 25-2311(a), Bill Sec 7                         | 21 days before the election- (Tuesday)  | 23 days before the election - (Sunday) |
| Ballots mailed out KSA 25-1123(a), Bill Sec 2                          | 20 days before the election - Wednesday | 23 days before the election - (Monday) |
| Deadline to accept mail ballot applications KSA 25-1122(f), Bill Sec 1 | 7 days before the election - Tuesday    | 14 days before the election - Tuesday  |



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|   |                                      |                                     |
|---|--------------------------------------|-------------------------------------|
| Last day for advance in person voting. 25-1122(g), Bill Sec 1 | 12:00 pm noon Monday before election | 12:00pm noon Sunday before election |
|---|--------------------------------------|-------------------------------------|

**Effects of Bill Provisions**

1. Bill Section 7 amends KSA 25-2311(a) requiring registration to close two days earlier than current law. Currently registration is closed on Tuesday, it would now close on Sunday. The bill preserves the structure of closing registration before ballots are mailed. There is no conflict with federal law which prohibits closing registration more than 30 days before the election.

The drawbacks include a small number of voters who attempt to register in the lost 2-day period would not be able to vote in the upcoming election. The voter registration deadline falling on a Sunday may cause voter confusion - it is rare for a core government-function to have a deadline and require office hours on a Sunday. It will require all election offices to be fully staffed on Sunday incurring overtime costs. Voter registration by mail cutoff is governed by postmarks [KSA 25-2311(e)(1)] which may not be available on Saturday or Sunday.

2. Bill Section 2 amends KSA 25-1123(a) requiring mail ballots to be mailed out two days earlier than current law. Currently ballots are mailed on a Wednesday, they would now be mailed on Monday. This would allow for two additional days for ballots to be delivered and returned.

3. Bill Section 1 amends KSA 25-1122(f) moving the deadline for receipt of mail ballot applications from the current 7 days before the election to 14 days before the election. Currently about 5% of mail ballot applications are received between 14 and 7 days before the election.

The benefits include that voters would not receive a mail ballot too late to mail it back and voters would be alerted days before the election that mail balloting would not be an available option so they could make alternative plans such as advance in-person voting.

The drawbacks include that 5% of the normal mail ballot voters may lose the ability to make other arrangements to vote when last-minute emergencies or schedule changes occur. This would likely create the smallest window in the country to request an advance ballot application after the initial mailing.

4. Bill Section 1 amends KSA 25-1122(g) moving the deadline for advance in-person voting from noon on Monday before the election to noon on Sunday before the election.

The benefit is that county election offices would no longer need to simultaneously process voting on Monday morning while loading and transporting equipment and supplies to polling places for Tuesday's vote.

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Secretary of State



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The drawbacks include election offices would need to be open and fully staffed on a Sunday. This will increase overtime costs and voter confusion with Sunday hours. We would recommend moving the deadline to Saturday.

Sincerely,

***Clayton Barker***

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