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STATE OF KANSAS

Testimony on HB2491 (Oral Proponent)

House Committee on Elections
Thursday, February 5, 2026

Chairman Proctor and members of the Committee:

The Secretary of State supports HB 2491, which would require state agencies that provide public benefits to submit quarterly reports to the Secretary of State identifying non-citizens receiving publicly funded benefits.

This provision is consistent with the recommendations of the federal court in *Fish v. Schwab*. After enjoining the requirement for documentary proof of citizenship for voter registration, the court instead recommended the use of data comparisons to identify non-citizens on the voter rolls—whether listed due to individual intent, individual error, or administrative anomaly—and to remove them as appropriate. Kansas already uses the state temporary driver’s licenses and federal SAVE databases for this purpose.

This provision would operate in the same manner as the existing requirement for the Division of Motor Vehicles to submit quarterly lists of non-citizens holding temporary driver’s licenses. The Secretary of State compares these data sets and flags any individual who appears to be a non-citizen listed on the voter rolls for follow-up due diligence. The names and investigative process are not public records. Only if it is confirmed that a non-citizen is registered to vote would the individual be removed from the voter rolls and, if warranted, referred to the criminal process.

Proposed Amendment

The inclusion of additional data points in the quarterly reports would allow for faster and more accurate matching. Accordingly, we recommend amending the bill as follows:

Change: “Shall report the name and address of each noncitizen recipient”

To: “Shall report the first name, middle name or initial, last name, residence address, date of birth, alien number, last four digits of the social security number, and driver’s license number, if available.”

Sincerely,

Clayton Barker

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