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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 3, 2026

Subject: SB 394 – Voter signature blocks on advance voting ballot envelopes and the conditional repeal of advance voting statutes.

Senate Bill No. 394 (SB 394) would amend K.S.A. 25-1121, which governs the form of advance voting ballots and advance voting ballot envelopes. Currently, voters are required to sign the envelope in which an advance voting ballot is returned to the county election office. If a voter is physically unable to sign the envelope, then a person designated to assist the voter may sign on behalf of the voter in the signature block. The statute requires that a statement be printed on the envelope stating that the person is swearing an affidavit that they are signing on behalf of a person who is unable to physically sign the envelope.

SB 394 would amend the statute to also provide for situations where the voter is unable to sign their name in a manner that is consistent with how the signature is recorded in the voter registration database. In such instances, the person designated to assist the voter may sign the envelope on their behalf. The affidavit statement is also amended to account for voters whose signature is inconsistent with what is in the voter registration database.

SB 394 also would enact a conditional repealer. New Section 1 requires the Secretary of State to monitor all litigation challenging the constitutionality of the voter signature verification requirements of K.S.A. 25-1124(h), which reads as follows:

(h) Subject to the provisions of subsection (b), no county election officer shall accept an advance voting ballot transmitted by mail unless the county election officer verifies that the signature of the person on the advance voting ballot envelope matches the signature on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature consistent with such voter's registration form. Signature verification may occur by electronic device or by human inspection. In the event

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that the signature of a person on the advance voting ballot envelope does not match the signature on file in the county voter registration records, the ballot shall not be counted.

If a court holds this provision to be unconstitutional or enjoins the provision in a final order that is not appealable, the Secretary is directed to publish notice of such order in the Kansas Register. On the date of such publication all advance voting statutes will be repealed and advance voting will no longer be permitted in Kansas, except as required by federal law.

If enacted, SB 394 would become effective on July 1, 2026, except that the statutes listed in Section 4 would only be repealed if the Section 1 condition is satisfied.