



STATE OF KANSAS

Testimony on SB394 (Oral Proponent)

Senate Committee on Federal and State Affairs

Monday, February 2, 2026

Chair Thompson and members of the Committee:

The Secretary of State strongly supports **SB 394**, which is necessary to secure the continued availability of advance voting by mail in Kansas.

Bill Section 2 makes a minor wording amendment to KSA 25-1121(b and c) to conform it to the later-adopted KSA 25-1124(h). It also revises the wording of the required statement in KSA 25-1121(c) to make it more concise.

Bill Section 1 clarifies legislative intent by expressly providing that signature verification is an integral component of advance voting by mail and is not severable from the other mail balloting provisions in KSA Chapter 25, Article 11. If a judicial order were to enjoin signature verification, all mail voting in Kansas would necessarily terminate. If election officials are prohibited from verifying that the individual who cast a mail ballot is the same person who requested it, is a qualified elector, and has not already voted in the election, advance voting by mail would become fatally insecure. This section does not affect UOCAVA balloting for military and overseas civilian voters governed by KSA Chapter 25, Article 12.

The signature verification process is pervasive and essential to mail voting. In enacting Kansas' mail-in ballot procedures, the legislature clearly placed signature verification as the essential method for validating each ballot's legitimacy. The requirements for requesting a ballot, the contents of the return envelope, and ballot verification, all emphasize the centrality of the signature verification requirement. The ballot cannot even be removed from the envelope until and unless the signature on the envelope is verified.

Kansas's signature verification requirements for mail ballots—mandated by KSA 25-1124(b) and (h) and implemented through KAR 7-36-9—establish uniform, statewide procedures based on objective verification standards. These standards are supplemented by robust due process protections, including mandatory notice to voters if deficiencies and extensive opportunities to cure deficiencies. Together, these protections exceed the standards upheld by every court that has examined the issue.¹

¹ Including: *League of Women Voters v. LaRose*, 489 F. Supp. 3d 719 (S.D. Ohio 2020) (upholding signature verification where voters had right to cure); *Richardson v. Texas Secretary of State*, 978 F.3d 220 (5th Cir. 2020) (upholding signature verification even without notice or opportunity to cure); *Saucedo v. Gardner*, 335 F. Supp. 3d 202 (D.N.H. 2018) (finding unconstitutional a signature verification procedure which was unreviewable and incurable); *Frederick v. Lawson*, 481 F. Supp. 3d 774 (S.D. Ind. 2020) (invalidating signature verification where there was no provision to notify voter of a rejected signature); *Self Advocacy Solutions N.D. v. Jaeger*, 464 F. Supp. 3d 1039 (D.N.D. 2020) (invalidating signature verification where no notice or right to cure); *Martin v. Kemp*, 341 F. Supp. 3d 1326 (N.D. Ga. 2018) (rejecting signature verification where no notice or opportunity to cure); *Alliance for Retired*

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Since the regulations were adopted in 2021, and across the combined 2022 and 2024 election cycles, more than 300,000 mail ballots have been returned, with only about 224 ballots ultimately rejected for unverified signatures after voters failed to cure.

Despite this strong legal and procedural framework, Kansas's signature verification process has been subject to sustained and expensive litigation for nearly five years, with no clear end in sight. Colorado faced a similar litigation quagmire in *Vet Voice Foundation v. Jenna Griswold*. When the Colorado courts ruled that signature verification is an integral and nonseverable component of mail voting, the plaintiffs were confronted with the prospect that invalidating signature verification could eliminate mail voting altogether. Faced with that outcome, the plaintiffs dismissed their lawsuit.

Respectfully,

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Americans v. Sec. of State, 240 A.3d 45 (Me. 2020) (upholding signature verification where procedures required notice and cure opportunity).