

SESSION OF 2026

## **SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2438**

As Amended by House Committee on Elections

### **Brief\***

HB 2438, as amended, would restrict persons registering to vote (applicant) through a website to using only a website with a .gov domain or a website that has been approved to accept and transmit electronic voter registration applications (application) by the Secretary of State (Secretary). The bill would provide for criteria a website must meet in order to be approved by the Secretary of State for such purposes. The bill would prohibit county election officials from accepting electronic applications from websites that do not satisfy the requirements.

### ***Secretary of State***

#### *Website Approval Criteria*

In order for the Secretary to approve a website to accept applications for voter registration, the bill would require the website to provide that:

- Certain protocols are in place to protect the applicant's data. This includes:
  - Transmitting registrant information through an online system protected with encryption;
  - Transmitting information directly to systems owned, operated, or contractually controlled by the applicable county election officer;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- Ensuring applicant data is transmitted only to authorized government endpoints;
  - Using the applicant data collected for the sole purpose of voter registration and election administration as authorized by law;
  - Not selling, licensing, renting, transferring, or using applicant data for commercial or non-election-related purposes; and
  - Not disclosing registrant data to any third party, except as required by state or federal law for certain election administration purposes, or to a contractor acting on behalf of a county election officer and who is bound by written agreements to comply with the provisions in the bill;
- Protocols are in place to provide a paper trail of the application, including:
  - Confirmation to the applicant of submission to the correct county election officer; and
  - Maintenance of audit logs documenting submission receipt, system access, and data transmission; and
- All encryption protocols comply with applicable National Institute of Standards and Technology (NIST) standards.

#### *Rules and Regulations*

The bill would direct the Secretary to adopt rules and regulations necessary to implement the provisions of the bill.

#### ***Violations***

The bill would define violations of this section as registering to vote through a website without .gov in the domain name and that has not been approved by the

Secretary to accept voter registration applications. The bill would make such violations a class A nonperson misdemeanor. [Note: As provided in statute, a class A nonperson misdemeanor is punishable by up to one year in jail and a fine not to exceed \$2,500.]

## **Background**

The bill was introduced by the House Committee on Elections at the request of Representative Waggoner.

### ***House Committee on Elections***

In the House Committee hearing, **proponent** testimony was presented by a representative of the Secretary of State. The proponent stated the bill would ensure websites have some basic cybersecurity measures in place when collecting a potential voter's sensitive data.

**Neutral** testimony was provided by a private citizen. The conferee generally stated the bill would be doing a good thing by limiting unregulated actors; however, they would request an amendment adding a penalty for violations of the bill.

Written-only neutral testimony was provided by representatives of Kansas County Clerks and Election Officials Association and KS Votes.

**Opponent** testimony was presented by representatives of the League of Women Voters of Kansas, Loud Light Civic Action, and a private citizen. The conferees generally expressed concerns with the impacts of the bill shutting down third-party websites that have successfully registered voters for years, and concerns about the bill putting restrictions on voters.

At the time of the hearing, written-only opponent testimony was provided by representatives of the American

Civil Liberties Union, Kansas Interfaith Action, League of Women Voters of Kansas, Loud Light Civic Action, Kansas Appleseed, and 39 private citizens.

The House Committee amended the bill to:

- Provide that a violation of the bill would be a class A nonperson misdemeanor;
- Specify the required protocols a website must have in place to be approved by the Secretary to accept and transmit applications; and
- Remove the deadline by which the Secretary must adopt rules and regulations to implement the provisions of the bill.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Secretary indicates it would use existing resources to update training materials for local election officials and update educational and promotional materials for the public. Any fiscal effect associated with HB 2438 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties indicates counties that do not currently meet the requirements for having a .gov domain would incur additional costs for upgrades to technology and maintenance but is unable to estimate a precise fiscal effect on counties. The League of Kansas Municipalities indicates enactment of the bill would not have a fiscal effect on cities.

Elections, voter registration, cybersecurity