

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2438

As Amended by House Committee of the Whole

Brief*

HB 2438, as amended, would restrict a person 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 criteria a website must meet in order to be approved by the Secretary of State for such purposes and would create a crime for persons or groups running such websites without approval.

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;

*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 as designated by the Secretary;
- 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 a violation of the bill as any person or group operating a voter registration website that is not in

compliance with the bill. The bill would make such a violation 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.]

Effective Date

The bill would be effective upon publication in the statute book and upon the publication in the *Kansas Register* of the Secretary of State's rules and regulations to implement the bill.

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 and Loud Light Civic Action and by 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.

No other testimony was provided.

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.

House Committee of the Whole

The bill was withdrawn from the Calendar and re-referred to the House Committee on Elections.

House Committee on Elections

The House Committee further amended the bill to:

- Define a violation of the bill as any person or group operating a voter registration website that is not in compliance with the bill; and

- Add a provision making the bill effective upon the publication in the *Kansas Register* of the Secretary of State's rules and regulations to implement the bill.

House Committee of the Whole

The House Committee of the Whole amended the bill to direct the Secretary of State to designate the authorized government endpoints to which the registrant data will be transmitted.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Secretary of State 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 enactment of the bill 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 it 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 applications; cybersecurity