

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 394**

As Amended by Senate Committee on Federal  
and State Affairs

**Brief\***

SB 394, as amended, would amend signature-verification requirements and add provisions that, upon a final order or judgment that invalidates or enjoins the enforcement of signature verification requirements, would repeal advance voting by mail in the state.

***Conditional Repealer***

The bill would require the Secretary of State (Secretary) to monitor all litigation challenging the validity of signature-verification requirements in continuing law. If any state or federal court of competent jurisdiction enters a final order or judgment that is no longer subject to appeal and invalidates or enjoins the enforcement of signature-verification requirements, then the bill would require the Secretary to publish notice in the next regular publication of the *Kansas Register* following the issuance of such order or judgment. If the final order or judgment is issued within 45 days prior to the date of an election or at any time from the date of an election to the date the election results are certified by the Secretary, the Secretary would be required to publish notice in the next regular publication of the *Kansas Register* after the election is certified.

Upon such publication, the statutory authorization for advance voting by mail in the state would be null and void in its entirety and voting by mail would not be permitted except

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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/>

to the extent specifically required by federal law, which would include, but not be limited to, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

### ***Voters Unable to Sign***

The bill would also amend advance voting law to specify that another person would be able to sign the advance voting ballot envelope on behalf of the advance voter when the voter is unable to sign the envelope consistent with a signature of the voter on file in the voter registration database, in addition to when the advance voter is physically unable to sign the envelope.

The bill would require the following statement to be printed on the envelope after the signature block provided for the person who signs the advance ballot envelope on behalf of a person who is unable to sign:

My signature constitutes an affidavit that the person for whom I signed the envelope is physically unable to sign or unable to sign the envelope consistent with the signature of the voter on file in the voter registration database. I swear that this information is true, and I acknowledge that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury.

### **Background**

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Thompson.

### ***Senate Committee on Federal and State Affairs***

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the the Office of the

Secretary of State and the Public Interest Legal Foundation, who generally stated that signature verification is essential to mail voting and that the bill makes plans in the event that a court invalidates the signature-verification process.

Written-only proponent testimony was provided by a representative of Restoring Integrity and Trust in Elections and two private citizens.

**Opponent** testimony was provided by a representative of ACLU Kansas, who generally stated that signature verification has a history of disenfranchising voters by rejecting legally cast ballots through a subjective and inconsistent mechanism of verification.

Written-only opponent testimony was provided by representatives of Kansas Interfaith Action and the League of Women Voters of Kansas.

No other testimony was provided.

The Senate Committee amended the bill to state that if a final court order or judgment is issued within 45 days prior to the date of an election or until such election results are certified, the Secretary would publish notice in the *Kansas Register* at the time of its next regular publication after the election is certified.

### **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 that it would use \$200,000 from its Information and Services Fee Fund in FY 2027 to perform public service announcements regarding changes outlined in the bill. The agency would use existing resources to update training materials for local election officials and update educational and promotional materials for the public regarding the provisions of the bill. Any fiscal effect

associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill would increase the counties' costs associated with updating the ballot envelopes with the new language contained in the bill.

Elections; signature verification; advance voting