

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 264**

As Recommended by House Committee on
Elections

Brief*

House Sub. for SB 264 would amend provisions in election law concerning signatures if the voter has a disability that prevents the individual from signing.

Signature verification. The bill would state verification of the voter's signature by the county election official on an application for an advance ballot shall not be required if the voter has a disability preventing the voter from signing.

Permanent advance ballots. The bill would make the application for an advance voting ballot also constitute an application for permanent advance voting status. The bill would specify the format of the application and that it should clearly offer the option to request an advance voting ballot only or to request permanent advance voting status.

Assistance with voting. Voters with any disability that prevents them from being able to provide a signature would be able to request assistance in signing an application for or marking an advance ballot, or signing an application or the form on the ballot envelope. The bill would also exempt an individual with a disability that prevents the person from writing or signing from providing written permission for another individual to return the person's ballot to the 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 <http://www.kslegislature.org>

The bill would require the individual providing assistance to submit a written statement, signed by the individual, to the county election officer with the application or ballot. This statement would affirm that the assisting individual has not influenced the voter and the assisting individual has completed the application, ballot, or signed the application or ballot form as the voter instructed.

Failure of the assisting individual to complete or sign these documents as the voter instructed would be a level 9, nonperson felony.

Advance ballot forms. The bill would require the Office of the Secretary of State to prescribe the general format for advance voting ballot envelopes. The bill would require the envelope include a signature block for the advance voter; a signature block for the person, if any, assisting the advance voter; and a signature block for a person, if any, who signs the advance voting ballot envelope on behalf of an advance voter, when the advance voter is physically unable to sign the envelope.

The bill would require the advance ballot envelope contain the following statement after the signature block provided for the person who signs the advance ballot envelope on behalf of an advance voter who is physically unable to do so:

My signature constitutes an affidavit that the person for whom I signed the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury.

The bill would include signing the above statement under false pretenses in the crime of perjury.

Background

The bill was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Faust-Goudeau. In the Senate Committee hearing, Senator Faust-Goudeau testified as a proponent of the bill. Representatives for the American Civil Liberties Union (ACLU) Kansas, the Cerebral Palsy Research Foundation of Kansas, and the Disability Rights Center of Kansas provided proponent testimony. Proponents stated current law requires signatures and some people with disabilities cannot physically sign documents, leading to votes of people with disabilities not being counted. Further proponent testimony was provided by the Director of Elections, Office of the Secretary of State.

Written-only proponent testimony was provided by a researcher at Wichita State University and a private citizen. No neutral or opponent testimony was provided.

In the House Committee on Elections hearing, proponent testimony was provided by Representative Landwehr, Senator Faust-Goudeau, the Director of Elections, and representatives of ACLU Kansas and the Disability Rights Center of Kansas. Written-only testimony was provided by the Cerebral Palsy Research Foundation of Kansas and the Office of the Sedgwick County Counselor. No other testimony was provided.

The House Committee amended the bill to require the Office of the Secretary of State to prescribe formats for the advance voter ballot envelope. The House Committee also amended the bill to include substantially similar language to that of HB 2225, to allow anyone who requests an advance voting ballot to have the option to request permanent advance voting status. The Committee placed the amended contents into a substitute bill.

The fiscal note prepared by the Division of the Budget states that, although enactment of the bill would require

modification of existing ballot applications, ballot envelopes, training guides, and manuals, the Office of the Secretary of State indicates the changes may be made from existing resources. However, there could be a fiscal effect on county election offices, which may need to submit replacement orders if these documents had already been ordered. No estimates for such re-orders were available. An updated fiscal note was not available at the time the House Committee took action on the bill.

HB 2225

The bill was introduced in the House Committee on Elections during the 2017 Legislative Session. In the February 2017 House Committee hearing, Representative Parker and a representative from the League of Women Voters of Kansas provided proponent testimony. Written-only proponent testimony was provided by election officials of Marshall and Pottawatomie counties.

Opponent testimony was provided by the Director of Elections and the Shawnee County Elections Commissioner. No other testimony was provided.

The House Committee took no action on the bill during the 2017 Legislative Session.