

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 209

As Amended by House Committee on Elections

Brief*

SB 209, as amended, would change the deadline for all advance voting ballots to be received by the county election officer from the third day following the date of the election to 7:00 p.m. on the date of the election. The deadline change would apply to advance voting ballots received by mail or in the office of the county election officer, the satellite election office, any polling place, or a county-maintained election drop box.

Background

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

[*Note:* Provisions of the bill are similar to those of HB 2056.]

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, **proponent** testimony was provided by a representative of Opportunity Solutions Project and a private citizen. The proponents generally stated the bill would increase voter trust in the system by providing more timely results and provide clarity to voters regarding the deadline.

*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>

Written-only proponent testimony was provided by the Kansas Attorney General, a representative of the Kansas Republican Party, and private citizens.

Opponent testimony was provided by representatives of the Disability Rights Center of Kansas, Loud Light Civic Action, and Kansas Appleseed Center for Law and Justice, and a private citizen. The opponents generally stated the bill would have an adverse effect on rural voters, voters with disabilities, voters that work shifts, voters that are out of town such as college students, and immunocompromised voters. Further, the opponents stated U.S. Postal Service (USPS) mail delivery is slower than it was before the grace period was enacted in 2017.

Written-only opponent testimony was provided by representatives of the American Civil Liberties Union (ACLU) of Kansas, Kansas African American Affairs Commission, Kansas Association of Counties, Kansas County Clerks and Elections Officials Association, Kansas League of Women Voters, Kansas National Education Association, and Mainstream Coalition and private citizens.

A representative of the Secretary of State (Secretary) provided neutral testimony, stating there were no mechanical implications from the bill. The conferee provided estimates for how many ballots were received during the three-day period following the 2016 and 2022 general elections and what percentage of ballots were counted and reported on election night and during the three-day grace period.

House Committee on Elections

In the House Committee hearing, written-only **proponent** testimony was provided by provided by eight private citizens who generally stated the bill would help address concerns of election fraud and require all ballots to be received by or on election day.

Opponent testimony was provided by representatives of the Disability Rights Center of Kansas, Kansas Appleseed Center for Law and Justice, and League of Women Voters of Kansas, and by two private citizens. The opponents generally stated the bill would have an adverse effect on people with disabilities, rural voters, and students attending college out-of-state, and they expressed concerns about USPS delivery times.

Written-only opponent testimony was provided by representatives of the ACLU of Kansas, Health Forward Foundation, Kansas African American Affairs Committee, Kansas Association of Counties, Kansas County Clerks and Elections Official Association, Kansas National Education Association, Loud Light Civic Action, REACH Healthcare Foundation, and Voter Rights Network of Wyandotte County. Written-only opponent testimony also was received from 19 private citizens.

A representative of the Secretary provided neutral testimony, stating there were no mechanical implications of the bill and the three-day grace period was added in 2017 in response to reports from USPS indicating the standard delivery time for first-class mail would be five, six, or seven business days.

On March 14, 2023, the House Committee amended the bill to clarify that advanced voting ballots turned in to the satellite election office or a county-maintained election drop box would be subject to the amended deadline.

Fiscal Note

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Secretary would use existing resources to provide training and updates required to implement the bill. In addition, the Secretary indicates that county election offices would have to update public information, conduct public outreach, and undertake other activities to notify the public of the change in the deadline.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill could have a fiscal effect on local government, as the shorter deadline could create the need for more election workers to process and receive ballots prior to and on election day, but it is unable to estimate a fiscal effect.

Elections; advance voting ballots; county election office; Secretary of State; mail-in ballots; ballot drop boxes; advance voting ballot deadline