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STATE OF KANSAS

Testimony on SB389 (Neutral)

Senate Committee on Federal and State Affairs
Thursday, February 10, 2022

Chairman Olson and members of the Committee:

Thank you for the opportunity to appear before you today to provide comments on SB389. Our office is neutral on this legislation but wishes to address several technical issues.

Regarding Section 1(a)(1)(A): SB389 requires voter-verified paper ballots to include a “watermark.” Currently, all paper ballots are required to have a unique mark or stamp (K.S.A. 25-4607, 25-4608). Election equipment vendors have informed our staff that watermarks can be added to ballots, but the cost for ballots will increase. The watermark requirement may not be applicable to ballots that fall under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) – a federal law for overseas and military voters.

Pursuant to Kansas state law, counties may only acquire electronic voting systems that provide a voter-verified paper ballot (K.S.A. 25-4403). At this time, 104 counties have met this requirement. The final county, Harvey, is in the process of acquiring new voting systems and will meet this requirement prior to the 2022 primary election.

Regarding Section 1(a)(4): The provisions regarding recounts will require changes to K.S.A. 25-3107 to reconcile any conflicts of current state law. If K.S.A. 25-3107 is to be amended, the Committee should also consider amending K.S.A. 25-3107(c)(2), which requires recounts to be conducted by the second Friday following the election, but the count of the county canvass to not be completed until the following Monday.

Regarding Section 1(b): SB389 also would require an audit of ballots to be conducted by poll workers directly following the close of polls on election day. Our office is unclear of the purpose of this audit, and therefore cannot provide useful testimony on this provision. We respectfully request further clarification of the audit’s goal and other parameters in conducting the audit so our office can adopt the appropriate regulations.

Regarding Section 1(c): Lastly, SB389 requires the use of pollbooks that use a hand-written signature. Our office interprets this to include handwritten signatures on electronic pollbook screens. K.S.A. 25-2507(a) already defines a pollbook as a book, paper or electronic, in which each voter must provide their signature when given a ballot. This legislative session, our office is pursuing legislation to require all electronic pollbooks to be certified by the Secretary of State prior to acquisition by the county election office. The electronic pollbook certification will include the existing statutory requirement for the voter’s signature.

Thank you for the opportunity to provide comments to the Committee.

Respectfully submitted,

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