

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 439

As Amended by Senate Committee of the Whole

Brief*

SB 439, as amended, would allow a county election officer to remove a registered voter from the registration list if such registrant has had no election-related activity for any four calendar year period, or if the registrant has failed to respond to a confirmation notice sent by the county election officer.

Under current law, a county election officer must send a confirmation notice to a registrant within 45 days of the following events:

- A notice of disposition of a voter registration application is returned as undeliverable;
- Change of address information identifies a registrant whose address may have changed; or
- The U.S. Postal Service provides information that a registrant has moved to a different address inside or outside the registrant's current county of registration.

The bill would define "no election related activity" to mean such registrant has not voted, attempted to vote, requested or submitted an advance ballot application, filed an updated voter registration card, signed a petition required by law to be verified by the county election officer or Secretary of State, or responded to any official election mailing transmitted by the county election office.

*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>

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Warren on behalf of the Office of the Secretary of State.

[*Note:* The provisions of the bill as introduced, were similar to the provisions of HB 2555, as recommended by the House Committee on Elections]

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, a representative of the Office of the Secretary of State provided **proponent** testimony, stating that the bill would add a fifth reason for the county election officer to send a confirmation notice to a voter's address and would help with ongoing voter roll maintenance.

Representatives of the ACLU of Kansas, the Disability Rights Center of Kansas, the League of Women Voters of Kansas, and Loud Light Civic Action provided **opponent** testimony. Opponents generally expressed concerns about registered voters being removed from voter rolls and the impact on minorities, young voters, and individuals with disabilities. Written-only opponent testimony was provided by a representative of the Kansas Appleseed Center for Law and Justice.

Written-only neutral testimony was provided by a representative of the Kansas County Clerks and Election Officials Association.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to allow a county election office to remove a registered voter from the voter registration list if the voter had no election-

related activity for any four-year period or fails to respond to a confirmation notice sent by a county election officer.

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 costs associated with enactment of the bill could be absorbed within existing resources. The Kansas Association of Counties indicates enactment of the bill would increase costs for counties related to postage and labor, but such costs would vary by each county's population and the number of personnel and supplies required. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Elections; voter registration