

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 208

As Amended by Senate Committee of the Whole

Brief*

SB 208, as amended, would create law to prohibit the use of remote ballot boxes for the return of advance voting ballots.

The bill would define a “remote ballot box” as any form of a locked ballot box designated by the county election officer as available for use for depositing advance voting ballots.

The bill would also require the Secretary of State (Secretary) to adopt rules and regulations necessary to implement and enforce the provisions of the bill.

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 on Federal and State Affairs hearing, **proponent** testimony was provided by the Kansas Attorney General, who stated remote ballot boxes are difficult to monitor and regulate and they provide the opportunity for ballot harvesting. Proponent testimony was also provided by a representative of Opportunity Solutions Project and a private citizen, who generally stated the bill would increase

*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 security of ballots and increase voter confidence in the advance voting process.

Written-only proponent testimony was provided by eleven private citizens.

Opponent testimony was provided by the Secretary, who stated the voter ID requirements for obtaining advance voting ballots helps ensure the validity of those ballots, and removing remote ballot boxes would direct more advance voting ballots into the mail. Additional opponent testimony was provided by representatives of the Disability Rights Center of Kansas, the League of Women Voters, Loud Light Civic Action, and Kansas Appleseed, who generally stated remote ballot boxes provide a convenient and secure means for people to cast their advance voting ballots, and removing them would create a barrier for individuals to vote, particularly individuals with disabilities and mobility challenges.

Opponent written-only testimony was provided by representatives of ACLU of Kansas, Kansas Association of Counties, Kansas County Clerks and Election Officials Association, Mainstream Coalition, Kansas National Education Association, and Sedgwick County Board of Commissioners, and ten private citizens.

Written-only neutral testimony was provided by a representative of the Kansas Republican Party and a private citizen.

The Senate Committee on Federal and State Affairs amended the bill to remove the portion of the definition for “remote ballot box” specifying that such box would not include ballot boxes located in a county election office or satellite advance voting site (the provision was inconsistent with other provisions of the bill).

Senate Committee of the Whole

On February 22, 2023, the Senate Committee of the Whole removed the bill's provisions that would have restricted the use of remote ballot boxes for the return of advance voting ballots and inserted provisions to prohibit the use of such ballot boxes in the state.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, as introduced, the Secretary indicates it would implement the bill using existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates it could incur additional labor costs to provide continual observation of the remote ballot boxes depending on if the individuals are hired or volunteer. Signage posted with the ballot boxes also could be an additional cost; however, the Association is not able to estimate the fiscal effect.

Elections; remote ballot boxes; advance voting ballots; Secretary of State; rules and regulations