

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 208

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 208 would create law to restrict the number of remote ballot boxes that may be used 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 state a county election office could only designate and use not more than one remote ballot box for each election, which would be required to be located inside the county election office.

Under the bill, remote ballot boxes used in an election would have to be continuously observed by two individuals who are each affiliated with a different recognized political party while the box is open and accessible for the deposit of advance voting ballots. The bill would require all remote ballot boxes to be closed, locked, and not accessible for the deposit of advance voting ballots when the election office is closed and after 7:00 pm on the day of the election; any voter waiting to deposit an advance voting ballot in a remote ballot box at 7:00 pm on election day would be permitted to deposit their ballot.

The bill would require each remote ballot box to have a sign conspicuously posted near the opening for depositing an advance voting ballot stating the requirements for and the

*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>

statutory limit on the number of advance voting ballots that may be transmitted by a person other than the voter and the penalty for violations. The bill would require that signage be in compliance with any rules and regulations made by the Secretary of State (Secretary).

The bill would also require the Secretary to adopt rules and regulations necessary to implement and enforce the provisions of the bill, including, but not limited to, rules and regulations requiring that advance voting ballots returned using a remote ballot box must be preserved separately from all other ballots collected by a county election office.

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 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 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 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).

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; county election office; Secretary of State; rules and regulations