

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 264

As Recommended by Senate Committee on
Ethics, Elections and Local Government

Brief*

SB 264 would amend provisions in election law concerning signatures if the voter has a disability that prevents the individual from signing.

Signature verification. The bill states verification of the voter's signature by the county election official on an application for an advance ballot shall not be required if the voter has a disability preventing the voter from signing.

Assistance with voting. Voters with any disability that prevents them from being able to provide a signature would be able to request assistance in signing an application for or marking an advance ballot, or signing an application or the form on the ballot envelope. The bill would also exempt an individual with a disability that prevents the person from writing or signing from providing written permission for another individual to return the person's ballot to the county election officer.

The bill would require the individual providing assistance to submit a written statement, signed by the individual, to the county election officer with the application or ballot. This statement would affirm that the assisting individual has not influenced the voter and the assisting individual has completed the application, ballot, or signed the application or ballot form as the voter instructed.

*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>

Failure of the assisting individual to complete or sign these documents as the voter instructed would be a level 9, nonperson felony.

Background

The bill was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Faust-Goudeau. In the Senate Committee hearing, Senator Faust-Goudeau testified as a proponent of the bill. Representatives for the American Civil Liberties Union Kansas, the Cerebral Palsy Research Foundation of Kansas, and the Disability Rights Center of Kansas provided proponent testimony. Proponents stated current law requires signatures and some people with disabilities cannot physically sign documents, leading to votes of people with disabilities not being counted. Further proponent testimony was provided by the Director of Elections, Office of the Secretary of State.

Written-only proponent testimony was provided by a researcher at Wichita State University and a private citizen. No neutral or opponent testimony was provided.

The fiscal note prepared by the Division of the Budget states that although enactment of the bill would require modification of existing ballot applications, ballot envelopes, training guides, and manuals, the Office of the Secretary of State indicates the changes may be made from existing resources. However, there could be a fiscal effect on county election offices, which may need to submit replacement orders if these documents had already been ordered. No estimates for such re-orders were available.