

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 351

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

Brief*

SB 351, as amended, would amend law concerning the casting and counting of provisional ballots. The bill would state an individual who goes to a polling location and whose name is not in the registration or poll book but who is a registered voter in another Kansas county will be allowed to vote a provisional ballot, if the individual first completes an application for registration.

The bill would require that a provisional ballot completed by such an individual be counted during the canvass unless it is determined the provisional ballot was incorrectly cast or the individual had already voted in the election.

This bill would apply to all elections held within the state.

Background

The bill was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Hardy. In the Senate Committee hearing, Senator Hardy, a private citizen, and representatives of the ACLU of Kansas and the Kansas County Clerks and Election Officials Association provided proponent testimony. The proponents stated the bill would help reduce the number of provisional ballots rejected and help ensure individuals who had failed to update voter registration upon moving could vote and have that vote counted.

*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>

Written-only proponent testimony was provided by two members of the Sisters of St. Joseph and representatives of the ACLU University of Kansas Chapter, Kansas Association of Counties (KAC), Kansas Interfaith Action, and Mainstream Coalition.

Written-only opponent testimony was provided by the Deputy Assistant Secretary of State, Communications and Policy, who stated the bill, as introduced, could be interpreted as authorizing same-day voter registration and would be inconsistent with other statutes.

Written-only neutral testimony was provided by a private citizen.

The Senate Committee amended the bill to specify the individual must be registered in another Kansas county rather than otherwise being qualified to vote at the voting location.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the KAC indicates enactment of the bill would create additional costs for counties but the costs cannot be estimated. The Office of the Secretary of State indicates enactment of the bill would require negligible costs to update training and informational material that could be absorbed within the agency's existing budget.