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## STATE OF KANSAS

### **Testimony on SB391 (Oral Neutral)**

Senate Committee on Federal and State Affairs  
Wednesday, February 16, 2022

Chairman Olson and members of the Committee:

Thank you for the opportunity to appear before you today and provide comments on SB391. Our office is neutral on the policy behind this legislation but wishes to address technical issues in the bill.

SB391 requires the secretary of state and local election officers to include the “number of years that a candidate has served” in that office next to an incumbent’s name on the ballot. This creates a series of questions to accurately reflect the intent of the bill. For example:

1. Would the number of years be rounded to the closest year, use a decimal place, or be provided in years and months?
2. Would the number of years be calculated based on the future date when the incumbent would be sworn in, or would it be current and require a different time period on the primary and general election ballot?
3. Would this apply to judicial retention elections?
4. Would this apply to every elected position – federal, statewide, state legislative, county, city, school board, community college, township, judicial, drainage district, and precinct person?

In addition, SB391 has the potential to result in data errors. Candidates who were originally appointed to fill a vacancy would require the county election office to verify with the candidate the ballot information is correct or give the candidate the opportunity to verify the entry on the ballot.

Lastly, Kansas counties order and print ballots only from verified vendors. The ballots used by the counties are unable to be wider, so the ballot would have to become longer to include the new information. An extra page on the ballot will result in a substantial increase to the cost of ballots. At this time, we are unable to ascertain if adding this additional information would create unintended problems for ordering and printing ballots.

As the Committee considers SB391, and as with all election legislation, we respectfully encourage you to visit with your county clerk and discuss what this law will mean for their office and staff.

Thank you for the opportunity to appear before you today.

Respectfully submitted,

Clay Barker  
Deputy Assistant Secretary of State  
General Counsel