



## STATE OF KANSAS

### **Testimony on HB2013 (Oral Neutral)**

House Committee on Elections

Tuesday, January 24, 2023

Chairman Proctor and members of the Committee:

Thank you for the opportunity to provide comments on House Bill 2013. Our office is neutral on this legislation but wishes to address several implications of the bill for the election process.

HB2013 would require a runoff election for statewide office when neither candidate receives a majority of the votes cast in a general election. This runoff election would occur the “first Tuesday of the following December” after the general election.

HB2013 would violate current statute requiring county election officers to provide no less than 45 days’ notice for military and federal service voters to vote by mail in all state elections (K.S.A. 25-1220). This statute mirrors federal statute, the Uniformed and Overseas Citizens Absentee Voting Act, for any election with a federal candidate.

Further Kansas statute requires counties to canvass to certify election results within 13 days of the election (K.S.A. 25-3104). If a candidate requests a recount, the official vote count would be delayed by 5 days (K.S.A. 25-3107). Election results are unofficial until certified by the State Board of Canvassers, which must convene by December 1 (K.S.A. 25-3206). Considering this timeline, the runoff election would be required to occur within zero to six days following the state canvass.

Once the need for a runoff election is determined, numerous required pre-election actions by county election officers must begin: purchasing materials and leasing polling places; recruiting poll workers; and obtaining ballots and software from vendors. In addition, county election officers have statutory deadlines for publishing election notices, providing advance in person voting and mailing advance by mail ballots, providing voter registration opportunities, and hiring and training election workers and volunteers.

HB2013 would compress the already limited time and resources available to county election officers to meet numerous state election deadlines:

- Requiring the county election officer to publish notice of a general election no less than 15 days before any election
- Prohibiting the county election officer from changing the location of a polling place within 30 days of an election (K.S.A. 25-2701)
- Requiring voter registration to close the 21 days preceding the next election and requiring the publication of dates and locations for voter registration both in print by mail (K.S.A. 25-2310, 25-2311, K.A.R. 7-23-4)
- Requiring vote tabulation and scanning equipment to undergo public testing within five days prior to the election and five days following the completion of the county canvass, and public notice of the time and place to be published with at least 48 hours’ notice (K.S.A. 25-4411(b), 25-4610(b))
- Allowing advance in person voting to begin and advance by mail ballots to be sent 20 days before any election and requiring advance by mail ballot applications to be received by the county election office no less than one week before any election (K.S.A. 25-1120, K.S.A. 25-1122)
- Authorizing election board judges and poll workers to be appointed by the county election official not less than 10 days prior to any election (K.S.A. 25-2801, 25-2803, 25-2806)
- Requiring county election officers to provide suitable voting places that meet ADA requirements, voter privacy standards, prepare poll books, receive and record election supplies, and print ballots and other materials – including foreign language interpretation (K.S.A. 25-2703-2710)

Following communication with county election officers on the estimated cost of HB2013, our office concludes that the cost of one runoff election will be approximately \$5 to \$6 million. Considering that elections are administered and funded at the local level, each respective county would be required to cover this cost. Further, since a runoff election cannot be predicted, counties may not be positioned to budget these expenditures.

Thank you for the opportunity to provide comments to the Committee.

Respectfully submitted,

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