

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2056**

As Agreed to April 1, 2022

Brief*

Senate Sub. for HB 2056 would limit county election offices to one remote ballot box for every 30,000 registered voters in the county; require remote ballot boxes to be monitored or under constant video surveillance; and prohibit remote ballot boxes from being open and accessible for the deposit of advance voting ballots when the county election office is closed.

The bill would be in effect upon publication in the *Kansas Register*.

Remote Ballot Boxes

Definition

The bill would define “remote ballot box” to mean any form of a locked ballot box designated by the county election officer as available for depositing advance voting ballots. The definition would not include any ballot boxes located in a county election office or satellite advance voting site.

Quantities Limited

The bill would limit county election offices in counties with fewer than 30,000 registered voters to one remote ballot box per election. In counties with more than 30,000 registered voters, the bill would authorize the county election office to use one additional remote ballot box for every 30,000 registered voters, or portion thereof, in the county.

Monitoring Requirements

The bill would require remote ballot boxes, when open, to be continuously observed by an employee of the county election office or continuously monitored by video recording equipment.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

The bill would require video monitoring equipment, if used, to be positioned in a manner to record the faces of individuals depositing advance voting ballots. County election offices would be required to digitally preserve and maintain all video recordings for at least one year from the date of the recording. The bill would specify that all video recordings of remote ballot drop boxes would be public records and any video recording must be made available upon request to a candidate whose name appears on a ballot in the county where such request is submitted.

Available Hours

The bill would prohibit remote ballot boxes from being open and accessible for the deposit of advance voting ballots when the county election office is closed.

The bill would require remote ballot boxes to be open until 7:00 p.m. on the date of the election, or until all persons in line for the remote ballot box have been able to deposit their advance voting ballots. The ballots would then be removed from the remote ballot boxes and transmitted to the county election office, and the remote ballot box would be closed and inaccessible for the deposit of any additional advance voting ballots for such election.

Signage Requirement

The bill would require each remote ballot box to have a sign clearly posted near its opening stating the statutory limits on the return of advance voting ballots on behalf of another voter as specified in KSA 25-2437, and the penalty for violations. Signage would be required to comply with any rules and regulations adopted by the Secretary of State (Secretary).

Authority to Regulate

The bill would require the Secretary to adopt rules and regulations necessary to implement and enforce the remote ballot box provisions, including, but not limited to, requiring ballots received from remote ballot boxes be preserved separately from other ballots.

Conference Committee Action

The Conference Committee agreed to the provisions of Senate Sub. for HB 2056 with the following changes:

- Removed amendments to registration deadlines, retaining current law;
- Removed amendments to the deadline for the receipt by mail of advance voting ballots, retaining current law;
- Removed requirements limiting the placement of remote ballot boxes to only inside state or municipal buildings, or where state or municipal employees or authorized poll agents are present;

- Returned provisions to the bill authorizing the video surveillance of remote ballot boxes as an alternative to continuous observation by a county election office employee; and
- Specified that the 30,000 registered voter threshold would authorize the use of an additional remote ballot box for every 30,000 registered voters, or portion thereof.

Background

The Senate Committee on Federal and State Affairs amended SB 394 (pertaining to advance voting ballot deadlines); replaced the contents of HB 2056 with the contents of SB 394, as amended; and recommended a substitute bill be passed.

HB 2056, as introduced in the 2021 Session, concerned the regulation of sale and distribution of kratom products. Background information on HB 2056 is contained in the supplemental note for the introduced version of that bill.

SB 394

SB 394 was introduced by the Senate Committee on Federal and State Affairs at the request of Representative Esau.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, Representative Esau, a former Representative, a representative of Opportunity Solutions Project, and a private citizen testified as **proponents**, generally stating the need to increase voter faith in the election process. Written-only proponent testimony was provided by four private citizens.

A representative of the Office of the Secretary of State testified as neutral.

Opponent testimony was provided by a former Representative and representatives of the Disability Rights Center for Kansas, Kansas African American Affairs Commission, Kansas Appleseed for Law and Justice, League of Women Voters of Kansas, Loud Light Civic Action, Mainstream Coalition, and a private citizen. Opponents generally stated the three-day mail delivery deadline was enacted in 2017 in response to mail delivery reliability issues with the U.S. Postal Service, and that changing the deadline would disenfranchise thousands of voters. Written-only opponent testimony was provided by representatives of the ACLU of Kansas, Kansas County Clerks and Election Officials Association, Kansas National Education Association, and 13 private citizens.

The Senate Committee amended the bill to:

- Restrict the number of remote ballot boxes available in each county by population [*Note: The Conference Committee retained this amendment.*];
- Tie the use of remote ballot boxes to the hours a county election office is open [*Note: The Conference Committee retained this amendment.*];

- Require remote ballot boxes to be monitored or under video surveillance [*Note*: The Conference Committee retained this amendment.];
- Require certain signage, record keeping, and promulgation of rules and regulations related to remote ballot boxes [*Note*: The Conference Committee retained this amendment.];
- Change deadlines for voter registration leading up to an election [*Note*: The Conference Committee did not retain this amendment.]; and
- Change the number of days available for advance voting [*Note*: The Conference Committee did not retain this amendment.]; and
- Make technical amendments.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to:

- Remove video surveillance of remote ballot boxes as an alternative to continuous observation by a county election office employee;
- Allow remote ballot boxes to be located inside a state or municipal building with employees present, or inside any other building while continuously observed by two authorized poll agents; and
- Define “state or municipal building.”

[*Note*: The Conference Committee did not retain these amendments.]

Fiscal Information

A fiscal note for Senate Sub. for HB 2056 was not available when the Senate Committee took action on the bill.

According to the fiscal note prepared by the Division of the Budget on SB 394, as introduced, the Secretary indicated the bill would have no fiscal effect. The Kansas Association of Counties indicated enactment of SB 394 could decrease county election costs because it would reduce the time frame during which ballots could be accepted, which would reduce the required staffing hours. The exact costs would vary depending on how many personnel would be reduced, which would depend on each county’s population size.

Elections; advanced voting ballots; deadlines; ballot box; monitoring

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