

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2332

As Amended by House Committee on Elections

Brief*

HB 2332, as amended, would require any individual who solicits by mail a registered voter to file an application for an advance voting ballot, and in such mailing includes an application for an advance voting ballot, to include in such mailing:

- The name of the individual or organization causing such solicitation to be mailed;
- The name of the president, chief executive officer, or executive director, if an organization;
- The address of such individual or organization; and
- The statement: "Disclosure: This is not a government mailing. It is from a private individual or organization."

The bill would require all such information to be included on both the exterior of the mailing and on each page contained within the mailing (except on the application for the advance voting ballot) in a clear and conspicuous label in 14-point font or larger.

The bill would provide a violation of such requirements would be a class C, nonperson misdemeanor.

The bill would exempt from such requirements the Secretary of State, any election official, county election

*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>

offices, and the official protection and advocacy for voting access system for the State as provided in the Help America Vote Act of 2002, or any other entity required by federal law to provide information concerning elections and voting procedures. [Note: The Disability Rights Center of Kansas is the designated protection and advocacy system in Kansas.]

Additionally, the bill would prohibit any person not a resident of Kansas or domiciled in Kansas from mailing or causing to be mailed an application for an advance voting ballot. The bill would provide individuals may file a complaint with the Attorney General alleging a violation of this provision; such complaint must include the name of the person alleged to have violated this provision. The bill would require the Attorney General to investigate any allegations of violations under this provision and would permit an action to be filed against any person found to have violated this provision. The bill would provide any person who violates this provision would be subject to a civil penalty of \$20, and each mailing of an application for an advance voting ballot would constitute a separate violation.

The bill would go into effect January 1, 2022.

Background

The bill was introduced by Representative Toplikar.

House Committee on Elections

In the House Committee hearing on the bill, Representative Toplikar testified as a **proponent**, stating the bill was introduced to address voter confusion and as a result of certain voters receiving multiple applications for advance voting ballots during the 2020 election cycle.

A representative of the Disability Rights Center of Kansas testified as an **opponent**, stating the organization is

required by federal law to provide certain information and to help people register and vote and requested the organization be exempted from provisions of the bill.

Representatives of the Kansas County Clerks and Election Officials Association, Loud Light Civic Action Group, and the Office of the Secretary of State testified as neutral. The League of Women Voters of Kansas provided written-only neutral testimony.

The House Committee amended the bill to:

- Exempt from the bill the Secretary of State, any elected official, county election offices, and the official protection and advocacy system for the State designated pursuant to federal law;
- Provide that violations of the provisions requiring disclosure on mailed solicitations would be a class C, nonperson misdemeanor;
- Prohibit persons not residents of or domiciled in Kansas from mailing an application for an advance voting ballot and provide any such violation would result in a \$20 civil penalty per violation; and
- Change the effective date of the bill from upon publication in the statute book to January 1, 2022.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Secretary of State indicates enactment of the bill would have no fiscal effect on the agency, and the Kansas Association of Counties indicates enactment of the bill would have no fiscal effect on counties or county election officers.

Election; advance voting ballots; application for advance voting ballot