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## STATE OF KANSAS

### **Testimony: HB2355 (PROPONENT)**

House Elections Committee  
Tuesday, February 23, 2021

Chairman Carpenter and members of the Committee:

HB2355 was requested for introduction by the Secretary of State's office. The bill is part of our ongoing efforts to clean-up areas of state election law that are contradictory or unclear.

The bill seeks to fix the following issues:

1. The bill corrects a statutory inconsistency on the population threshold for a county election officer to be appointed by the Secretary of State. K.S.A 19-3419 states the threshold is 130,000 residents; K.S.A 19-3422 states the threshold is 100,000 residents. This legislation would set the population threshold at 130,000 residents.
2. The bill reconciles the provisions of K.S.A 25-1220 requiring mail ballots be sent to federal service voters 45 days before an election with the provisions of K.S.A 10-120, which permits a shorter time period. Many local elections incorporate the timeline of K.S.A 10-120.
3. The bill makes the provisions for all-mail ballot elections (K.S.A 25-431 to 440) the same as the mail ballot provisions regular elections and thus prevent voter confusion.
  - It would allow ballots for all-mail elections to be counted as long as they are postmarked on or before election day and received in the local election office by the close of business on the third business day after an election.
  - It requires voter contact and opportunity to cure for signature mismatches, which has been found by federal courts to be a Constitutional requirement.

Finally, HB2355 would strike from K.S.A. 19-3419 the requirement that a county election commissioner be a resident of that county for two years prior to appointment. Although, we understand the original intent of this provision, the 2017 reclassification of election infrastructure as critical national infrastructure has raised the bar on the qualifications to be an election commissioner. In striking this outdated requirement, it would allow the Secretary of State, in conjunction with local governing bodies, to consider a wider range of candidate when interviewing election commissioner candidates.

Thank you for your consideration of this testimony. On behalf of the Kansas Secretary of State, we ask for your support of HB2355.

Respectfully submitted,

Clay Barker  
Deputy Assistant Secretary of State  
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