

SCOTT SCHWAB
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564
sos.kansas.gov

STATE OF KANSAS

Testimony on SB208 (Oral Opponent)

Senate Committee on Federal and State Affairs
Monday, February 20, 2023

Chairman Thompson and members of the Committee:

Thank you for the opportunity to provide comments on Senate Bill 208. Our office is opposed to this legislation in its current form.

SB208 would add an unfunded mandate to county election officials by regulating the number of, and standardizing operating hours for, ballot drop boxes. It is the position of the Secretary of State's office that SB208 is inconsistent with the structure of Kansas elections, which emphasizes local control and limits centralized mandates.

First, SB208 limits the number of remote ballot drop boxes to one located at the county election office, regardless of the county's needs or number of voters in the county. This provision would cause at least 40 counties to materially change their election procedures, particularly affecting rural counties, where the lack of resources over a large geographical area can be offset by the use of remote ballot drop boxes.

Second, SB208 would impose a requirement that two election staff must physically monitor the remote ballot drop box. This is an unfunded mandate for election officials and their staff, whose daily responsibilities leave little – if any – time to take on the additional task of physically monitoring a remote ballot drop box.

Lastly, SB208 requires remote ballot drop boxes only to be unlocked when the county election office is open. This provision fails to recognize that the access and convenience that remote ballot drop boxes provide to voters whose employment, or other circumstances, may prohibit them from delivering their advance by mail ballot during normal business hours.

County election officials work within state election laws and with available resources to meet the needs of their voters. SB208 negates this standard by countering the current method of conducting Kansas elections. Our office renews our request for the approach unanimously adopted by the House Elections Committee and grant the Secretary of State the authority to regulate remote ballot drop boxes.

Our office looks forward to working with the legislature to ensure ballot drop boxes remain a secure method for voters to return their advance by mail ballot and provide county election officials with the support and resources necessary to continue administering safe and secure elections.

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

Respectfully submitted,

Clay Barker
Deputy Assistant Secretary of State
General Counsel