

SESSION OF 2017

## **SUPPLEMENTAL NOTE ON SENATE BILL NO. 78**

As Amended by House Committee on Elections

### **Brief\***

SB 78, as amended, would amend law regarding notice of polling places. The bill would prohibit a county election officer from changing a polling place prior to an election without providing mailed notice at least 30 days prior to the election. A waiver from this requirement would be authorized if the county election officer declares an emergency.

The bill would further state failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the election results. Finally, the bill would require the Secretary of State issue a press release and post a notice on the Secretary of State's website notifying the public whenever the online voter registration website is unavailable for a period of 24 hours or more.

### **Background**

The bill was introduced by the Senate Committee on Ethics, Elections and Local Government at the request of Senator Faust-Goudeau. In the Senate Committee hearing, Senator Faust-Goudeau, along with former Representative Mah, the Office of the Secretary of State Elections Director, and a representative of the American Civil Liberties Union of Kansas, testified in favor of the bill. Proponents indicated there have been complaints and confusion regarding the changing of polling places, hence providing an obstacle to voter participation. The Elections Director also noted his opinion that failure to receive such a notice should not give

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\*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>

rise to challenging election results. No neutral or opponent testimony was provided.

In the House Committee on Elections hearing, proponents included Senator Faust-Goudeau, former Representative Mah, the Office of the Secretary of State Elections Director, and a representative of the League of Women Voters of Kansas. No neutral or opponent testimony was provided.

The House Committee amended the bill to state failure to receive notice of a change in the voting place would not give rise to a cause of action challenging the election results and to require the Secretary of State to notify the public in the ways specified above if the online voter registration website is unavailable for 24 hours or more.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the League of Kansas Municipalities indicates enactment of the bill would have no fiscal effect on cities. The Kansas Association of Counties indicates enactment of the bill could increase county expenditures, as they relate to the cost of printing and mailing notices, by an inestimable amount. No fiscal note on the amended bill was available at the time the House Committee took action on the bill.