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STATE OF KANSAS

Testimony on SB390 (Oral Neutral)

Senate Committee on Federal and State Affairs
Monday, February 14, 2022

Chairman Olson and members of the Committee:

Thank you for the opportunity to appear before you today to provide comments on SB390. Our office is neutral on this legislation but wishes to address technical issues in the bill.

SB390 requires the Secretary of State and local election officials to create and require an affidavit to be signed by any election worker who will be handling completed ballots. Currently, election workers who handle ballots are required to complete an oath of office (K.S.A. 25-2807). The completed oath of office is filed with the local election office and maintained for two years (K.S.A. 25-2709).

Additionally, election workers charged with transporting any ballots – including cast, provisional, blank, spoiled, or voided – must maintain chain of custody records that are filed with the county election office (K.S.A. 25-604; 25-2705; 25-2707; K.A.R. 7-24-2). These forms include the name(s) of the election workers, number of ballots received, dates and times, locations of pickup and delivery of the ballots, and signatures or initials of the election workers. These records are maintained for two years (K.S.A. 25-2709).

However, the system for tracking ballots is not a uniform statewide system, and the specific steps and forms used in the process are left to the county. For instance, Johnson County, with over 444,000 registered voters, uses a different system than Greeley County, with nearly 850 registered voters.

In its current form, SB390 is redundant of current statutory requirements. SB390 appears to require a separate affidavit, in addition to the existing oath of office and chain of custody system, to be completed by each election worker each time a ballot is handled. Alternatively, if the intent is for the Secretary of State, in consultation with local election officials, to create a uniform standardized process applicable to chain of custody for all counties within the existing statutory framework, this can be promptly accomplished.

Thank you for your consideration.

Respectfully submitted,

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