

VISAGE REPORT: Kansas House Bill 2183

GRADE: D-

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Voter Integrity Summary, Analysis, Grading and Evaluation (VISAGE) Report Method

The Voter Integrity Summary, Analysis, Grading and Evaluation (VISAGE) Report has four major components: Summarizing the overall bill, Analyzing each section of the bill, Grading each section of the bill using Look Ahead America's six objectives for voter integrity reform, and Evaluating the overall bill.

Using Look Ahead America's six objectives for voter integrity reform, the Research Group grades the bill with a letter ranking from A to F in each of the following areas followed by an overall grade:

1. Thumbprint Authentication of Absentee Ballots.
2. Mandated and Public Voter List Hygiene.
3. Ban on the Use of "Black Box" Voting Equipment.
4. Appointment of a Citizens Elections Supervisory Committee.
5. Creation and Sufficient Funding for a Dedicated Voter Fraud Investigation Division within the State's Attorney General's Office.
6. Equitable Distribution of Private Contributions to Election Operations.

You can find additional information about these six objectives at Look Ahead America's website: <https://lookaheadamerica.org/integrity/>

Summary of KS H.B. 2183

In 2020 the United States of America, faced with COVID-19, saw a dramatic increase in vote-by-mail ballots. Yet, COVID-19 did not deter voters as approximately 155 million people voted,¹ of which approximately 69% - 107 million - voted by mail.² This represents a significant increase from 2016, in which only 40% of voters voted by mail. 2020 also brought about claims of voter fraud on a massive scale. While sensational levels of fraud may seem unlikely, voter fraud indeed occurs.

Because of the hotly contested 2020 General Election, many states with both Republican and Democrat legislatures introduced a flurry of new bills aimed at changing election laws. In Kansas, the Committee on Elections introduced H.B. 2183 on January 28, 2021. This act intends to create transparency in election funding, security for vote-by-mail ballots, and creates criminal liability for certain election related actions.

The House passed the bill on March 3, 2021, which then proceeded to the Senate, and finally the Governor's desk on May 3, 2021. Kansas Governor Laura Kelly promptly vetoed it, saying that it was "a solution to a problem that doesn't exist," and returned it to the House. That same day both the House and Senate made a motion to override her veto.

South Carolina US Senate candidate Tim Swain praised KS H.B. 2183 on May 3, 2021, describing it as "one of the most sweeping election integrity bills in the nation." He added that it "-Bans Ballot Harvesting -Prohibits Electioneering -Bans Private Funds from being used to administer elections (Ex. Zuckerberg) -Prohibits SOS or Governor from making emergency changes to election laws" <https://twitter.com/SwainForSenate/status/1389321596410621956>

This report evaluates H.B. 2183 to determine its effectiveness and if either of these assessments are correct.

Although Look Ahead America has summarized this bill, its details can be found at http://www.kslegislature.org/li/b2021_22/measures/hb2183/.

¹ DeSilver, D. (2021, January 28). *Turnout soared in 2020 as nearly two-thirds of eligible U.S. voters cast ballots for president*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>

² U.S. Census Bureau. (2021, April 29). *What Methods Did People Use to Vote in the 2020 Election?* The United States Census Bureau. <https://www.census.gov/library/stories/2021/04/what-methods-did-people-use-to-vote-in-2020-election.html>

Analysis of the KS H.B. 2183 Sections

Section 1

H.B. 2183 will create the Transparency in Revenues Underwriting Act. This prohibits election officials from knowingly accepting money for any expenditures related to election administration, facilitation, and funding. This does not apply to:

- A. Acts of appropriation.
- B. Money collected by an election official from fees or assessed costs.
- C. Campaign contributions for candidates for the office of county clerk
- D. Money otherwise provided for by existing law.

Section 2

Regarding the handling of advance voting ballots for another person, H.B. 2183 will create a requirement that any person turning in an advance voting ballot for someone else cannot do so unless they submit a written statement along with the ballot. The Secretary of State will prescribe the form and it must include:

- A. A sworn statement by the person delivering the ballot affirming that they have not exercised undue influence on the voting decision of the voter.
- B. A sworn statement by the voter affirming that they authorize the person to deliver the ballot to a county election officer or polling place, and that they have not had undue influence placed on them concerning their voting choices.
- C. A ban on any candidate running for office from turning in a ballot on behalf of a voter, unless an immediate family member of the candidate.
- D. A limit of ten advance ballots that any person can transmit or deliver on behalf of another person. This includes candidates for office delivering advance ballots on behalf of immediate family members.

Section 3

H.B. 2183 defines an election official and addresses false representation of an election official.

The term “election official” refers to:

- A. The Secretary of State or any employee thereof,
- B. Any county election commissioner or county clerk or any employee thereof, or
- C. Any other person employed by any county election office.

False representation of an elected official includes the following activities conducted via phone, mail, email, website or other online activity, or by any other means of communication while not holding a position as an actual election official:

- A. Representing oneself as an election official.
- B. Engaging in conduct that gives the appearance of being an election official.
- C. Engaging in conduct that would cause another to believe one is an election official.

Section 4

H.B. 2183 creates a requirement for the Secretary of State to publish the following voter information on the Secretary of State's official website each month:

- A. The total number of registered voters in each county of Kansas.
- B. The total number of registered voters in each county that the election office found to have undeliverable mail, and the number of these registered voters as a percentage of all registered voters in the county.
- C. The total number of registered voters for each political party.

On the tenth day prior to any election, the Secretary of State must publish the following information on the Secretary of State's official website:

- A. The total number of registered voters in each voting precinct.
- B. The total number of registered voters affiliated with each political party.

Section 5

Regarding rules about the handling and acceptance of advance voting ballots, H.B. 2183 will:

- A. Add text that prohibits candidates for office from assisting any voter in marking an advance voting ballot or in signing an advance voting ballot form.
- B. State that it is not a violation if the Secretary of State, any election official or any county election office to assist a voter while engaged in their official duties.
- C. Require county election officers to verify the signature on each advance voting ballot envelope against the signature on file in the voter registration records either by electronic device or human inspection, except when the voter has a disability preventing them from signing. If the signature does not match, the vote shall not count.

Section 6

Regarding the transmission of advance voting ballots, H.B. 2183 will:

- A. Amend existing election law that deals with returning advance voting ballots by the voter or a person assisting the voter by including text that allows for a new section two above.
- B. Prohibit backdating or otherwise altering a postmark or official date mark on an advance voting ballot to something other than the actual mailing date.

Section 7

H.B. 2182 will amend a section of election law to remove the authority of the Secretary of State to extend the deadline for receiving advance voter ballots.

Existing law states that the deadline for a county election office to receive these ballots falls on the last mail delivery on the third day following an election.

Section 8

Regarding the laws surrounding electioneering, this section will amend a portion of election law to expand the definition of electioneering to include a candidate:

- A. Touching or handling a voter's ballot during the voting process, unless on behalf of an immediate family member,
- B. Distributing or counting ballots,
- C. Hindering or obstructing a voter from voting, entering or leaving a polling place,
- D. Hindering or obstructing an election board worker from performing election duties.

These new provisions do not apply to the Secretary of State, election officials or county election office.

Section 9

H.B. 2183 will create a new section containing a severability clause regarding all provisions.

Grading KS H.B. 2183

1. Thumbprint Authentication of Absentee Ballots: N/A

2. Mandated and Public Voter List Hygiene: F

This act includes the requirement that the official Secretary of State website publishes registered voter totals, but does not address utilizing an interstate residency database nor national data matching.

3. Ban on the Use of “Black Box” Voting Equipment: N/A

4. Appointment of a Citizens Elections Supervisory Committee: N/A

5. Creation and sufficient Funding for a Dedicated Voter Fraud Investigation Division within the State’s Attorney General’s Office: N/A

6. Equitable Distribution of Private Contributions to Election Operations: B

This bill prohibits election officials accepting private funding for elections rather than allowing such contributions to be fairly distributed throughout the state.

Evaluation of KS H.B. 2183

While Kansas’ House Bill 2183 aims to do something to address voter integrity, it only addresses one of the six Look Ahead America policy objectives for voter integrity reform. The fact that the Kansas legislators have introduced even one of these policy objectives seems promising, but more work remains to actually restore voter confidence and reform existing election laws for increased security. As with FL S.B. 90, while it does something, which beats nothing, Kansas’ voters deserve much better from their state government.

Overall, H.B. 2183 scores a D- in terms of overall effectiveness. Passing, but barely.

How to Help

Only when more people get involved, will meaningful, impactful change occur. This means less talking and more doing. That’s how Look Ahead America will positively impact election reform.

[Support Look Ahead America by signing up to volunteer or by making a financial contribution at https://www.lookaheadamerica.org.](https://www.lookaheadamerica.org)