

SENATE BILL 394 WILL END NEARLY ALL MAIL-IN VOTING IF THE STATE LOSES IN COURT

In 2021, the League of Women Voters of Kansas, Loud Light, Kansas Appleseed Center for Law and Justice, and the Topeka Independent Living Resource Center filed a [lawsuit](#) seeking to force the State to fix flawed voting laws that had been recently passed by the Kansas legislature. One of the most flawed of those laws tightened signature-matching requirements. As the law currently stands, the signature on a person’s mail-in ballot must “match” their signature from when they registered to vote.¹ But the law does not define what “match” means, detail how to decide if signatures match, or explain how voters can fix a mismatch. As a result, each of the 105 counties can interpret and apply the law differently. **So, whether your vote is counted depends on what county you live in.**

The lawsuit, *League of Women Voters of Kansas, et al. v. Schwab, et al.*, is still moving through the courts, but some in the legislature are trying to make the outcome of the lawsuit irrelevant. Instead of drafting a better law that provides all Kansans an equal chance to have their vote counted, the proponents of [Senate Bill 394](#) seek to get rid of mail-in voting altogether. That is, if the courts find that the signature-matching law is invalid, SB 394 gets rid of all mail-in voting (except the very limited mail-in voting required by federal law).

Such a drastic measure is not required to keep Kansas’ elections secure.

The signature-matching law was enacted in 2021. But it wasn’t adopted to fix a problem with mail-in voting. In fact, more than 450,000 Kansans voted by mail in 2020—a record high—and a post-election audit of all 105 counties found **no “foul play, of any kind.”**² In fact, the Secretary of State, Scott Schwab, praised Kansas’ 25-year history of secure, widespread mail-in voting and told the legislature that he didn’t “know how Kansas could do it better”³ and that Kansas doesn’t “need a drastic change in our election law[s].”⁴

Nevertheless, the Kansas Legislature passed several voting laws in 2021, including the signature-matching law that SB 394 aims to protect. Requiring voters to sign their ballot swearing under penalty of being prosecuted for perjury that they are indeed the person voting was sufficient to ensure election security for 25 years before the signature-matching law took effect, and it is still sufficient now. Senate Bill 394 thus seeks to eliminate mail-in voting for thousands of Kansans for no reason.

Moreover, the Secretary of State’s only recommendation for how to improve Kansas’ elections was to provide uniform, state-wide training about voting and election laws to election workers.⁵ The signature-matching law undermines any attempt at uniformity and state-wide standards. The training recommended by the Secretary in 2021 did not exist then and does not exist now. This lack of training and uniform, state-wide standards for determining whether signatures match combine to create a patchwork of varied methods for counting votes across the State’s 105 counties.

Notably, the lawsuit that SB 394 is aimed at merely asks the court to find that the current version of the signature-matching law is invalid; it does not ask the court to prevent the legislature from imposing any signature requirements for mail-in voting. **The solution, then, is for the legislature to simply write a better law, not strip away the ability of Kansans to vote by mail.** Such a law would prescribe a uniform, standardized practice of matching signatures and applying remedies for signature mismatches in all 105 counties, and include training for election workers.

CITATIONS



¹ K.S.A. 25-1124(h).

² Schwab, S. (2020, November 16). Dominion Voting Systems.

https://kslegislature.gov/li_2022/b2021_22/committees/ctte_h_electns_1/documents/testimony/20210112_04.pdf

³ Bernard, K. (2021, May 3). If you vote in Kansas, here's what you need to know about two proposed election laws. The Kansas City Star.

<https://www.kansascity.com/news/politics-government/article251063929.html>

⁴ 2020 Overview: Hearing before the Senate Transparency and Ethics Committee, 2021 Session. (Jan.13, 2021) (testimony of Kansas Secretary of State Scott Schwab).

https://images.johnsoncountypost.com/wp-content/uploads/2021/01/ctte_s_transparency_and_ethics_1_20210113_01_testimony.pdf

⁵ Kansas Legislative Division of Post Audit. (2023) Reviewing Kansas's Procedures for Election Security, Part 1 at 23–24 (Report Number R-23-003).

<https://www.kslpa.gov/wp-content/uploads/2023/02/R-23-003-Election-Security-Part-1.pdf>