

Kansas Administrative Regulations

Secretary of State

Article 36.—Absentee and Advance Voting

7-36-9. Signature verification for advance voting by mail.

(a) For purposes of this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Application" means the submission by a registered voter to apply for an advance voting ballot to be transmitted by mail on which the voter affixes a signature, as specified in K.S.A. 25-1122 and K.S.A. 25-1122d, and amendments thereto.

(2) "Inconsistent," when used regarding a signature, means that the signature differs in multiple, significant, or obvious respects from the voter's signature in the voter registration database.

(3) "Mail ballot envelope" means the envelope containing a completed ballot on which the voter affixes a signature, as specified in K.S.A. 25-1124 and K.S.A. 25-433(b) and amendments thereto.

(4) "Match," when used regarding a signature, means that the signature is generally uniform and consistent with the voter's signature in the voter registration database.

(5) "Signature verification" means the process to verify the authenticity of a voter's signature on applications, as required by K.S.A. 25-1122(e)(1) and amendments thereto, and on mail ballot envelopes, as required by K.S.A. 25-1124(d) and (h) and K.S.A. 25-433(e) and amendments thereto.

(b) When a county election officer receives from a voter either an application or a mail ballot envelope, the county election official shall conduct signature verification as follows:

(1) If the signature matches the voter's signature on file, the application or mail ballot envelope shall be processed pursuant to K.S.A. 25-1134, K.S.A. 25-1135, and K.S.A. 25-1136, and amendments thereto.

(2) If the signature on the application or mail ballot envelope is inconsistent with the voter's signature on file or there is no signature, the county election official shall attempt to contact the voter as follows:

(A) If the voter's phone number is reasonably available, the county election official shall attempt to call the voter at least three times. The county election official shall inform the voter or leave a message with another person who answered the call or on voice mail of the apparently inconsistent or missing signature and the way to verify the voter's identity or correct the missing signature.

(B) The county election official shall send to the voter by first-class mail a notice informing the voter of the apparently inconsistent or missing signature, with instructions on how to verify the voter's identity or correct the missing signature.

(C) The county election official may also attempt to contact the voter by any other means, including electronic mail or personal visit at the voter's residence.

(c) The county election official shall record the following:

(1)(A) For contact by phone, the date, time, and phone number for each call and specification of whether instructions were left by voice mail, by conversation with the voter, or by conversation with another individual;

(B) for contact by mail, the date the letter was sent to the voter, the address to which the letter was sent, and a copy of the letter; or

(C) for other means of contact, a general description of the means of voter contact; and

(2) for all means of contact, specification of whether the voter corrected the missing or inconsistent signature.

(d) If a voter receives notice of a signature that is inconsistent with the voter's signature on file, the signature deficiency may be corrected as follows:

(1) On a mail ballot envelope, by providing an updated signature consistent with the signature on file at any time until the commencement of the county board of canvassers; or

(2) on an application, by providing an updated signature consistent with the signature on file at any time through the Tuesday of the week preceding the election.

(e) If a voter receives notice of a missing signature, the signature deficiency may be corrected as follows:

(1) On a mail ballot envelope, by appearing in person before a county election official and providing a signature at any time until the commencement of the county board of canvassers; or

(2) on an application, by submitting a new application with a signature or by appearing in person before a county election official and providing a signature at any time through the Tuesday of the week preceding the election.

(f) Before performing signature verification, the county election official shall complete training approved by the secretary of state on procedures to determine whether a voter's signature is consistent with the signature in the voter registration database.

(g) When conducting signature verification, the following shall apply:

(1) The voter's signature shall be compared to as many recorded signatures as possible from the voter registration database.

(2) Signature verification may occur by electronic device or by human inspection.

(3) All signatures that match those in the voter registration database shall be accepted.

(4) Before a signature on any application or mail ballot envelope is deemed inconsistent, at least two election officials who have been trained by the secretary of state shall agree that the signatures are inconsistent.

(5) Signature verification shall not be required if a voter has a disability preventing the voter from signing the ballot or preventing the voter from having a signature that matches the voter's registration form.

(Authorized by K.S.A. 25-124, K.S.A. 25-440, K.S.A. 25-1122, and K.S.A. 25-1131; implementing K.S.A. 25-124, K.S.A. 25-433, K.S.A. 25-1122, and K.S.A. 25-1124; effective, T-7-5-26-22, May 26, 2022; effective Sept. 23, 2022.)

***** Authenticated Kansas Administrative Regulation *****