

Legislative Testimony

In **Opposition** to Senate Bill 394
Senate Committee on Federal and State Affairs
February 2, 2026

In Person Testimony

Chair Thompson and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties guaranteed by the Constitution of the United States and the Constitution of the State of Kansas, including the fundamental right to vote. On behalf of the ACLU of Kansas, I stand in opposition to Senate Bill 394, which threatens to disenfranchise Kansans twice over. First, it relies on signature verification rules that are already known to disenfranchise eligible voters. Second, it threatens to eliminate mail-in voting altogether if courts intervene to protect those voters' rights. SB 394 compounds injustice rather than correcting it.

Signature Verification Disenfranchises Voters

Signature verification laws are not a neutral, administrative procedure. They are a barrier to the ballot box, with a documented history of rejecting legally cast ballots and denying voters their constitutional right to vote.

Subjectivity and inconsistency in signature matching

Signatures vary over time and across contexts. A voter's signature at the time of registration may not resemble their signature when signing a mail-in ballot, especially for people with disabilities, the elderly, people with degenerative diseases, and individuals with visual impairments. Yet many states deny ballots for "perceived mismatches" without notifying voters or providing a meaningful opportunity to cure the issue.

Disparate impact on vulnerable communities

Litigation brought in states as diverse as New Hampshire, California, Georgia, and Ohio has shown that signature match laws disproportionately impact the elderly, those with disabilities, transgender and gender-nonconforming people, women who may have changed names through marriage or divorce, people for whom English is a second language, and military and overseas voters. These groups are more likely to experience legitimate variations in their signatures or require assistance yet face ballot rejection without fair notice or cure procedures.

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Collectively, these realities explain why signature match requirements have been the subject of legal challenges nationwide, not because voters want to evade identity verification but because the systems in place are unreliable, arbitrary, and discriminatory in practice. When courts invalidate or limit signature verification rules, they are not attacking election integrity. They are enforcing constitutional rights.

Coupling Mail-In Voting from Signature Laws Is Not a Realistic Solution

SB 394 proposes a mechanism whereby if any court invalidates or enjoins signature verification requirements, the entire statutory authorization for advance voting by mail in Kansas would be null and void. This linkage is deeply problematic for two reasons:

It inappropriately uses litigation to roll back voting access.

Courts often intervene not to attack mail-in voting itself, but to address unconstitutional implementation practices. If the inevitable result of such a ruling is the wholesale elimination of mail-in voting, then courts will be forced into an impossible choice: uphold fundamental voting rights or maintain an access mechanism that is, at times, implemented poorly. SB 394 would thus turn constitutional challenge into a proxy for ending mail-in voting altogether.

Removing mail-in voting is a broader disenfranchisement

Whether due to disability, employment obligations, caregiving duties, public health concerns, or military service, many Kansans exercise their franchise exclusively through advance mail ballots. To condition the future of this access on the survival of a deeply flawed verification process would strip away lawful and popular voting options for thousands, and disproportionately harm those who already face barriers to voting in person.

Rather than tethering the fate of mail-in voting to contested signature laws, Kansas should consider reforms that ensure notice and cure procedures so voters are informed of issues and given a chance to fix them, consistent with due process. There should be clear, objective, and uniform standards for any review of signatures. There should be improved training and resources for election officials to reduce arbitrary rejections. This will preserve mail-in voting as a robust option for all eligible voters.

SB 394 Retaliates Against Voters When Courts Protect Their Rights

Rather than fixing the problems with signature verification, SB 394 takes a far more extreme approach. This bill says that if a court ever rules that Kansas's signature verification system is

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unlawful or unconstitutional, then Kansas will respond by eliminating mail-in voting altogether for most voters. Put simply, if courts protect voters, the legislature will punish them.

This is not good-faith policymaking. It is a form of retaliation against judicial oversight and against Kansans who rely on the courts to safeguard their rights. Courts intervene in election laws when those laws violate due process or equal protection. That is a normal and healthy part of our constitutional system. SB 394 treats that process as a threat and responds by stripping access to the ballot for those who are forced or choose to vote from home and thus creates a dangerous ultimatum—either voters must accept a flawed and discriminatory system or lose mail-in voting entirely.

Conclusion

SB 394 doubles down on a system that, as documented by civil rights advocates and courts, disenfranchises eligible voters and ties the future of an essential voting option to the outcomes of litigation over that flawed system. This is not a strategy for election integrity; it is a recipe for further voter suppression. For these reasons, on behalf of the ACLU of Kansas, I respectfully urge the committee to oppose SB 394.

Logan DeMond
Director of Policy and Research