

HOUSE BILL No. 2531

By Committee on Federal and State Affairs

2-20

AN ACT concerning elections; relating to advance voting; amending K.S.A. 25-1122, 25-1123 and 25-1124 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine

1 the final date for mailing of advance voting ballots, but such date shall
2 not be more than three business days before such election.

3 (7) For any special election of officers, at such time as is specified by
4 the secretary of state.

5 (8) For the presidential preference primary, between January 1 of
6 the year in which such primary is held and the last business day of the
7 week preceding such primary election.

8 The county election officer of any county may receive applications prior
9 to the time specified in this subsection (b) and hold such applications
10 until the beginning of the prescribed application period. Such applications
11 shall be treated as filed on that date.

12 (c) Unless an earlier date is designated by the county election office,
13 applications for advance voting ballots transmitted to the voter in person
14 in the office of the county election officer shall be filed on the Tuesday
15 next preceding the election and on each subsequent business day until
16 no later than 12:00 noon on the day preceding such election. If the county
17 election officer so provides, applications for advance voting ballots trans-
18 mitted to the voter in person in the office of the county election officer
19 also may be filed on the Saturday preceding the election. Upon receipt
20 of any such properly executed application, the county election officer shall
21 deliver to the voter such ballots and instructions as are provided for in
22 this act.

23 *An application for an advance voting ballot filed by a sick, physically*
24 *disabled or illiterate voter or by a person rendering assistance to such*
25 *voter may be filed during the regular advance ballot application periods*
26 *until the close of the polls on election day.*

27 In any county having a population exceeding 250,000, the county elec-
28 tion officer may designate places other than the central county election
29 office as satellite advance voting sites. At any satellite advance voting site,
30 a registered voter may obtain an application for advance voting ballots,
31 such ballots and instructions shall be delivered to the voter in the same
32 manner and subject to the same limitations as otherwise provided by this
33 subsection.

34 (d) Any person having a permanent physical disability or an illness
35 which has been diagnosed as a permanent illness is hereby authorized to
36 make an application for permanent advance voting status. Applications
37 for permanent advance voting status shall be in the form and contain such
38 information as is required for application for advance voting ballots and
39 also shall contain information which establishes the voter's right to per-
40 manent advance voting status.

41 (e) On receipt of any application filed under the provisions of this
42 section, the county election officer shall prepare and maintain in such
43 officer's office a list of the names of all persons who have filed such

1 applications, together with their correct post office address and the pre-
2 cinct, ward, township or voting area in which such persons claim to be
3 registered voters or to be authorized by law to vote as former precinct
4 residents and the present resident address of each applicant. Such names
5 and addresses shall remain so listed until the day of such election. The
6 county election officer shall maintain a separate listing of the names and
7 addresses of persons qualifying for permanent advance voting status. All
8 such lists shall be available for inspection upon request in compliance
9 with this subsection by any registered voter during regular business hours.
10 The county election officer upon receipt of such applications shall enter
11 upon a record kept by such officer the name and address of each appli-
12 cant, which record shall conform to the list above required. Before in-
13 spection of any advance voting ballot application list, the person desiring
14 to make such inspection shall provide to the county election officer iden-
15 tification in the form of driver's license or other reliable identification and
16 shall sign a log book or application form maintained by such officer stating
17 such person's name and address and showing the date and time of in-
18 spection. All records made by the county election officer shall be subject
19 to public inspection, except that the identifying number on ballots and
20 ballot envelopes and records of such number shall not be made public.

21 Sec. 2. K.S.A. 25-1123 is hereby amended to read as follows: 25-
22 1123. (a) When an application for an advance voting ballot has been filed
23 in accordance with K.S.A. 25-1122, and amendments thereto, the county
24 election officer shall transmit to the voter applying therefor one each of
25 the appropriate ballots. Except as provided by ~~subsection (b)~~ *subsections*
26 *(b) and (c)*, the county election officer shall transmit the advance voting
27 ballots to the voter at one of the following addresses as specified by the
28 voter on such application: (1) The voter's residential address or mailing
29 address as indicated on the registration list; (2) the voter's temporary
30 residential address; or (3) a medical care facility as defined in K.S.A. 65-
31 425, and amendments thereto, psychiatric hospital, hospice or adult care
32 home where the voter resides. No advance voting ballot shall be trans-
33 mitted by the county election officer by any means prior to the 20th day
34 before the election for which an application for an advance voting ballot
35 has been received by such county election officer. If the advance voting
36 ballot is transmitted by mail, such ballot shall be transmitted with printed
37 instructions prescribed by the secretary of state and a ballot envelope
38 bearing upon the outside a printed form as described in K.S.A. 25-1120,
39 and amendments thereto, and the same number as the number of the
40 ballot. If the advance voting ballot is transmitted to the applicant in person
41 in the office of the county election officer or at a satellite advance voting
42 site, such advance voting ballot and printed instructions shall be trans-
43 mitted in an advance voting ballot envelope bearing upon the outside a

1 printed form as described in K.S.A. 25-1120, and amendments thereto,
2 and the same number as the number of the ballot unless the voter elects
3 to deposit the advance voting ballot into a locked ballot box without an
4 envelope. All ballots shall be transmitted to the advance voting voter not
5 more than 20 days before the election but within two business days of
6 the receipt of such voter's application by the election officer or the com-
7 mencement of such 20-day period. In primary elections required to be
8 conducted on a partisan basis, the election officer shall deliver to such
9 voter the ballot of the political party of the applicant.

10 (b) The restrictions in subsection (a) relating to where a county elec-
11 tion officer may transmit an advance voting ballot shall not apply to an
12 advance voting ballot requested pursuant to an application for an advance
13 voting ballot filed by a sick, physically disabled or illiterate voter.

14 (c) *Advance voting ballots which are to be transmitted to an adult*
15 *care home shall be delivered to voters at such adult care home by a special*
16 *election board. Such board shall be composed of members from each po-*
17 *litical party having the name of a candidate on the ballot. The voted ballots*
18 *shall be collected within two hours of the time of delivery by the special*
19 *election board. The voted ballots shall be placed by the voter in a locked*
20 *ballot box which box shall be returned to the county election office by the*
21 *special election board on the same day on which such ballots are delivered*
22 *to the voter.*

23 Sec. 3. K.S.A. 25-1124 is hereby amended to read as follows: 25-
24 1124. (a) Upon receipt of the advance voting ballot, the voter shall cast
25 such voter's vote as follows: The voter shall make a cross or check mark
26 in the square or parentheses opposite the name of each candidate or
27 question for whom the voter desires to vote. The voter shall make no
28 other mark, and shall allow no other person to make any mark, upon such
29 ballot. If the advance voting ballot was transmitted by mail, the voter
30 personally shall place the ballot in the ballot envelope bearing the same
31 number as the ballot and seal the envelope. The voter shall complete the
32 form on the ballot envelope and shall sign the same. Except as provided
33 *by K.S.A. 25-1123, and amendments thereto, for ballots cast by residents*
34 *of adult care homes and by K.S.A. 25-2908, and amendments thereto, the*
35 *ballot envelope shall be mailed or otherwise transmitted to the county*
36 *election officer. If the advance voting ballot was transmitted to the voter*
37 *in person in the office of the county election officer or at a satellite ad-*
38 *vance voting site, the voter may deposit such ballot into a locked ballot*
39 *box without an envelope.*

40 (b) Any sick, physically disabled or illiterate voter who is unable to
41 apply for or mark or transmit an advance voting ballot, may request as-
42 sistance by a person who has signed a statement required by subsection
43 (d) in applying for or marking an advance voting ballot.

1 ~~(c) An application for an advance voting ballot filed by a sick, physi-~~
2 ~~cally disabled or illiterate voter or by a person rendering assistance to~~
3 ~~such voter may be filed during the regular advance ballot application~~
4 ~~periods until the close of the polls on election day. Any voted ballot may~~
5 be transmitted to the county election officer by the voter or by another
6 person upon request of the voter. Any such voted ballot shall be trans-
7 mitted to the county election officer before the close of the polls on
8 election day.

9 (d) The county election officer shall allow a person to assist a sick,
10 physically disabled or illiterate voter in applying for or marking an appli-
11 cation or advance voting ballot, provided a written statement is signed by
12 the person who renders assistance to the sick, physically disabled or illit-
13 erate voter and submitted to the county election officer with the appli-
14 cation or ballot. The statement shall be on a form prescribed by the
15 secretary of state and shall contain a statement from the person providing
16 assistance that the person has not exercised undue influence on the voting
17 decision of the sick, physically disabled or illiterate voter and that the
18 person providing assistance has completed the application or marked the
19 ballot as instructed by the sick, physically disabled or illiterate voter.

20 (e) Any person assisting a sick, physically disabled or illiterate voter
21 in applying for or marking an advance voting ballot who knowingly and
22 willfully fails to sign and submit the statement required by this section or
23 who exercises undue influence on the voting decision of such voter shall
24 be guilty of a severity level 9 nonperson felony.

25 Sec. 4. K.S.A. 25-1122, 25-1123 and 25-1124 are hereby repealed.

26 Sec. 5. This act shall take effect and be in force from and after its
27 publication in the statute book.

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