

HOUSE BILL No. 2644

By Committee on Ethics and Elections

1-29

AN ACT concerning elections; pertaining to mailing of ballots in certain elections; amending K.S.A. 25-433 and K.S.A. 2003 Supp. 25-2304 and repealing the existing sections.

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

Section 1. K.S.A. 25-433 is hereby amended to read as follows: 25-433. (a) (1) The county election officer shall mail all official ballots with a return identification envelope and instructions sufficient to describe the voting process to each elector entitled to vote in the election on one date not sooner than the 20th day before the date of the election and not later than the 10th day before the date of the election. Ballots mailed by the county election officer shall be addressed to the address of each elector appearing in the registration records, and placed in an envelope which is prominently marked "Do Not Forward."

(2) *As determined by subsection (b) of K.S.A. 25-2304, and amendments thereto, no ballot shall be mailed to any inactive voter who failed to respond to a confirmation notice. Any voter who does not receive a ballot but who claims to be a qualified elector eligible to vote in the election may request a ballot as provided in subsection (d) of this section. The county election officer may challenge any such ballot if such county election officer knows or suspects the voter is not qualified to vote in the election.*

(b) Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county election officer by United States mail, if it is received by the county election officer by the date of the election, or personally deliver the ballot to the office of the county election officer before noon on the date of the election. The ballot shall be returned in the return identification envelope. The county election officer shall provide for the payment of postage for the return of ballot envelopes.

(c) The return identification envelope shall contain the following form:

I declare under penalty of election perjury, a felony, that I am a resident and a qualified voter for this election as shown on voter registration records and that I have

1 voted the enclosed ballot and am returning it in compliance with Kansas law, and amend-
2 ments thereto, and have not and will not vote more than one ballot in this election.

3 I also understand that failure to complete the information below will invalidate my
4 ballot.

5 _____
6 Signature

7 _____
8 Residence Address

9 (d) If the ballot is destroyed, spoiled, lost or not received by the elec-
10 tor, the elector may obtain a replacement ballot from the county election
11 officer as provided in this subsection. An elector seeking a replacement
12 ballot shall sign a statement verified on oath or affirmation, on a form
13 prescribed by the secretary of state, that the ballot was destroyed, spoiled,
14 lost or not received. The applicant shall deliver the statement to the
15 county election officer before noon on the date of the election. The ap-
16 plicant may mail the statement to the county election officer, except a
17 county election officer shall not transmit a ballot by mail under this sub-
18 section unless the application is received prior to the close of business on
19 the second day prior to the election. When an application is timely re-
20 ceived under this subsection, the county election officer shall deliver the
21 ballot to the voter if the voter is present in the office of the county election
22 officer, or promptly transmit the ballot by mail to the voter at the address
23 contained in the application, except when prohibited in this subsection.
24 The county election officer shall keep a record of each replacement ballot
25 provided under this subsection.

26 (e) A ballot shall be counted only if: (1) It is returned in the return
27 identification envelope; (2) the envelope is signed by the elector to whom
28 the ballot is issued; and (3) the signature has been verified as provided
29 in this subsection. The county election officer shall verify the signature
30 of each elector on the return identification envelope with the signature
31 on the elector's registration records and may commence verification at
32 any time prior to the canvass of the election. If the county election officer
33 determines that an elector to whom a replacement ballot has been issued
34 under subsection (d) has voted more than once, the county election of-
35 ficer shall not count any ballot cast by that elector.

36 (f) The county election officer shall supervise the procedures for the
37 handling and canvassing of ballots to insure the safety and confidentiality
38 of all ballots properly cast.

39 (g) The names of voters whose mail ballot envelopes are returned to
40 the county election officer as "undeliverable" shall be subject to removal
41 from the voter registration book and party affiliation list in the manner
42 provided in subsection (d) of K.S.A. 25-2316c, and amendments thereto.

43 Sec. 2. K.S.A. 2003 Supp. 25-2304 is hereby amended to read as

1 follows: 25-2304. (a) The county election officer shall maintain registra-
2 tion books to register all citizens entitled to be registered by such county
3 election officer under the provisions of this act. Such registration books
4 may be in such form as may be authorized by the secretary of state.

5 The secretary of state shall prescribe by rules and regulations adopted
6 as provided by law suitable provisions to assure the reasonable safety and
7 reliability of registration books and applications for registration. Such
8 rules and regulations may make specific provisions relating to any one or
9 more of the types of registration books authorized by the secretary of
10 state.

11 (b) The secretary of state shall establish a centralized voter registra-
12 tion database. Such database shall include all necessary voter registration
13 information from every county within the state of Kansas. The secretary
14 of state shall include in such database a list of active voters and a separate
15 list of voters who have failed to vote at two consecutive state or national
16 general elections or who have failed to respond to a confirmation notice
17 sent pursuant to subsection (e) (4) of K.S.A. 25-2316c, and amendments
18 thereto.

19 (c) County election officers shall maintain voter registration records
20 as required by law and transmit data in the manner prescribed by rules
21 and regulations adopted pursuant to this section.

22 (d) The secretary of state shall adopt rules and regulations to insure
23 the reasonable safety and reliability of the information contained in the
24 central voter registration database and voter lists required by this section
25 and to prescribe the type of data, the frequency, and the manner in which
26 it is transferred to such central location.

27 Sec. 3. K.S.A. 25-433 and K.S.A. 2003 Supp. 25-2304 are hereby
28 repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.

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