

HOUSE BILL No. 2744

By Committee on Governmental Organization and Elections

1-26

9 AN ACT concerning elections; relating to advance voting; amending
10 K.S.A. 2005 Supp. 25-1122 and repealing the existing section.

11

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

13 Section 1. K.S.A. 2005 Supp. 25-1122 is hereby amended to read as
14 follows: 25-1122. (a) Any registered voter may file with the county elec-
15 tion officer where such person is a resident, or where such person is
16 authorized by law to vote as a former precinct resident, an application for
17 an advance voting ballot. The signed application shall be transmitted only
18 to the county election officer by personal delivery, mail, facsimile or as
19 otherwise provided by law.

20 (b) If the registered voter is applying for an advance voting ballot to
21 be transmitted in person, and such voter is a first-time voter, such voter
22 shall provide a form of valid identification such as a current and valid
23 Kansas driver's license, nondriver's identification card, utility bill, bank
24 statement, paycheck, government check or other government document
25 containing the voter's current name and address as indicated on the reg-
26 istration book. Such voter shall not be required to provide identification
27 if such voter has previously provided current and valid identification in
28 the county where registered.

29 (c) If the registered voter is applying for an advance voting ballot to
30 be transmitted by mail, and such voter is a first-time voter, such voter
31 shall provide on the application for an advance voting ballot the voter's
32 current and valid Kansas driver's license number, nondriver's identifica-
33 tion card number or the last four digits of the voter's social security num-
34 ber, or shall provide with the application a copy of the voter's current and
35 valid Kansas driver's license, nondriver's identification card, utility bill,
36 bank statement, paycheck, government check or other government doc-
37 ument containing the voter's current name and address as indicated on
38 the registration book. Such voter shall not be required to provide identi-
39 fication if such voter has previously provided current and valid identi-
40 fication in the county where registered.

41 (d) If a first-time voter is unable or refuses to provide current and
42 valid identification, or if the name and address do not match the voter's
43 name and address on the registration book, the voter may vote a provi-

1 sional ballot according to K.S.A. 25-409, and amendments thereto. The
2 voter shall provide a valid form of identification as defined in subsection
3 (c) of this section to the county election officer in person or provide a
4 copy by mail or electronic means before the meeting of the county board
5 of canvassers. At the meeting of the county board of canvassers the county
6 election officer shall present copies of identification received from pro-
7 visional voters and the corresponding provisional ballots. If the county
8 board of canvassers determines that a voter's identification is valid and
9 the provisional ballot was properly cast, the ballot shall be counted.

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

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

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

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

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

25 (5) For question submitted elections occurring on the date of a pri-
26 mary or general election, the same as is provided for ballots for election
27 of officers at such election.

28 (6) For question submitted elections not occurring on the date of a
29 primary or general election, between the time of the first published notice
30 thereof and the last business day of the week preceding such question
31 submitted election, except that if the question submitted election is held
32 on a day other than a Tuesday, the county election officer shall determine
33 the final date for mailing of advance voting ballots, but such date shall
34 not be more than three business days before such election.

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

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

40 The county election officer of any county may receive applications prior
41 to the time specified in this subsection (e) and hold such applications
42 until the beginning of the prescribed application period. Such applications
43 shall be treated as filed on that date.

1 (f) Unless an earlier date is designated by the county election office,
2 applications for advance voting ballots transmitted to the voter in person
3 in the office of the county election officer shall be filed on the Tuesday
4 next preceding the election and on each subsequent business day until
5 no later than 12:00 noon on the day preceding such election. If the county
6 election officer so provides, applications for advance voting ballots trans-
7 mitted to the voter in person in the office of the county election officer
8 also may be filed on the Saturday preceding the election. Upon receipt
9 of any such properly executed application, the county election officer shall
10 deliver to the voter such ballots and instructions as are provided for in
11 this act.

12 An application for an advance voting ballot filed by a voter who has a
13 temporary illness or disability or who is not proficient in reading the
14 English language or by a person rendering assistance to such voter may
15 be filed during the regular advance ballot application periods until the
16 close of the polls on election day.

17 ~~In any county having a population exceeding 250,000,~~ The county elec-
18 tion officer may designate places other than the central county election
19 office as satellite advance voting sites. At any satellite advance voting site,
20 a registered voter may obtain an application for advance voting ballots,
21 such ballots and instructions shall be delivered to the voter in the same
22 manner and subject to the same limitations as otherwise provided by this
23 subsection.

24 (g) Any person having a permanent disability or an illness which has
25 been diagnosed as a permanent illness is hereby authorized to make an
26 application for permanent advance voting status. Applications for per-
27 manent advance voting status shall be in the form and contain such in-
28 formation as is required for application for advance voting ballots and also
29 shall contain information which establishes the voter's right to permanent
30 advance voting status.

31 (h) On receipt of any application filed under the provisions of this
32 section, the county election officer shall prepare and maintain in such
33 officer's office a list of the names of all persons who have filed such
34 applications, together with their correct post office address and the pre-
35 cinct, ward, township or voting area in which such persons claim to be
36 registered voters or to be authorized by law to vote as former precinct
37 residents and the present resident address of each applicant. Such names
38 and addresses shall remain so listed until the day of such election. The
39 county election officer shall maintain a separate listing of the names and
40 addresses of persons qualifying for permanent advance voting status. All
41 such lists shall be available for inspection upon request in compliance
42 with this subsection by any registered voter during regular business hours.
43 The county election officer upon receipt of such applications shall enter

1 upon a record kept by such officer the name and address of each appli-
2 cant, which record shall conform to the list above required. Before in-
3 spection of any advance voting ballot application list, the person desiring
4 to make such inspection shall provide to the county election officer iden-
5 tification in the form of driver's license or other reliable identification and
6 shall sign a log book or application form maintained by such officer stating
7 such person's name and address and showing the date and time of in-
8 spection. All records made by the county election officer shall be subject
9 to public inspection, except that the voter identification information re-
10 quired by subsections (b) and (c) and the identifying number on ballots
11 and ballot envelopes and records of such numbers shall not be made
12 public.

13 (i) If a person on the permanent advance voting list fails to vote in
14 two consecutive general elections held on the Tuesday succeeding the
15 first Monday in November of each even-numbered year, the county elec-
16 tion officer may mail a notice to such voter. Such notice shall inform the
17 voter that the voter's name will be removed from the permanent advance
18 voting list unless the voter renews the application for permanent advance
19 voting status within 30 days after the notice is mailed. If the voter fails to
20 renew such application, the county election officer shall remove the
21 voter's name from the permanent advance voting list. Failure to renew
22 the application for permanent advance voting status shall not result in
23 removal of the voter's name from the voter registration list.

24 (j) For the purposes of this section, "first-time voter" means a reg-
25 istered voter who has not previously voted in any election in the county
26 in which the voter desires to vote. First-time voter includes a person
27 whose name was removed from the county registration list in accordance
28 with K.S.A. 25-2316c, and amendments thereto, and who has re-
29 registered.

30 (k) The secretary of state may adopt rules and regulations defining
31 valid forms of identification.

32 Sec. 2. K.S.A. 2005 Supp. 25-1122 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.