

As Amended by Senate Committee

Session of 2007

SENATE BILL No. 159

By Committee on Elections and Local Government

1-23

10 AN ACT concerning elections; relating to advance voting ballots; amend-
11 ing K.S.A. 25-1121 and K.S.A. 2006 Supp. 25-1124 and 25-1128 and
12 repealing the existing sections.
13

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

15 Section 1. K.S.A. 25-1121 is hereby amended to read as follows: 25-
16 1121. It shall be the duty of the secretary of state to prescribe the general
17 forms of advance voting ballots to be used in all primary and general
18 elections and the form of the printed instructions to voters containing a
19 statement of all the requirements of this act, *and any other written forms*
20 *or statements required by this act*, to enable voters to comply with ~~such~~
21 *the* requirements of this act. Such prescribed forms shall be transmitted
22 to the county election officers 35 days before each primary and general
23 election.

24 Sec. 2. K.S.A. 2006 Supp. 25-1124 is hereby amended to read as
25 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
26 shall cast such voter's vote as follows: The voter shall make a cross or
27 check mark in the square or parentheses opposite the name of each can-
28 didate or question for whom the voter desires to vote. The voter shall
29 make no other mark, and shall allow no other person to make any mark,
30 upon such ballot. If the advance voting ballot was transmitted by mail,
31 the voter personally shall place the ballot in the ballot envelope bearing
32 the same number as the ballot and seal the envelope. The voter shall
33 complete the form on the ballot envelope and shall sign the same. Except
34 as provided by K.S.A. 25-2908, and amendments thereto, the ballot en-
35 velope shall be mailed or otherwise transmitted to the county election
36 officer. If the advance voting ballot was transmitted to the voter in person
37 in the office of the county election officer or at a satellite advance voting
38 site, the voter may deposit such ballot into a locked ballot box without an
39 envelope.

40 (b) Any ~~sick, physically disabled or illiterate~~ voter who *has a tempo-*
41 *rary illness or disability or who is not proficient in reading the English*
42 *language and is unable to apply for or mark or transmit an advance voting*
43 *ballot, may request assistance by a person who has signed a statement*

1 required by subsection (d) in applying for or marking an advance voting
2 ballot.

3 ~~(c) Any voted ballot may be transmitted to the county election officer~~
4 ~~by the voter or by another person upon request of the voter. Any such~~
5 ~~voted ballot shall be transmitted to the county election officer before the~~
6 ~~close of the polls on election day.~~

7 ~~—(d)—~~The county election officer shall allow a person to assist a ~~sick,~~
8 ~~physically disabled or illiterate~~ voter *who has a temporary illness or dis-*
9 *ability or who is not proficient in reading the English language* in applying
10 for or marking an application or advance voting ballot, provided a written
11 statement is signed by the person who renders assistance to the ~~sick,~~
12 ~~physically disabled or illiterate~~ voter *who has a temporary illness or dis-*
13 *ability or who is not proficient in reading the English language* and sub-
14 mitted to the county election officer with the application or ballot. The
15 statement shall be on a form prescribed by the secretary of state and shall
16 contain a statement from the person providing assistance that the person
17 has not exercised undue influence on the voting decision of the ~~sick,~~
18 ~~physically disabled or illiterate~~ voter *who has a temporary illness or dis-*
19 *ability or who is not proficient in reading the English language* and that
20 the person providing assistance has completed the application or marked
21 the ballot as instructed by the ~~sick, physically disabled or illiterate~~ voter.

22 ~~(e) (d)~~ Any person assisting a ~~sick, physically disabled or illiterate~~
23 voter *who has a temporary illness or disability or who is not proficient in*
24 *reading the English language* in applying for or marking an advance voting
25 ballot who knowingly and willfully fails to sign and submit the statement
26 required by this section or who exercises undue influence on the voting
27 decision of such voter shall be guilty of a severity level 9 nonperson felony.

28 Sec. 3. K.S.A. 2006 Supp. 25-1128 is hereby amended to read as
29 follows: 25-1128. (a) No voter shall mark or transmit to the county elec-
30 tion officer more than one advance voting ballot, or set of one of each
31 kind of ballot, if the voter is entitled to vote more than one such ballot
32 at a particular election.

33 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
34 no person shall interfere with or delay the transmission of any advance
35 voting ballot application from a voter to the county election officer, nor
36 shall any person mail, fax or otherwise cause the application to be sent to
37 a place other than the county election office. Any person or group en-
38 gaged in the distribution of advance voting ballot applications shall mail,
39 fax or otherwise deliver any application signed by a voter to the county
40 election office within two days after such application is signed by the
41 applicant.

42 ~~(c) Except as otherwise provided by law, no person other than the~~
43 ~~voter, shall mark, sign or transmit to the county election officer any ad-~~

1 ~~vance voting ballot or advance voting ballot envelope. Except as otherwise~~
2 ~~provided by law, no person other than the voter shall sign an application~~
3 ~~for an advance voting ballot.~~

4 (d) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
5 1124, and amendments thereto, shall intercept, interfere with, or delay
6 the transmission of advance voting ballots from the county election officer
7 to the voter.

8 (e) No person shall willfully and falsely affirm, declare or subscribe
9 to any material fact in an affirmation form for an advance voting ballot,
10 or set of advance voting ballots if the voter is entitled to vote more than
11 one kind of advance voting ballot at a particular election, or in a declara-
12 tion form on an advance voting ballot envelope.

13 (f) ~~Nothing in this section shall be construed to prohibit any person~~
14 ~~from mailing, carrying or otherwise conveying advance voting ballots or~~
15 ~~sets of advance voting ballots to the county election officer upon request~~
16 ~~of advance voting voters. A voter may return such voter's advance voting~~
17 ~~ballot to the county election officer by personal delivery or by mail. Upon~~
18 ~~request of **written designation by** the voter, a ~~member of the voter's~~~~
19 ~~family **person other than the voter** may return the advance voting ballot~~
20 ~~by personal delivery or mail. Any such person designated by the voter~~
21 ~~shall sign a statement that such person has not exercised undue influence~~
22 ~~on the voting decisions of the voter and agrees to deliver the ballot as~~
23 ~~directed by the voter. Any person designated by a voter to deliver such~~
24 ~~voter's advance voting ballot shall mail or deliver the ballot and the des-~~
25 ~~ignation and statement required by this section to the county election~~
26 ~~office. Such delivery shall occur within two business days after receiving~~
27 ~~the ballot from the voter but not later than the close of polls on election~~
28 ~~day.~~

29 (g) Violation of any provision of this section is a ~~class C misdemeanor~~
30 ~~level 9 nonperson felony.~~

31 Sec. 4. K.S.A. 25-1121 and K.S.A. 2006 Supp. 25-1124 and 25-1128
32 are hereby repealed.

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