

HOUSE BILL No. 2269

By Committee on Elections

Requested by Representative Haskins

2-5

1 AN ACT concerning elections; relating to advance voting sites; requiring
2 four largest counties to have at least three sites; providing for in-person
3 early voting; amending K.S.A. 2024 Supp. 25-1122 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2024 Supp. 25-1122 is hereby amended to read as
8 follows: 25-1122. (a) Any registered voter may file with the county
9 election officer where such person is a resident, or where such person is
10 authorized by law to vote as a former precinct resident, an application for
11 an advance voting ballot. The signed application shall be transmitted only
12 to the county election officer by personal delivery, mail, facsimile or as
13 otherwise provided by law.

14 (b) If the registered voter is applying for an advance voting ballot to
15 be transmitted in person, the voter shall provide identification pursuant to
16 K.S.A. 25-2908, and amendments thereto.

17 (c) If the registered voter is applying for an advance voting ballot to
18 be transmitted by mail, the voter shall provide with the application for an
19 advance voting ballot the voter's current and valid Kansas driver's license
20 number, nondriver's identification card number or a photocopy of any
21 other identification provided by K.S.A. 25-2908, and amendments thereto.

22 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
23 and amendments thereto, if:

24 (1) The voter is unable or refuses to provide current and valid
25 identification; or

26 (2) the name and address of the voter provided on the application for
27 an advance voting ballot do not match the voter's name and address on the
28 registration book. The voter shall provide a valid form of identification as
29 defined in K.S.A. 25-2908, and amendments thereto, to the county election
30 officer in person or provide a copy by mail or electronic means before the
31 meeting of the county board of canvassers. At the meeting of the county
32 board of canvassers the county election officer shall present copies of
33 identification received from provisional voters and the corresponding
34 provisional ballots. If the county board of canvassers determines that a
35 voter's identification is valid and the provisional ballot was properly cast,

1 the ballot shall be counted.

2 (e) No county election officer shall provide an advance voting ballot
3 to a person who is requesting an advance voting ballot to be transmitted by
4 mail unless:

5 (1) The county election official verifies that the signature of the
6 person matches that on file in the county voter registration records, except
7 that verification of the voter's signature shall not be required if a voter has
8 a disability preventing the voter from signing. Signature verification may
9 occur by electronic device or by human inspection. In the event that the
10 signature of a person who is requesting an advance voting ballot does not
11 match that on file, the county election officer shall attempt to contact the
12 person and shall offer the person another opportunity to provide the
13 person's signature for the purposes of verifying the person's identity. If the
14 county election officer is unable to reach the person, the county election
15 officer may transmit a provisional ballot, however, such provisional ballot
16 may not be counted unless a signature is included therewith that can be
17 verified; and

18 (2) the person provides such person's full Kansas driver's license
19 number, Kansas nondriver's identification card number issued by the
20 division of vehicles, or submits such person's application for an advance
21 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
22 amendments thereto, to the county election officer for verification. If a
23 person applies for an advance voting ballot to be transmitted by mail but
24 fails to provide identification pursuant to this subsection or the
25 identification of the person cannot be verified by the county election
26 officer, the county election officer shall provide information to the person
27 regarding the voter rights provisions of subsection (d) and shall provide
28 the person an opportunity to provide identification pursuant to this
29 subsection. For the purposes of this act, Kansas state offices and offices of
30 any subdivision of the state will allow any person seeking to vote by an
31 advance voting ballot the use of a photocopying device to make one
32 photocopy of an identification document at no cost.

33 (f) (1) Applications for advance voting ballots to be transmitted to the
34 voter by mail shall be filed only at the following times:

35 (A) For the primary election occurring on the first Tuesday in August
36 in both even-numbered and odd-numbered years, between April 1 of such
37 year and the Tuesday of the week preceding such primary election;

38 (B) for the general election occurring on the Tuesday following the
39 first Monday in November in both even-numbered and odd-numbered
40 years, between 90 days prior to such election and the Tuesday of the week
41 preceding such general election;

42 (C) for the presidential preference primary election held pursuant to
43 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year

1 in which such election is held and 30 days prior to the day of such
2 election;

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

6 (E) for question submitted elections not occurring on the date of a
7 primary or general election, between the time of the first published notice
8 thereof and the Tuesday of the week preceding such question submitted
9 election, except that if the question submitted election is held on a day
10 other than a Tuesday, the final date for mailing of advance voting ballots
11 shall be one week before such election; and

12 (F) for any special election of officers, at such time as is specified by
13 the secretary of state.

14 (2) The county election officer of any county may receive
15 applications prior to the time specified in this subsection and hold such
16 applications until the beginning of the prescribed application period. Such
17 applications shall be treated as filed on that date.

18 (g) (1) Unless an earlier date is designated by the county election
19 office, applications for advance voting ballots transmitted to the voter in
20 person shall be filed on the Tuesday next preceding the election and on
21 each subsequent business day until no later than ~~12:00~~ noon on the day
22 preceding such election. If the county election officer so provides,
23 applications for advance voting ballots transmitted to the voter in person in
24 the office of the county election officer also may be filed on the Saturday
25 preceding the election. Upon receipt of any such properly executed
26 application, the county election officer shall deliver to the voter such
27 ballots and instructions as are provided for in this act.

28 (2) An application for an advance voting ballot filed by a voter who
29 has a temporary illness or disability or who is not proficient in reading the
30 English language or by a person rendering assistance to such voter may be
31 filed during the regular advance ballot application periods until the close
32 of the polls on election day.

33 (3) (A) The county election officer may designate places other than
34 the central county election office as satellite advance voting sites. At any
35 satellite advance voting site, a registered voter may obtain an application
36 for advance voting ballots. Ballots and instructions shall be delivered to
37 the voter in the same manner and subject to the same limitations as
38 otherwise provided by this subsection.

39 (B) *The county election commissioners in Johnson, Sedgwick,*
40 *Shawnee and Wyandotte counties shall designate at least three satellite*
41 *advance voting sites, as approved by the board of county commissioners.*
42 *In-person early voting shall be offered for 20 days prior to the election in*
43 *such counties.*

1 (h) Any person having a permanent disability or an illness that has
2 been diagnosed as a permanent illness is hereby authorized to make an
3 application for permanent advance voting status. Applications for
4 permanent advance voting status shall be in the form and contain such
5 information as is required for application for advance voting ballots and
6 also shall contain information that establishes the voter's right to
7 permanent advance voting status.

8 (i) On receipt of any application filed under the provisions of this
9 section, the county election officer shall prepare and maintain in such
10 officer's office a list of the names of all persons who have filed such
11 applications, together with their correct post office address and the
12 precinct, ward, township or voting area in which the persons claim to be
13 registered voters or to be authorized by law to vote as former precinct
14 residents and the present resident address of each applicant. Names and
15 addresses shall remain so listed until the day of such election. The county
16 election officer shall maintain a separate listing of the names and addresses
17 of persons qualifying for permanent advance voting status. All such lists
18 shall be available for inspection upon request in compliance with this
19 subsection by any registered voter during regular business hours. The
20 county election officer upon receipt of the applications shall enter upon a
21 record kept by such officer the name and address of each applicant, which
22 record shall conform to the list above required. Before inspection of any
23 advance voting ballot application list, the person desiring to make the
24 inspection shall provide to the county election officer identification in the
25 form of driver's license or other reliable identification and shall sign a log
26 book or application form maintained by the officer stating the person's
27 name and address and showing the date and time of inspection. All records
28 made by the county election officer shall be subject to public inspection,
29 except that the voter identification information required by subsections (b)
30 and (c) and the identifying number on ballots and ballot envelopes and
31 records of such numbers shall not be made public.

32 (j) If a person on the permanent advance voting list fails to vote in
33 four consecutive general elections, the county election officer may mail a
34 notice to such voter. The notice shall inform the voter that the voter's name
35 will be removed from the permanent advance voting list unless the voter
36 renews the application for permanent advance voting status within 30 days
37 after the notice is mailed. If the voter fails to renew such application, the
38 county election officer shall remove the voter's name from the permanent
39 advance voting list. Failure to renew the application for permanent
40 advance voting status shall not result in removal of the voter's name from
41 the voter registration list.

42 (k) (1) Any person who solicits by mail a registered voter to file an
43 application for an advance voting ballot and includes an application for an

1 advance voting ballot in such mailing shall include on the exterior of such
2 mailing, and on each page contained therein, except the application, a clear
3 and conspicuous label in 14-point font or larger that includes:

4 (A) The name of the individual or organization that caused such
5 solicitation to be mailed;

6 (B) if an organization, the name of the president, chief executive
7 officer or executive director of such organization;

8 (C) the address of such individual or organization; and

9 (D) the following statement: "Disclosure: This is not a government
10 mailing. It is from a private individual or organization."

11 (2) The application for an advance voting ballot included in such
12 mailing shall be the official application for advance ballot by mail
13 provided by the secretary of state. No portion of such application shall be
14 completed prior to mailing such application to the registered voter.

15 (3) An application for an advance voting ballot shall include an
16 envelope addressed to the appropriate county election office for the
17 mailing of such application. In no case shall the person who mails the
18 application to the voter direct that the completed application be returned to
19 such person.

20 (4) The provisions of this subsection shall not apply to:

21 (A) The secretary of state or any election official or county election
22 office; or

23 (B) the official protection and advocacy for voting access agency for
24 this state as designated pursuant to the federal help America vote act of
25 2002, public law 107-252, or any other entity required to provide
26 information concerning elections and voting procedures by federal law.

27 (5) A violation of this subsection is a class C nonperson
28 misdemeanor.

29 (1) (1) No person shall mail or cause to be mailed an application for
30 an advance voting ballot, unless such person is a resident of this state or is
31 otherwise domiciled in this state.

32 (2) Any individual may file a complaint in writing with the attorney
33 general alleging a violation of this subsection. Such complaint shall
34 include the name of the person alleged to have violated this subsection and
35 any other information as required by the attorney general. Upon receipt of
36 a complaint, the attorney general shall investigate and may file an action
37 against any person found to have violated this subsection.

38 (3) Any person who violates the provisions of this subsection is
39 subject to a civil penalty of \$20. Each instance in which a person mails an
40 application for an advance voting ballot in violation of this section shall
41 constitute a separate violation.

42 (m) A county election officer shall not mail a ballot to a voter unless
43 such voter has submitted an application for an advance voting ballot,

1 except that a ballot may be mailed to a voter if such voter has permanent
2 advance voting ballot status pursuant to subsection (h) or if the election is
3 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,
4 and amendments thereto.

5 (n) The secretary of state may adopt rules and regulations in order to
6 implement the provisions of this section and to define valid forms of
7 identification.

8 Sec. 2. K.S.A. 2024 Supp. 25-1122 is hereby repealed.

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