

## SENATE BILL No. 231

By Committee on Federal and State Affairs

2-6

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1 AN ACT concerning elections; relating to advance voting ballot  
2 applications; modifying the requirements for soliciting registered voters  
3 to submit such applications; amending K.S.A. 2024 Supp. 25-1122 and  
4 repealing the 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,  
36 the ballot shall be counted.

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

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

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

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

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

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

41 (C) for the presidential preference primary election held pursuant to  
42 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year  
43 in which such election is held and 30 days prior to the day of such

1 election;

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

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

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

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

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

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

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

38 (h) Any person having a permanent disability or an illness that has  
39 been diagnosed as a permanent illness is hereby authorized to make an  
40 application for permanent advance voting status. Applications for  
41 permanent advance voting status shall be in the form and contain such  
42 information as is required for application for advance voting ballots and  
43 also shall contain information that establishes the voter's right to

1 permanent advance voting status.

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

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

36 (k) (1) Any person who solicits by mail a registered voter to file an  
37 application for an advance voting ballot and includes an application for an  
38 advance voting ballot in such mailing shall include ~~on the exterior of such~~  
39 ~~mailing, and on each a page contained therein, except the application, in~~  
40 *such mailing* a clear and conspicuous label in ~~14-point~~ *10-point* font or  
41 larger that includes:

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

1 (B) ~~if an organization, the name of the president, chief executive~~  
2 ~~officer or executive director of such organization;~~

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

4 ~~(D)~~(C) the following statement: "Disclosure: This is not a  
5 government mailing. It is from a private individual or organization."

6 (2) The application for an advance voting ballot included in such  
7 mailing shall be the official application for advance ballot by mail  
8 provided by the secretary of state *or the appropriate county election office*.  
9 No portion of such application shall be completed prior to mailing such  
10 application to the registered voter, *except that the date of the election may*  
11 *be printed on the application*.

12 (3) An application for an advance voting ballot shall include ~~an~~  
13 ~~envelope addressed to the appropriate county election office for the~~  
14 ~~mailing of such application~~ *information on how to mail such application*  
15 *to the appropriate county election office*. In no case shall the person who  
16 mails the application to the voter direct that the completed application be  
17 returned to such person.

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

19 (A) The secretary of state or any election official or county election  
20 office; or

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

25 (5) A violation of this subsection is a class C nonperson  
26 misdemeanor.

27 (1) (1) No person shall mail or cause to be mailed an application for  
28 an advance voting ballot, unless such person is a resident of this state or is  
29 otherwise domiciled in this state.

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

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

40 (m) A county election officer shall not mail a ballot to a voter unless  
41 such voter has submitted an application for an advance voting ballot,  
42 except that a ballot may be mailed to a voter if such voter has permanent  
43 advance voting ballot status pursuant to subsection (h) or if the election is

1 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,  
2 and amendments thereto.

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

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

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