

SENATE BILL No. 63

By Committee on Ethics, Elections and Local Government

1-22

SB63-Balloon-Revisor
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Office of Revisor of Statutes
February 26, 2013

1 AN ACT concerning elections; relating to voting; regarding penalties for
2 voting crimes; concerning prosecution of election crimes; amending
3 K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp.
4 25-1128 and 25-2507 and repealing the existing sections.
5

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

7 New Section 1. (a) Voting more than once is knowingly:

8 (1) Voting or offering to vote more than once in the same jurisdiction
9 or voting in more than one jurisdiction in the United States in an election
10 held on a particular date.

11 (2) Inducing or aiding any person to vote more than once in the same
12 jurisdiction or voting in more than one jurisdiction in the United States in
13 an election held on a particular date.

14 (b) Voting more than once is a severity level 7, nonperson felony.

15 New Sec. 2. (a) Independent authority to prosecute any person who
16 has violated or attempted to violate any act that constitutes a Kansas
17 elections crime defined in K.S.A. ~~25-2401 through 25-2433, and~~
18 ~~amendments thereto, and including this act,~~ shall be vested in:

19 (1) The district attorney or county attorney of the county where such
20 violations occurred;

21 (2) the Kansas attorney general; or

22 (3) the Kansas secretary of state.

23 (b) If one of the officers listed in section (a) has commenced the
24 prosecution of a person who has violated or attempted to violate any act
25 that constitutes a Kansas election crime, the other officers listed in section
26 (a) may provide assistance to the prosecuting officer but may not
27 commence a separate prosecution.

28 Sec. 3. K.S.A. 2012 Supp. 25-1128 is hereby amended to read as
29 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
30 county election officer more than one advance voting ballot, or set of one
31 of each kind of ballot, if the voter is entitled to vote more than one such
32 ballot at a particular election.

33 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
34 no person shall knowingly interfere with or delay the transmission of any
35 advance voting ballot application from a voter to the county election
36 officer, nor shall any person mail, fax or otherwise cause the application to

(c) This section shall be part of and supplemental
to article 24 of chapter 25 of the Kansas Statutes
Annotated, and amendments thereto.

25-1128 or article 24 of chapter 25 of the Kansas
Statutes Annotated, and amendments thereto

1 lawfully registered voter in such election district; or

2 ~~(b)(2) Voting or offering to vote more than once at the same~~
3 ~~election or attempting to vote at any election by a person who is not~~
4 ~~a citizen of the United States or who does not otherwise meet the~~
5 ~~qualification of an elector.~~

6 ~~(c)(b) Inducing or aiding any person to vote more than once at the~~
7 ~~same election. Voting without being qualified is a class A misdemeanor~~
8 ~~level 7, nonperson felony.~~

9 Sec. 6. K.S.A. 25-2423 is hereby amended to read as follows: 25-
10 2423. [Election tampering is, while being charged with no election duty,
11 making or changing any election record.

12 [Election tampering is a severity level-8 7, nonperson felony.

13 Sec. 7. K.S.A. 25-2431 is hereby amended to read as follows: 25-
14 2431. [False impersonation of a voter is representing oneself as another

15 ~~person whether real or fictitious and thereby voting or attempting~~
16 ~~to vote.~~

17 [False impersonation of a voter is a severity level 98, nonperson felony.

18 Sec. 8. K.S.A. 2012 Supp. 25-2507 is hereby amended to read as
19 follows: 25-2507. (a) "Poll book" means a book in which each voter may
20 sign the voter's signature and a number is assigned by one of the clerks of
21 the election board when the voter is given a ballot or set of ballots. If the
22 county election officer determines that voters shall sign the poll book, such
23 book shall also contain on each page the declaration prescribed by
24 subsection (d).

25 (b) "Registration book" means: (1) A book or list containing the
26 names and other information relating to registered voters. Registration
27 books shall have the names entered therein before the same or copies
28 thereof are delivered to the supervising judges. Registration books may
29 also contain blank lines on which each voter shall sign the voter's
30 signature. If the county election officer determines that voters shall sign
31 the registration book, such book shall also contain on each page the
32 declaration prescribed by subsection (d); or

33 (2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and
34 amendments thereto, containing blank lines on which each voter shall sign
35 the voter's signature, containing on each page the declaration prescribed
36 by subsection (d), and containing the numbers assigned by one of the
37 clerks of the election board when voters are given ballots or sets of ballots.

38 (c) "Party affiliation lists" means a list containing the names of all
39 registered voters of a county who have lawfully designated a party
40 affiliation.

41 (d) "Declaration" means the following: "I, the undersigned, declare
42 under penalty of perjury that I am a registered voter in the state of Kansas,
43 county of _____, that I have not signed a name other than my own in

severity

(a)

(b)

(a)

(b)