

## SENATE BILL No. 38

By Senator Schmidt

1-17

1 AN ACT concerning elections, dealing with advance voting; amending  
2 K.S.A. 25-1136 and repealing the existing section.

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

5 New Section 1. Whenever it appears that an advance voting voter has  
6 died before the date of the election, the ballot of the deceased voter shall  
7 be counted unless there is otherwise grounds for rejecting the ballot as  
8 provided in K.S.A. 25-1136, and amendments thereto.

9 Sec. 2. K.S.A. 25-1136 is hereby amended to read as follows: 25-  
10 1136. (a) The vote of any advance voting voter may be challenged in the  
11 same manner as other votes are challenged, as nearly as may be, and the  
12 judges of the special election board shall determine the validity of each  
13 advance voting ballot. Whenever the judges determine that the form  
14 accompanying an advance voting ballot is insufficient, or that the voter is  
15 not a registered voter, or the challenge is otherwise sustained, the advance  
16 voting ballot envelope shall not be opened. In all such cases, the judges  
17 shall endorse on the back of the envelope the word "provisional" and state  
18 the reason for sustaining the challenge.

19 (b) Any advance voting ballot envelope which has not been signed  
20 shall not be opened, and no vote on the ballot therein shall be counted.  
21 Such envelope or ballot shall be challenged in the same manner in which  
22 other votes are challenged.

23 ~~(c) Whenever it shall be made to appear to the judges of a special~~  
24 ~~election board by sufficient proof that an advance voting voter has died,~~  
25 ~~the envelope containing the advance voting ballot of such deceased voter~~  
26 ~~shall not be opened. In all such cases, the judges shall endorse on the back~~  
27 ~~of the envelope the word "provisional" and the reason for sustaining the~~  
28 ~~challenge.~~

29 (d) If objection is made to an advance voting ballot because of form,  
30 condition, or marking thereof, the ballot shall be marked "void" if the  
31 judges uphold the objection to the entire ballot, and otherwise shall be  
32 marked on the back thereof, "objected to" with a statement of the  
33 substance of the objection.

34 (e)(d) Void, provisional and objected to advance voting ballots shall  
35 be transmitted to the county election officer in the same manner as  
36 personally cast provisional ballots are transmitted but shall be placed in

1 separate envelopes or sacks, appropriately labeled and sealed. Votes  
2 contained in void and provisional advance voting ballots shall not be  
3 included in the total of votes certified by the special election board. Void,  
4 provisional and objected to advance voting ballots shall be reviewed by the  
5 board of county canvassers, and such board shall finally determine the  
6 acceptance or rejection of each void, provisional or objected to ballot.

7 Sec. 3. K.S.A. 25-1136 is hereby repealed.

8 Sec. 4. This act shall take effect and be in force from and after its  
9 publication in the statute book.  
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