

SENATE BILL No. 63

By Committee on Ethics, Elections and Local Government

1-22

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~~ **intentionally**:

8 (1) Voting or ~~offering~~ **attempting** to vote more than once in the same
9 jurisdiction or voting in more than one jurisdiction in the United States in
10 an election 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 ***(c) This section shall be part of and supplemental to article 24 of***
16 ***chapter 25 of the Kansas Statutes Annotated, and amendments thereto.***

17 New Sec. 2. (a) Independent authority to prosecute any person who
18 has violated or attempted to violate any act that constitutes a Kansas
19 elections crime defined in K.S.A. ~~25-2401 through 25-2433, and~~
20 ~~amendments thereto, and including this act~~ **25-1128 or article 24 of**
21 ***chapter 25 of the Kansas Statutes Annotated, and amendments thereto,***
22 shall be vested in:

23 (1) The district attorney or county attorney of the county where such
24 violations occurred;

25 (2) the Kansas attorney general; or

26 (3) the Kansas secretary of state.

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

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

1 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
2 no person shall knowingly interfere with or delay the transmission of any
3 advance voting ballot application from a voter to the county election
4 officer, nor shall any person mail, fax or otherwise cause the application to
5 be sent to a place other than the county election office. Any person or
6 group engaged in the distribution of advance voting ballot applications
7 shall mail, fax or otherwise deliver any application signed by a voter to the
8 county election office within two days after such application is signed by
9 the applicant.

10 (c) Except as otherwise provided by law, no person other than the
11 voter, shall knowingly mark, sign or transmit to the county election officer
12 any advance voting ballot or advance voting ballot envelope.

13 (d) Except as otherwise provided by law, no person shall knowingly
14 sign an application for an advance voting ballot for another person. This
15 provision shall not apply if a voter has a disability preventing the voter
16 from signing an application or if an immediate family member signs an
17 application on behalf of another immediate family member with proper
18 authorization being given.

19 (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
20 1124, and amendments thereto, shall knowingly intercept, interfere with,
21 or delay the transmission of advance voting ballots from the county
22 election officer to the voter.

23 (f) No person shall knowingly and falsely affirm, declare or subscribe
24 to any material fact in an affirmation form for an advance voting ballot or
25 set of advance voting ballots.

26 (g) A voter may return such voter's advance voting ballot to the
27 county election officer by personal delivery or by mail. Upon written
28 designation by the voter, a person other than the voter may return the
29 advance voting ballot by personal delivery or mail. Any such person
30 designated by the voter shall sign a statement that such person has not
31 exercised undue influence on the voting decisions of the voter and agrees
32 to deliver the ballot as directed by the voter.

33 (h) Violation of any provision of this section is a ~~class C~~
34 ~~misdemeanor~~ *severity level 9, nonperson felony*.

35 Sec. 4. K.S.A. 25-2409 is hereby amended to read as follows: 25-
36 2409. (a) Election bribery is conferring, offering or agreeing to confer, or
37 soliciting, accepting or agreeing to accept any benefit as consideration to
38 or from any person either to vote or withhold any person's vote, or to vote
39 for or against any candidate or question submitted at any public election.

40 (b) *This section shall not apply to a business or organization that*
41 *provides a product of a value less than \$3.00 to any person who asserts*
42 *that such person has voted, without regard to the voter's vote for or*
43 *against any candidate or issue.*

1 (c) Election bribery is a severity level 7, nonperson felony.

2 Sec. 5. K.S.A. 25-2416 is hereby amended to read as follows: 25-

3 2416. (a) Voting without being qualified is knowingly ~~and willfully~~: (a):

4 (1) Voting or attempting to vote ~~at~~ in any election district when not a

5 lawfully registered voter: *in such election district; or*
 6 (b)(2) ~~Voting or offering to vote more than once at the same~~
 7 ~~election~~ *voting or attempting to vote at any election by a person who is not*
 8 *a citizen of the United States or who does not otherwise meet the*
 9 *qualification of an elector.*

10 (e)(b) ~~Inducing or aiding any person to vote more than once at the~~
 11 ~~same election.~~ Voting without being qualified is a ~~class A misdemeanor~~
 12 **severity level 7, nonperson felony.**

13 Sec. 6. K.S.A. 25-2423 is hereby amended to read as follows: 25-

14 2423. (a) Election tampering is, while being charged with no election duty,
 15 making or changing any election record.

16 (b) Election tampering is a severity level ~~8~~ 7, nonperson felony.

17 Sec. 7. K.S.A. 25-2431 is hereby amended to read as follows: 25-

18 2431. (a) False impersonation of a voter is representing oneself as another
 19 *person whether real or fictitious* and ~~thereas~~ *thereby* voting or attempting to
 20 vote.

21 (b) False impersonation of a voter is a severity level 98, nonperson
 22 felony.

23 Sec. 8. K.S.A. 2012 Supp. 25-2507 is hereby amended to read as

24 follows: 25-2507. (a) "Poll book" means a book in which each voter may
 25 sign the voter's signature and a number is assigned by one of the clerks of
 26 the election board when the voter is given a ballot or set of ballots. If the
 27 county election officer determines that voters shall sign the poll book, such
 28 book shall also contain on each page the declaration prescribed by
 29 subsection (d).

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

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

43 (c) "Party affiliation lists" means a list containing the names of all

1 registered voters of a county who have lawfully designated a party
2 affiliation.

3 (d) "Declaration" means the following: "I, the undersigned, declare
4 under penalty of perjury that I am a registered voter in the state of Kansas,
5 county of _____, that I have not signed a name other than my own in
6 order to represent myself as any other registered voter, and that I am
7 qualified to vote and have not previously voted and will not vote again-
8 ~~this election~~ *in the election held on this date, in this or any other*
9 *jurisdiction in the United States, for any offices or ballot issues."*

10 Sec. 9. K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A.
11 2012 Supp. 25-1128 and 25-2507 are hereby repealed.

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