

SENATE BILL No. 34

By Committee on Judiciary

I-15

AN ACT concerning elections; relating to voting; penalties for voting crimes; prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2014 Supp. 25-1128 and 25-2507 and repealing the existing sections.

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

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

(1) Voting or attempting to vote more than once in the same jurisdiction in an election held on a particular date;

(2) voting or attempting to vote in more than one jurisdiction in the United States in an election held on a particular date;

(3) inducing or aiding any person to vote more than once in the same jurisdiction in an election held on a particular date; or

(4) inducing or aiding any person to vote in more than one jurisdiction in the United States in an election held on a particular date.

(b) Voting more than once or attempting to commit the crime of voting more than once is a severity level 7, nonperson felony.

(c) The provisions of K.S.A. 2014 Supp. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of voting more than once pursuant to this section.

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

New Sec. 2. (a) Independent authority to prosecute any person who has committed or attempted to commit any act that constitutes a Kansas elections crime defined in K.S.A. 25-1128, and amendments thereto or article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, shall be vested in:

(1) The district attorney or county attorney of the county where such act occurred;

(2) the Kansas attorney general; or

(3) the Kansas secretary of state.

(b) If one of the officers listed in subsection (a) has commenced the prosecution of a person who has committed or attempted to commit any act that constitutes a Kansas election crime, the other officers listed in subsection (a) may provide assistance to the prosecuting officer but shall not commence a separate prosecution.

Proposed Amendments the SB 34
May 4, 2015

Prepared by: Katherine Goyette
Office of Revisor of Statutes

1 Sec. 3. K.S.A. 2014 Supp. 25-1128 is hereby amended to read as
2 follows: 25-1128. (a) No voter shall ~~knowingly~~ mark or transmit to the
3 county election officer more than one advance voting ballot, or set of one
4 of each kind of ballot, if the voter is entitled to vote more than one such
5 ballot at a particular election.

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

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

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

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

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

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

38 (h) Violation of any provision of this section is a ~~class C~~
39 ~~misdemeanor~~ *severely level 9, nonperson felony*.

40 Sec. 4. K.S.A. 25-2409 is hereby amended to read as follows: 25-
41 2409. (a) Election bribery is conferring, offering or agreeing to confer, or
42 soliciting, accepting or agreeing to accept any benefit as consideration to
43 or from any person either to vote or withhold any person's vote, or to vote

intentionally

intentionally

intentionally

intentionally

intentionally

intentionally

1 for or against any candidate or question submitted at any public election.

2 *(b) This section shall not apply to a business or organization that*
3 *provides a product of value less than \$3 to any person who asserts that*
4 *such person has voted, without regard to such voter's vote for or against*
5 *any candidate or issue.*

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

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

8 ~~2416. (a) Voting without being qualified is knowingly and willfully (e)~~
9 ~~voting or attempting to vote at without being qualified.~~

intentionally

10 *(1) In any election district when not a lawfully registered voter in*
11 *such election district, or*

12 *(2) at any election by a person who is not a citizen of the United*
13 *States or who does not otherwise meet the qualifications of an elector.*

14 ~~(b) Voting or offering to vote more than once at the same election.~~

15 ~~(c) Inducement or aiding any person to vote more than once at the same~~
16 ~~election.~~

17 *(b) Voting without being qualified or attempting to vote without being*
18 *qualified is a class A misdemeanor severity level 7, nonperson felony.*

19 *(c) The provisions of K.S.A. 2014 Supp. 21-5301(c), and amendments*
20 *thereto, shall not apply to a violation of attempting to vote without being*
21 *qualified pursuant to this section.*

22 Sec. 6. K.S.A. 25-2423 is hereby amended to read as follows: 25-
23 2423. (a) Election tampering is, while being charged with no election duty,
24 making or changing any election record.

25 *(b) Election tampering is a severity level-8 7, nonperson felony.*

26 Sec. 7. K.S.A. 25-2431 is hereby amended to read as follows: 25-
27 2431. (a) False impersonation of a voter is representing oneself as another
28 *person, whether real or fictitious, and thereto thereby voting or attempting*
29 *to vote.*

30 *(b) False impersonation of a voter is a severity level-9 8, nonperson*
31 *felony.*

32 Sec. 8. K.S.A. 2014 Supp. 25-2507 is hereby amended to read as
33 follows: 25-2507. (a) "Poll book" means a book in which each voter may
34 sign the voter's signature and a number is assigned by one of the clerks of
35 the election board when the voter is given a ballot or set of ballots. If the
36 county election officer determines that voters shall sign the poll book, such
37 book shall also contain on each page the declaration prescribed by
38 subsection (d).

39 (b) "Registration book" means: (1) A book or list containing the
40 names and other information relating to registered voters. Registration
41 books shall have the names entered therein before the same or copies
42 thereof are delivered to the supervising judges. Registration books may
43 also contain blank lines on which each voter shall sign the voter's

1 signature. If the county election officer determines that voters shall sign
2 the registration book, such book shall also contain on each page the
3 declaration prescribed by subsection (d); or

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

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

12 (d) "Declaration" means the following: "I, the undersigned, declare
13 under penalty of perjury that I am a registered voter in the state of Kansas,
14 county of _____, that I have not signed a name other than my own in
15 order to represent myself as any other registered voter, and that I am
16 qualified to vote and have not previously voted and will not vote again ~~at~~
17 ~~this election in the election held on this date, in this or any other~~
18 ~~jurisdiction in the United States, for any offices or ballot issues."~~

19 Sec. 9. K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A.
20 2014 Supp. 25-1128 and 25-2507 are hereby repealed.

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