

HOUSE BILL No. 2017

By Representative Esau

1-6

Proposed Amendments to HB 2017
Representative Miller
January 9, 2017
Prepared by: Mike Heim
Office of Revisor of Statutes

1 AN ACT concerning elections; dealing with vacancies in the office of
2 United States representative to congress; amending K.S.A. 25-3502,
3 25-3504 and 25-3507 and repealing the existing sections.
4

dealing with the mail ballot election act;

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

and K.S.A. 2016 Supp. 25-433

6 Section 1. K.S.A. 25-3502 is hereby amended to read as follows: 25-
7 3502. Except as is otherwise provided in this act, the governor shall
8 proclaim the date of any election held under this act to be a day not less
9 than 45 75 days nor more than 60 90 days after such proclamation is
10 issued. ~~Such~~ The proclamation shall be made in writing, signed by the
11 governor and delivered by ~~him~~ the governor to the secretary of state.
12 ~~Thereupon~~ The secretary of state shall promptly cause ~~such~~ the
13 proclamation to be published in the Kansas register, and a copy ~~thereof~~
14 shall be transmitted by the secretary to the chairperson of all state political
15 parties authorized to hold congressional district conventions under the
16 provisions of K.S.A. 25-3504, and amendments thereto.

17 Sec. 2. K.S.A. 25-3504 is hereby amended to read as follows: 25-
18 3504. Whenever a vacancy has occurred to which this act applies, except
19 in cases where ~~subsection (e) or (d) of K.S.A. 25-3503(b) or (c),~~ and
20 amendments thereto, applies, a congressional district convention of the
21 district party of each political party ~~whose candidate for governor received~~
22 ~~not less than 5% of the votes cast at the next preceding election of the~~
23 ~~governor that has obtained official recognition~~ shall be called by the state
24 chairperson of the party, or if there is no state chairperson, by the party's
25 candidate for governor at the next preceding general election. ~~Such~~ The
26 convention shall be called for a date not less than 15 days and not more
27 than 25 days after the proclamation of election is issued by the governor in
28 the cases to which K.S.A. 25-3503, and amendments thereto, does not
29 apply, and within 15 days in cases to which ~~subsection (a) or (b) of K.S.A.~~
30 ~~25-3503(a) or (b),~~ and amendments thereto, apply. In accordance with the
31 rules of the district party and the provisions of this act, each ~~such~~
32 convention shall nominate a candidate to fill the vacancy which has
33 occurred and shall file a certificate of the nomination ~~so made~~ with the
34 secretary of state immediately. Every ~~such~~ certificate shall be signed by the
35 presiding officer and secretary of the convention making ~~such~~ the
36 nomination. Independent candidates may be nominated by petition of

1 registered voters of the district equal in number to ~~4% of the number of~~
 2 *not less than 1,000* qualified voters of the congressional district. Any such
 3 petition shall be filed with the secretary of state not later than ~~the time for~~
 4 ~~district party convention certificates to be filed 25 days after the~~
 5 *proclamation of election is issued by the governor.* Except as is provided in
 6 ~~subsections (e) and (d) of K.S.A. 25-3503(b) or (c), and amendments~~
 7 thereto, no candidate shall be nominated to fill such vacancy by any means
 8 other than provided by this section.

9 Sec. 3. K.S.A. 25-3507 is hereby amended to read as follows: 25-
 10 3507. In cases to which ~~subsection (e) or (d) of K.S.A. 25-3503(b) or (c),~~
 11 *and amendments thereto,* apply, canvass of the election shall be conducted
 12 as for other elections of United States congressmen. In all other cases to
 13 which this act applies, intermediate canvass of the election shall be made
 14 by the county boards of canvassers at ~~ten o'clock~~ 10:00 a.m. on the ~~second~~
 15 *third* day following the election, unless such day is a Sunday or holiday, in
 16 which case ~~such~~ *the* canvass shall be on the next following day which is
 17 not a Sunday or holiday. County election officers shall dispatch the
 18 abstract of the intermediate canvass to the secretary of state immediately
 19 upon completion of the canvass by the board of county canvassers. The
 20 state board of canvassers shall meet in the office of the secretary of state
 21 on the ~~fourth~~ *sixth* day following the election, unless such day is a Sunday
 22 or holiday, in which case ~~such~~ *the* canvass shall be on the next following
 23 day which is not a Sunday or holiday. The state board of canvassers shall
 24 make the final canvass, and the certificate of election of the candidate
 25 receiving the highest number of votes shall be issued in the same manner
 26 as is provided for regular elections of national officers.

Insert Attachment A

and K.S.A. 2016 Supp. 25-433

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27 Sec. 4. K.S.A. 25-3502, 25-3504 and 25-3507 are hereby repealed.

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28 Sec. 5. This act shall take effect and be in force from and after its
 29 publication in the Kansas register.

Attachment A

Sec. 4. K.S.A. 2016 Supp. 25-433 is hereby amended to read as follows: 25-433. (a) The county election officer shall mail all official ballots with a return identification envelope and instructions sufficient to describe the voting process to each elector entitled to vote in the election on one date not sooner than the 20th day before the date of the election and not later than the 10th day before the date of the election. Ballots mailed by the county election officer shall be addressed to the address of each elector appearing in the registration records, and placed in an envelope which is prominently marked "Do Not Forward." Ballots shall not be mailed to any inactive voter who, based on information provided by the postal service, appears to have moved to a residence address outside the county in which the voter is currently registered and who has been mailed a confirmation notice as described in subparagraph (4) of subsection (e) of K.S.A. 25-2316c(e)(4), and amendments thereto, or because a "Forwarding Order Expired" or "Moved — No Forwarding Address" notice was received from the post office. Any inactive voter who believes such voter is entitled to vote in the election may request a replacement ballot as provided for in subsection (d) of this section.

(b) Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county election officer by United States mail, if it is postmarked by 7:00 p.m. of the date of the election and is received by the county election officer by the date of the election, or before 12:00 noon on the date of the meeting of the county board of canvassers. As an alternative, the elector may personally deliver the ballot to the office of the county election officer before noon on the date of the election meeting of the county board of canvassers. The ballot shall be returned in the return identification envelope. The county election officer shall provide for the payment of postage for the return of ballot envelopes.

(c) The return identification envelope shall contain the following form:

I declare under penalty of election perjury, a felony, that I am a resident and a qualified voter for this election as shown on voter registration records and that I have voted the enclosed ballot and am returning it in compliance with Kansas law, and amendments thereto, and have not and will not vote more than one ballot in this election.

I also understand that failure to complete the information below will invalidate my ballot.

Signature

Residence Address

(d) If the ballot is destroyed, spoiled, lost or not received by the elector, the elector may obtain a replacement ballot from the county election officer as provided in this subsection. An elector seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form prescribed by the secretary of state, that the ballot was destroyed, spoiled, lost or not received. The applicant shall deliver the statement to the county election officer before noon on the date of the election. The applicant may mail the statement to the county election officer, except a county election officer shall not transmit a ballot by mail under this subsection unless the application is received prior to the close of business on the second day prior to the election. When an application is timely received under this subsection, the county election officer shall deliver the ballot to the voter if the voter is present in the office of the county election officer, or promptly transmit the ballot by mail to the voter at the address contained in the application, except when prohibited in this subsection. The county election officer shall keep a record of each replacement ballot provided under this subsection.

(e) A ballot shall be counted only if: (1) It is returned in the return identification envelope; (2) the envelope is signed by the elector to whom the ballot is issued; and (3) the signature has been verified as provided in this subsection; and (4) has a postmark date and time of not later than 7:00 p.m. on the date of the election and has arrived at the county election office before 12:00 noon on the date of the meeting of the county board of canvassers. The county election officer shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration records and may commence verification at any time prior to the canvass of the election. If the county election officer determines that an elector to whom a replacement ballot has been issued under subsection (d) has voted more than once, the county election officer shall not count any ballot cast by that elector.

(f) The county election officer shall supervise the procedures for the handling and canvassing of ballots to insure the safety and confidentiality of all ballots properly cast.

(g) The names of voters whose mail ballot envelopes are returned to the county election officer as "undeliverable" shall be subject to removal from the voter registration book and party affiliation list in the manner provided in ~~subsection (d)~~ of K.S.A. 25-2316c(d), and amendments thereto.