

**HOUSE BILL No. 2225**

By Committee on Elections

1-31

1 AN ACT concerning elections; dealing with advance voting; amending  
2 K.S.A. 2016 Supp. 25-1122 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2016 Supp. 25-1122 is hereby amended to read as  
6 follows: 25-1122. (a) Any registered voter may file with the county  
7 election officer where the person is a resident, or where the person is  
8 authorized by law to vote as a former precinct resident, an application for  
9 an advance voting ballot. *At the option of the applicant, the application for*  
10 *an advance voting ballot shall also be considered an application for*  
11 *permanent advance voting status as provided in subsection (h).* The signed  
12 application shall be transmitted only to the county election officer by  
13 personal delivery, mail, facsimile or as otherwise provided by law.

14 (b) If the registered voter is applying for an advance voting ballot to  
15 be transmitted in person, the voter shall provide identification pursuant to  
16 K.S.A. 25-2908, and amendments thereto.

17 (c) If the registered voter is applying for an advance voting ballot to  
18 be transmitted by mail, the voter shall provide with the application for an  
19 advance voting ballot the voter's current and valid Kansas driver's license  
20 number, nondriver's identification card number or a photocopy of any  
21 other identification provided by K.S.A. 25-2908, and amendments thereto.

22 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,  
23 and amendments thereto, if:

24 (1) The voter is unable or refuses to provide current and valid  
25 identification; or

26 (2) the name and address of the voter provided on the application for  
27 an advance voting ballot do not match the voter's name and address on the  
28 registration book. The voter shall provide a valid form of identification as  
29 defined in K.S.A. 25-2908, and amendments thereto, to the county election  
30 officer in person or provide a copy by mail or electronic means before the  
31 meeting of the county board of canvassers. At the meeting of the county  
32 board of canvassers the county election officer shall present copies of  
33 identification received from provisional voters and the corresponding  
34 provisional ballots. If the county board of canvassers determines that a  
35 voter's identification is valid and the provisional ballot was properly cast,  
36 the ballot shall be counted.

1 (e) No county election officer shall provide an advance voting ballot  
2 to a person who is requesting an advance voting ballot to be transmitted by  
3 mail unless:

4 (1) The county election official verifies that the signature of the  
5 person matches that on file in the county voter registration records.  
6 Signature verification may occur by electronic device or by human  
7 inspection. In the event that the signature of a person who is requesting an  
8 advance voting ballot does not match that on file, the county election  
9 officer shall attempt to contact the person and shall offer the person  
10 another opportunity to provide the person's signature for the purposes of  
11 verifying the person's identity. If the county election officer is unable to  
12 reach the person, the county election officer may transmit a provisional  
13 ballot, however, ~~such~~ the provisional ballot may not be counted unless a  
14 signature is included therewith that can be verified; and

15 (2) the person provides ~~such~~ the person's full Kansas driver's license  
16 number, Kansas nondriver's identification card number issued by the  
17 division of vehicles, or submits ~~such~~ the person's application for an  
18 advance voting ballot and a copy of identification provided by K.S.A. 25-  
19 2908, and amendments thereto, to the county election officer for  
20 verification. If a person applies for an advance voting ballot to be  
21 transmitted by mail but fails to provide identification pursuant to this  
22 subsection or the identification of the person cannot be verified by the  
23 county election officer, the county election officer shall provide  
24 information to the person regarding the voter rights provisions of  
25 subsection (d) and shall provide the person an opportunity to provide  
26 identification pursuant to this subsection. For the purposes of this act,  
27 Kansas state offices and offices of any subdivision of the state will allow  
28 any person seeking to vote by an advance voting ballot the use of a  
29 photocopying device to make one photocopy of an identification document  
30 at no cost.

31 (f) Applications for advance voting ballots to be transmitted to the  
32 voter by mail shall be filed only at the following times:

33 (1) For the primary election occurring on the first Tuesday in August  
34 in both even-numbered and odd-numbered years, between April 1 of such  
35 year and the last business day of the week preceding such primary  
36 election.

37 (2) For the general election occurring on the Tuesday following the  
38 first Monday in November in both even-numbered and odd-numbered  
39 years, between 90 days prior to ~~such~~ the election and the last business day  
40 of the week preceding ~~such~~ the general election.

41 (3) For question submitted elections occurring on the date of a  
42 primary or general election, the same as is provided for ballots for election  
43 of officers at ~~such~~ the election.

1 (4) For question submitted elections not occurring on the date of a  
2 primary or general election, between the time of the first published notice  
3 thereof and the last business day of the week preceding ~~such the~~ question  
4 submitted election, except that if the question submitted election is held on  
5 a day other than a Tuesday, the county election officer shall determine the  
6 final date for mailing of advance voting ballots, but ~~such the~~ date shall not  
7 be more than three business days before ~~such the~~ election.

8 (5) For any special election of officers, at such time as is specified by  
9 the secretary of state.

10 (6) For the presidential preference primary, between January 1 of the  
11 year in which ~~such the~~ primary is held and the last business day of the  
12 week preceding ~~such the~~ primary election.

13 The county election officer of any county may receive applications  
14 prior to the time specified in this subsection and hold ~~such the~~ applications  
15 until the beginning of the prescribed application period. ~~Such The~~  
16 applications shall be treated as filed on that date.

17 (g) Unless an earlier date is designated by the county election office,  
18 applications for advance voting ballots transmitted to the voter in person in  
19 the office of the county election officer shall be filed on the Tuesday next  
20 preceding the election and on each subsequent business day until no later  
21 than 12 noon on the day preceding ~~such the~~ election. If the county election  
22 officer so provides, applications for advance voting ballots transmitted to  
23 the voter in person in the office of the county election officer also may be  
24 filed on the Saturday preceding the election. Upon receipt of any such  
25 properly executed application, the county election officer shall deliver to  
26 the voter ~~such the~~ ballots and instructions as are provided for in this act.

27 An application for an advance voting ballot filed by a voter who has a  
28 temporary illness or disability or who is not proficient in reading the  
29 English language or by a person rendering assistance to ~~such the~~ voter may  
30 be filed during the regular advance ballot application periods until the  
31 close of the polls on election day.

32 The county election officer may designate places other than the central  
33 county election office as satellite advance voting sites. At any satellite  
34 advance voting site, a registered voter may obtain an application for  
35 advance voting ballots. Ballots and instructions shall be delivered to the  
36 voter in the same manner and subject to the same limitations as otherwise  
37 provided by this subsection.

38 ~~(h) Any person having a permanent disability or an illness which has  
39 been diagnosed as a permanent illness is hereby authorized to make an  
40 application for permanent advance voting status. Applications for  
41 permanent advance voting status shall be in the form and contain such  
42 information as is required for application for advance voting ballots and  
43 also shall contain information which establishes the voter's right to~~

1 ~~permanent advance voting status~~ *The application for an advance voting*  
2 *ballot shall constitute the application for permanent advance voting status*  
3 *and the information contained in the application for an advance voting*  
4 *ballot as required by this section and for the application for permanent*  
5 *advance voting status shall be the same. The application shall provide in a*  
6 *type, size and format that is conspicuous in relation to the surrounding*  
7 *material, a means for an applicant to select whether the applicant is*  
8 *requesting an advance voting ballot only or also requesting permanent*  
9 *advance voting status. An application for an advance voting ballot*  
10 *submitted under the provisions of this section shall be considered an*  
11 *application for permanent advance voting status when the option for*  
12 *permanent advance voting status on the application is selected by the*  
13 *applicant. If an applicant for permanent advance voting status qualifies*  
14 *for an advance voting ballot under this section or qualifies for a*  
15 *provisional ballot and subsequently provides a signature that can be*  
16 *verified, the applicant shall be granted permanent advance voting status.*

17 (i) On receipt of any application filed under the provisions of this  
18 section, the county election officer shall prepare and maintain in such  
19 officer's office a list of the names of all persons who have filed such  
20 applications, together with their correct post office address and the  
21 precinct, ward, township or voting area in which the persons claim to be  
22 registered voters or to be authorized by law to vote as former precinct  
23 residents and the present resident address of each applicant. Names and  
24 addresses shall remain so listed until the day of ~~such~~ *the* election. The  
25 county election officer shall maintain a separate listing of the names and  
26 addresses of persons qualifying for permanent advance voting status. All  
27 such lists shall be available for inspection upon request in compliance with  
28 this subsection by any registered voter during regular business hours. The  
29 county election officer upon receipt of the applications shall enter upon a  
30 record kept by such officer the name and address of each applicant, which  
31 record shall conform to the list above required. Before inspection of any  
32 advance voting ballot application list, the person desiring to make the  
33 inspection shall provide to the county election officer identification in the  
34 form of driver's license or other reliable identification and shall sign a log  
35 book or application form maintained by the officer stating the person's  
36 name and address and showing the date and time of inspection. All records  
37 made by the county election officer shall be subject to public inspection,  
38 except that the voter identification information required by subsections (b)  
39 and (c) and the identifying number on ballots and ballot envelopes and  
40 records of such numbers shall not be made public.

41 (j) If a person on the permanent advance voting list fails to vote in  
42 four consecutive general elections held on the Tuesday succeeding the first  
43 Monday in November of each even-numbered and odd-numbered year, the

1 county election officer may mail a notice to such voter. The notice shall  
2 inform the voter that the voter's name will be removed from the permanent  
3 advance voting list unless the voter renews the application for permanent  
4 advance voting status within 30 days after the notice is mailed. If the voter  
5 fails to renew such application, the county election officer shall remove the  
6 voter's name from the permanent advance voting list. Failure to renew the  
7 application for permanent advance voting status shall not result in removal  
8 of the voter's name from the voter registration list.

9 (k) The secretary of state may adopt rules and regulations in order to  
10 implement the provisions of this section and to define valid forms of  
11 identification.

12 Sec. 2. K.S.A. 2016 Supp. 25-1122 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its  
14 publication in the statute book.