

HOUSE BILL No. 2333

By Representative Toplikar

2-10

1 AN ACT concerning elections; relating to advance voting ballots;
2 prohibiting acceptance of incomplete applications for such ballots;
3 prohibiting candidates for office from engaging in certain conduct;
4 expanding the crime of electioneering; amending K.S.A. 2020 Supp.
5 25-1122, 25-1124 and 25-2430 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2020 Supp. 25-1122 is hereby amended to read as
9 follows: 25-1122. (a) Any registered voter may file with the county
10 election officer where the person is a resident, or where the person is
11 authorized by law to vote as a former precinct resident, an application for
12 an advance voting ballot. The signed application shall be transmitted only
13 to the county election officer by personal delivery, mail, facsimile or as
14 otherwise provided by law.

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

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

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

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

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

1 the ballot shall be counted.

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

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

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

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

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

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

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

1 of officers at such election.

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

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

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

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

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

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

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

42 (i) On receipt of any application filed under the provisions of this
43 section, the county election officer shall prepare and maintain in such

1 officer's office a list of the names of all persons who have filed such
2 applications, together with their correct post office address and the
3 precinct, ward, township or voting area in which the persons claim to be
4 registered voters or to be authorized by law to vote as former precinct
5 residents and the present resident address of each applicant. Names and
6 addresses shall remain so listed until the day of such election. The county
7 election officer shall maintain a separate listing of the names and addresses
8 of persons qualifying for permanent advance voting status. All such lists
9 shall be available for inspection upon request in compliance with this
10 subsection by any registered voter during regular business hours. The
11 county election officer upon receipt of the applications shall enter upon a
12 record kept by such officer the name and address of each applicant, which
13 record shall conform to the list above required. Before inspection of any
14 advance voting ballot application list, the person desiring to make the
15 inspection shall provide to the county election officer identification in the
16 form of driver's license or other reliable identification and shall sign a log
17 book or application form maintained by the officer stating the person's
18 name and address and showing the date and time of inspection. All records
19 made by the county election officer shall be subject to public inspection,
20 except that the voter identification information required by subsections (b)
21 and (c) and the identifying number on ballots and ballot envelopes and
22 records of such numbers shall not be made public.

23 (j) *Any application for an advance voting ballot that is incomplete*
24 *shall not be processed by the county election officer in receipt of such*
25 *application, and the applicant's name shall not be added to any of the lists*
26 *maintained pursuant to subsection (i).*

27 (k) If a person on the permanent advance voting list fails to vote in
28 four consecutive general elections held on the Tuesday succeeding the first
29 Monday in November of each even-numbered and odd-numbered year, the
30 county election officer may mail a notice to such voter. The notice shall
31 inform the voter that the voter's name will be removed from the permanent
32 advance voting list unless the voter renews the application for permanent
33 advance voting status within 30 days after the notice is mailed. If the voter
34 fails to renew such application, the county election officer shall remove the
35 voter's name from the permanent advance voting list. Failure to renew the
36 application for permanent advance voting status shall not result in removal
37 of the voter's name from the voter registration list.

38 ~~(l)~~ (l) The secretary of state may adopt rules and regulations in order
39 to implement the provisions of this section and to define valid forms of
40 identification.

41 Sec. 2. K.S.A. 2020 Supp. 25-1124 is hereby amended to read as
42 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
43 shall cast such voter's vote as follows: The voter shall make a cross or

1 check mark in the square or parentheses opposite the name of each
2 candidate or question for whom the voter desires to vote. The voter shall
3 make no other mark, and shall allow no other person to make any mark,
4 upon such ballot. If the advance voting ballot was transmitted by mail, the
5 voter personally shall place the ballot in the ballot envelope bearing the
6 same number as the ballot and seal the envelope. The voter shall complete
7 the form on the ballot envelope and shall sign the same. Except as
8 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
9 shall be mailed or otherwise transmitted to the county election officer. If
10 the advance voting ballot was transmitted to the voter in person in the
11 office of the county election officer or at a satellite advance voting site, the
12 voter may deposit such ballot into a locked ballot box without an envelope.

13 (b) The county election officer shall attempt to contact each person
14 who submits an advance voting ballot where there is no signature or where
15 the signature does not match with the signature on file and allow such
16 voter the opportunity to correct the deficiency before the commencement
17 of the final county canvass.

18 (c) Any voter who has an illness or physical disability or who is not
19 proficient in reading the English language and is unable to apply for or
20 mark or transmit an advance voting ballot, or any voter who has a
21 disability preventing the voter from signing an application or the form on
22 the ballot envelope, may request assistance by a person who has signed a
23 statement required by subsection (e) in applying for or marking an advance
24 voting ballot, or in signing an application or the form on the ballot
25 envelope if the voter has a disability preventing the voter from signing.

26 (d) Any voted ballot may be transmitted to the county election officer
27 by the voter or by another person designated in writing by the voter, except
28 if the voter has a disability preventing the voter from writing and signing a
29 statement, the written and signed statement required by subsection (e) shall
30 be sufficient. Any such voted ballot shall be transmitted to the county
31 election officer before the close of the polls on election day.

32 (e) The county election officer shall allow a person to assist a voter
33 who has an illness or physical disability or who is not proficient in reading
34 the English language in applying for or marking an application or advance
35 voting ballot, or to sign for a voter who has a disability preventing the
36 voter from signing an application or advance voting ballot form, provided
37 a written statement is signed by the person who renders assistance to the
38 voter who has an illness or physical disability or who is not proficient in
39 reading the English language and such statement is submitted to the county
40 election officer with the application or ballot. The statement shall be on a
41 form prescribed by the secretary of state and shall contain a statement
42 from the person providing assistance that the person has not exercised
43 undue influence on the voting decision of the voter who has an illness or

1 physical disability or who is not proficient in reading the English language
 2 and that the person providing assistance has completed the application,
 3 marked the ballot, or signed the application or ballot form as instructed by
 4 the voter.

5 (f) Any person assisting a voter who has an illness or physical
 6 disability or who is not proficient in reading the English language in
 7 applying for or marking an advance voting ballot, or in signing an
 8 application or advance voting ballot form for a voter who has a disability
 9 preventing the voter from signing the application or advance voting ballot
 10 form, who knowingly fails to sign and submit the statement required by
 11 this section or who exercises undue influence on the voting decision of
 12 such voter shall be guilty of a severity level 9, nonperson felony.

13 (g) (1) *No person who is a candidate for office shall assist any voter*
 14 *in applying for or marking an advance voting ballot or in signing an*
 15 *application or advance voting ballot form pursuant to this section.*

16 (2) *A violation of this subsection is a class C misdemeanor.*

17 Sec. 3. K.S.A. 2020 Supp. 25-2430 is hereby amended to read as
 18 follows: 25-2430. (a) (1) Electioneering is:

19 (A) Knowingly attempting to persuade or influence eligible voters to
 20 vote for or against a particular candidate, party or question submitted—
 21 ~~Electioneering includes, including~~ wearing, exhibiting or distributing
 22 labels, signs, posters, stickers or other materials that clearly identify a
 23 candidate in the election or clearly indicate support or opposition to a
 24 question submitted election within any polling place on election day or
 25 advance voting site during the time period allowed by law for casting a
 26 ballot by advance voting or within a radius of 250 feet from the entrance
 27 thereof; or

28 (B) *if committed by a candidate:*

29 (i) *Touching or handling any voter's ballot during the voting process;*

30 (ii) *distributing ballots or counting ballots;*

31 (iii) *hindering or obstructing any voter from voting or from entering*
 32 *and leaving the polling place; or*

33 (iv) *hindering or obstructing any election board worker from*
 34 *performing election duties.*

35 (2) Electioneering shall not include bumper stickers affixed to a
 36 motor vehicle that is used to transport voters to a polling place or to an
 37 advance voting site for the purpose of voting.

38 (b) As used in this section, "advance voting site" means the central
 39 county election office or satellite advance voting sites designated as such
 40 pursuant to ~~subsection (c) of~~ K.S.A. 25-1122(c), and amendments thereto,
 41 and adult care homes and hospital based care units at the time of an
 42 election participating in the voting procedures prescribed in K.S.A. 2020
 43 Supp. 25-2812.

1 (c) Electioneering is a class C misdemeanor.

2 Sec. 4. K.S.A. 2020 Supp. 25-1122, 25-1124 and 25-2430 are hereby
3 repealed.

4 Sec. 5. This act shall take effect and be in force from and after its
5 publication in the statute book.