

SENATE BILL No. 11

By Senators Hilderbrand, Baumgardner, Claeys, Erickson, Fagg, Kloos, Peck, Steffen, Straub, Thompson and Wilborn

1-6

1 AN ACT concerning elections; relating to advance mail ballots;
2 prohibiting the altering or backdating of postmark; amending K.S.A.
3 2020 Supp. 25-1128 and repealing the existing section.

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

6 Section 1. K.S.A. 2020 Supp. 25-1128 is hereby amended to read as
7 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
8 county election officer more than one advance voting ballot, or set of one
9 of each kind of ballot, if the voter is entitled to vote more than one such
10 ballot at a particular election.

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

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

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

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

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

1 (g) A voter may return such voter's advance voting ballot to the
2 county election officer by personal delivery or by mail. Upon written
3 designation by the voter, a person other than the voter may return the
4 advance voting ballot by personal delivery or mail, except that a written
5 designation shall not be required from a voter who has a disability
6 preventing the voter from writing or signing a written designation. Any
7 such person designated by the voter shall sign a statement that such person
8 has not exercised undue influence on the voting decisions of the voter and
9 agrees to deliver the ballot as directed by the voter.

10 (h) *Except as otherwise provided by federal law, no person shall*
11 *knowingly backdate or otherwise alter a postmark or other official*
12 *indication of the date of mailing of an advance voting ballot returned to*
13 *the county election officer by mail for the purpose of indicating a date of*
14 *mailing other than the actual date of mailing by the voter or the voter's*
15 *designee.*

16 (i) Violation of any provision of this section is a severity level 9,
17 nonperson felony.

18 Sec. 2. K.S.A. 2020 Supp. 25-1128 is hereby repealed.

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