

SENATE BILL No. 312

By Committee on Federal and State Affairs

4-8

1 AN ACT concerning elections; relating to bond law elections; time of
2 election after notice; county election commissioners; eliminating the
3 county residence requirement; county elections; ballots received by
4 mail; obtaining missing signatures; repealing certain obsolete sections
5 relating to the presidential preference primary; election-related
6 contribution restrictions for certain corporations and stockholders;
7 amending K.S.A. 10-120, 19-3419 and 19-3422 and K.S.A. 2020 Supp.
8 25-433 and repealing the existing sections; also repealing K.S.A. 25-
9 222, 25-1709, 25-1710, 25-4506, 25-4507 and 25-4508 and K.S.A.
10 2020 Supp. 25-4502, 25-4503 and 25-4505.

11

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

13 Section 1. K.S.A. 10-120 is hereby amended to read as follows: 10-
14 120. Whenever an election is required for the issuance of bonds for any
15 purpose by any municipality other than an irrigation district or where a
16 different procedure for giving notice of the election is specifically
17 provided by law, upon compliance with the legal requirements necessary
18 and precedent to the call for the election, the proper municipal officers
19 shall call an election. The election shall be held within ~~45~~ 60 days *but not*
20 *sooner than 45 days* after compliance with the necessary requirements, or
21 within 90 days, should the longer period include the date of a general
22 election.

23 Notice of the election shall be published in a newspaper of general
24 circulation in the municipality once each week for two consecutive weeks.
25 The first publication shall be not less than 21 days prior to the election.
26 The notice shall set forth the time and place of holding the election and the
27 purpose for which the bonds are to be issued and shall be signed by the
28 county election officer. The election shall be held at the usual place of
29 holding elections and shall be conducted by the officers or persons
30 provided by law for holding elections in the municipality.

31 Sec. 2. K.S.A. 19-3419 is hereby amended to read as follows: 19-
32 3419. In counties of this state having a population exceeding 130,000,
33 there shall be an office of commissioner of elections, which shall be
34 administered by an election commissioner. The election commissioner
35 shall be appointed by the secretary of state and shall hold office for a term
36 of four years and until a successor is appointed and qualified. The

1 secretary of state may remove the election commissioner for official
2 misconduct. Upon occurrence of a vacancy in the office of county election
3 commissioner, the secretary of state shall appoint a successor. If the
4 vacancy occurs before the expiration of a term of office, the appointment
5 shall be for the unexpired term. ~~Such election commissioner shall have~~
6 ~~been a qualified elector and a resident of the county at least two years prior~~
7 ~~to appointment.~~ Within 10 days after receiving official notice of the
8 appointment and before entering upon the duties of the office, the election
9 commissioner shall take, subscribe and cause to be filed in the office of the
10 secretary of state an oath of office for the faithful discharge of official
11 duties.

12 Sec. 3. K.S.A. 19-3422 is hereby amended to read as follows: 19-
13 3422. All the jurisdiction, powers and duties now or hereafter conferred by
14 law upon the county clerks and city, school and township officers relating
15 to the conduct, supervision and control of elections, are hereby withdrawn
16 from ~~said such~~ county clerks and city, school and township officers, in all
17 counties having a population of more than ~~one hundred thousand~~
18 ~~(100,000)~~ 130,000, and ~~the same such jurisdiction, powers and duties~~ are
19 conferred upon the election commissioner appointed as provided in K.S.A.
20 19-3419; *and amendments thereto*, and all laws of the state relating to the
21 registration, qualification, challenging and voting of electors at any
22 election in any such county are conferred upon and made applicable to the
23 county election commissioner.

24 Sec. 4. K.S.A. 2020 Supp. 25-433 is hereby amended to read as
25 follows: 25-433. (a) The county election officer shall mail all official
26 ballots with a return identification envelope and instructions sufficient to
27 describe the voting process to each elector entitled to vote in the election
28 on one date not sooner than the 20th day before the date of the election and
29 not later than the 10th day before the date of the election. Ballots mailed by
30 the county election officer shall be addressed to the address of each elector
31 appearing in the registration records, and placed in an envelope which is
32 prominently marked "Do Not Forward." Ballots shall not be mailed to any
33 inactive voter who, based on information provided by the postal service,
34 appears to have moved to a residence address outside the county in which
35 the voter is currently registered and who has been mailed a confirmation
36 notice as described in ~~subparagraph (4) of subsection (e) of~~ K.S.A. 25-
37 2316c(e)(4), and amendments thereto, or because a "Forwarding Order
38 Expired" or "Moved — No Forwarding Address" notice was received from
39 the post office. Any inactive voter who believes such voter is entitled to
40 vote in the election may request a replacement ballot as provided for in
41 subsection (d) ~~of this section~~.

42 (b) Upon receipt of the ballot the elector shall mark it, sign the return
43 identification envelope supplied with the ballot and comply with the

1 instructions provided with the ballot. *Mail ballots received by mail by the*
 2 *office of the county election officer after the date of election, postmarked*
 3 *or otherwise indicated by the United States postal service to have been*
 4 *mailed on or before the close of the polls on the date of the election, shall*
 5 *be delivered by the county election officer to a special election board or*
 6 *the county board of canvassers, for canvassing in a manner consistent*
 7 *with other mail ballots. The deadline for the receipt by mail of mail ballots*
 8 *by the office of the county election officer shall be the last delivery of mail*
 9 *by the United States postal service on the third day following the date of*
 10 *the election. The elector may ~~return the marked ballot to the county~~*
 11 *election officer by United States mail, if it is received by the county*
 12 *election officer by the date of the election, or personally deliver the ballot*
 13 *to the office of the county election officer before noon on the date of the*
 14 *election. The ballot shall be returned in the return identification envelope.*
 15 *The county election officer shall provide for the payment of postage for*
 16 *the return of ballot envelopes.*

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

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

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

27 _____
 28 Signature

29 _____
 30 Residence Address

31 (d) If the ballot is destroyed, spoiled, lost or not received by the
 32 elector, the elector may obtain a replacement ballot from the county
 33 election officer as provided in this subsection. An elector seeking a
 34 replacement ballot shall sign a statement verified on oath or affirmation,
 35 on a form prescribed by the secretary of state, that the ballot was
 36 destroyed, spoiled, lost or not received. The applicant shall deliver the
 37 statement to the county election officer before noon on the date of the
 38 election. The applicant may mail the statement to the county election
 39 officer, except a county election officer shall not transmit a ballot by mail

1 under this subsection unless the application is received prior to the close of
2 business on the second day prior to the election. When an application is
3 timely received under this subsection, the county election officer shall
4 deliver the ballot to the voter if the voter is present in the office of the
5 county election officer, or promptly transmit the ballot by mail to the voter
6 at the address contained in the application, except when prohibited in this
7 subsection. The county election officer shall keep a record of each
8 replacement ballot provided under this subsection.

9 (e) A ballot shall be counted only if: (1) It is returned in the return
10 identification envelope; (2) the envelope is signed by the elector to whom
11 the ballot is issued; and (3) the signature has been verified as provided in
12 this subsection. The county election officer shall verify the signature of
13 each elector on the return identification envelope with the signature on the
14 elector's registration records and may commence verification at any time
15 prior to the canvass of the election. *The county election officer shall*
16 *attempt to contact each person who submits a mail ballot where there is*
17 *no signature or where the signature does not match the signature on file*
18 *and allow such voter the opportunity to correct the deficiency before the*
19 *commencement of the final county canvass.* If the county election officer
20 determines that an elector to whom a replacement ballot has been issued
21 under subsection (d) has voted more than once, the county election officer
22 shall not count any ballot cast by that elector.

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

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

31 Sec. 5. K.S.A. 10-120, 19-3419, 19-3422, 25-222, 25-1709, 25-1710,
32 25-4506, 25-4507 and 25-4508 and K.S.A. 2020 Supp. 25-433, 25-4502,
33 25-4503 and 25-4505 are hereby repealed.

34 Sec. 6. This act shall take effect and be in force from and after its
35 publication in the statute book.