

SENATE BILL No. 220

By Committee on Federal and State Affairs

2-8

1 AN ACT concerning elections; relating to advance voting ballots;
2 establishing uniform requirements for envelopes for returning such
3 ballots; amending K.S.A. 25-1120 and 25-1121 and repealing the
4 existing sections.
5

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

7 Section 1. K.S.A. 25-1120 is hereby amended to read as follows: 25-
8 1120. (a) *The secretary of state shall prescribe the general forms of*
9 *advance voting ballots to be used in all primary and general elections and*
10 *the form of the printed instructions to voters containing a statement of all*
11 *the requirements of this act to enable voters to comply with the*
12 *requirements of this act. The prescribed forms shall be transmitted to the*
13 *county election officers 35 days before each primary and general election.*

14 (b) When the names to appear on ballots are definitely known and not
15 later than 20 days prior to any primary, general or question submitted
16 election each county election officer shall cause to be prepared such
17 number of advance voting ballots and ballot envelopes as in the election
18 officer's judgment are necessary to carry out the requirements of this act.
19 Except as otherwise provided in this section, such ballots shall contain the
20 names and cities of residence of all persons who are candidates for all
21 national, state, county, city, township and school offices, which names may
22 be written, typewritten or printed. On the same line with each candidate's
23 name shall be a square in the ordinary form, or parentheses in which the
24 voter can place a cross or check mark. In the case of elections required by
25 law to be conducted on a partisan basis, such ballot shall indicate the
26 political party of each candidate. In all counties in which the same, or
27 reproductions of the same, ballots ~~which~~ that are presented to electors at
28 the polls for voting on election day can be used for advance voting, the
29 names of candidates for the offices of precinct committeeman and
30 committeewoman shall be printed on the ballots. In counties in which
31 ballots or reproductions of ballots presented to electors at the polls for
32 voting on election day cannot be used for advance voting, the ballots may
33 contain blank lines for writing in names of candidates for precinct
34 committeemen and committeewomen together with the number of the
35 precinct or name of the township of such candidate. On the same line with
36 each blank line shall be a square in the ordinary form or parenthesis in

1 which the voter can place the appropriate mark.

2 (c) The county election officer of any county may number such
 3 advance voting ballots. If the county election officer of any county elects
 4 to prepare advance voting ballots and ballot envelopes without identifying
 5 consecutive numbers, such officer shall prepare and distribute such ballots
 6 and envelopes in accordance with a plan approved by the secretary of
 7 state. If the county election officer elects to number such ballots, all
 8 advance voting ballots shall be consecutively numbered, and the ballot
 9 envelope for each ballot, if such envelope is required as provided in
 10 K.S.A. 25-1123, and amendments thereto, shall bear the same number as
 11 the ballot. ~~The ballot envelope shall also bear a declaration in substance as~~
 12 ~~follows:~~

13 ~~THIS DECLARATION MUST BE COMPLETED AND SIGNED~~

14 ~~"I _____ do hereby declare that I marked the enclosed~~
 15 ~~ballot and that such ballot was enclosed and sealed in this envelope by me.~~
 16 ~~My legal residence is in the _____ precinct, _____~~
 17 ~~township, (or, in the _____ precinct of the _____~~
 18 ~~ward, _____ street in the city of _____), in the~~
 19 ~~county of _____, state of Kansas.~~

20 ~~(Signed) _____."~~

21 ~~The ballot envelope shall also contain a statement advising the voter~~
 22 ~~that the signed envelope will be separated from the ballot to guarantee the~~
 23 ~~confidentiality of the vote cast.~~

24 ~~The ballot envelope to be used for voting by a former precinct resident~~
 25 ~~shall also state the place of former residence of the voter and the date of~~
 26 ~~removal therefrom to the voter's present residence.~~

27 Sec. 2. K.S.A. 25-1121 is hereby amended to read as follows: 25-
 28 1121. (a) ~~The secretary of state shall prescribe the general forms of~~
 29 ~~advance voting ballots to be used in all primary and general elections and~~
 30 ~~the form of the printed instructions to voters containing a statement of all~~
 31 ~~the requirements of this act, to enable voters to comply with the~~
 32 ~~requirements of this act. The prescribed forms shall be transmitted to the~~
 33 ~~county election officers 35 days before each primary and general election.~~

34 ~~(b) The secretary of state shall prescribe the general format of~~
 35 ~~advance voting ballot envelopes. The envelopes~~ *Each envelope* ~~shall~~
 36 ~~include:~~

37 ~~(1) A signature blocks block for the advance voter;~~

38 ~~(2) a signature block for the person, if any, assisting the advance voter~~
 39 ~~if the voter is physically unable to sign the envelope or needs other~~
 40 ~~assistance; and~~

41 ~~(3) a signature block for a the person, if any, who signs the advance~~
 42 ~~voting ballot envelope on behalf of the advance voter in situations when~~
 43 ~~the advance voter is physically unable to sign the envelope is authorized~~

1 by the advance voter to deliver the advance voting ballot to the county
2 election office; and

3 (4) a statement advising the voter that the signed envelope will be
4 separated from the ballot to guarantee the confidentiality of the vote cast.

5 (b) The signature block for the advance voter shall contain:

6 (1) The following statement: "I hereby declare that I marked the
7 enclosed ballot and that such ballot was enclosed and sealed in this
8 envelope by me.";

9 (2) space to write the name and address of the advance voter;

10 (3) space for the signature of the advance voter and to write the date
11 such envelope was signed; and

12 (4) a square box for the advance voter to check the following
13 statement: "Optional: I hereby authorize the person who completed and is
14 named in Statement of Person Delivering Ballot to mail or deliver my
15 advance voting ballot to the county election office.

16 (c) ~~The advance ballot envelope signature block for the person, if~~
17 ~~any, assisting the advance voter shall contain:~~

18 (1) ~~The following statement after the signature block provided for the~~
19 ~~person who signs the advance ballot envelope on behalf of a person~~
20 ~~physically unable to sign such envelope:~~

21 "My signature constitutes an affidavit that the person for whom I
22 signed the envelope is a person who is physically unable to sign such
23 envelope. By signing this envelope, I swear this information is true and
24 correct, and that signing an advance ballot envelope under false pretenses
25 shall constitute the crime of perjury.";

26 (2) space to write the name of the person assisting the advance voter;
27 and

28 (3) space for the signature of the advance voter and to write the date
29 such envelope was signed.

30 (d) The signature block for the person, if any, delivering the advance
31 voting ballot on behalf of the advance voter shall contain:

32 (1) The following statement: "I hereby acknowledge that I have been
33 designated by the voter to mail or deliver the enclosed advance voting
34 ballot to the county election office and affirm that I will deliver such ballot
35 as instructed by the voter. I have not transmitted or delivered more than 10
36 advance voting ballots on behalf of other persons during the election in
37 which this ballot is being cast.";

38 (2) space to write the name of the person delivering the ballot; and

39 (3) space for the signature of the advance voter and to write the date
40 such envelope was signed.

41 (e) The ballot envelope to be used for voting by a former precinct
42 resident shall also state the place of former residence of the voter and the
43 date of removal therefrom to the voter's present residence.

1 Sec. 3. K.S.A. 25-1120 and 25-1121 are hereby repealed.

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