

HOUSE BILL No. 2009

By Representative Ward

6-3

1 AN ACT concerning the 2020 general election; enacting the 2020 general
2 election health and safety advance voting act; amending K.S.A. 2019
3 Supp. 25-1122 and repealing the existing section.
4

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

6 New Section 1. (a) The purpose of this section is to enhance the
7 safety, health and welfare of registered voters and local election workers at
8 the general election to be held on November 3, 2020, due to the
9 coronavirus pandemic by providing all registered voters in Kansas advance
10 ballots for such election, unless the voter opts out of receiving an advance
11 ballot.

12 (b) (1) The county election officer of each county shall mail a letter
13 and an advance voting opt-out form to each registered voter not later than
14 September 1, explaining that such voter shall receive an advance voting
15 ballot to be mailed as soon as possible after October 1, unless such voter
16 returns the advance voting opt-out form prior to the October 1 deadline.

17 (2) The secretary of state shall provide the formats of the opt-out
18 letter and the opt-out form to each county election officer by August 1.

19 (c) Registered voters who fail to return the advance voting opt-out
20 form to the county election officer on or before October 1 may still cast a
21 provisional ballot in person on November 3, 2020, at the proper polling
22 place.

23 (d) This section shall be known and may be cited as the 2020 general
24 election health and safety advance voting act.

25 Sec. 2. K.S.A. 2019 Supp. 25-1122 is hereby amended to read as
26 follows: 25-1122. (a) *Except as provided in section 1, and amendments*
27 *thereto*, any registered voter may file with the county election officer
28 where the person is a resident, or where the person is authorized by law to
29 vote as a former precinct resident, an application for an advance voting
30 ballot. The signed application shall be transmitted only to the county
31 election officer by personal delivery, mail, facsimile or as otherwise
32 provided by law.

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

36 (c) If the registered voter is applying for an advance voting ballot to

1 be transmitted by mail, the voter shall provide with the application for an
2 advance voting ballot the voter's current and valid Kansas driver's license
3 number, nondriver's identification card number or a photocopy of any
4 other identification provided by K.S.A. 25-2908, and amendments thereto.

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

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

9 (2) the name and address of the voter provided on the application for
10 an advance voting ballot do not match the voter's name and address on the
11 registration book. The voter shall provide a valid form of identification as
12 defined in K.S.A. 25-2908, and amendments thereto, to the county election
13 officer in person or provide a copy by mail or electronic means before the
14 meeting of the county board of canvassers. At the meeting of the county
15 board of canvassers the county election officer shall present copies of
16 identification received from provisional voters and the corresponding
17 provisional ballots. If the county board of canvassers determines that a
18 voter's identification is valid and the provisional ballot was properly cast,
19 the ballot shall be counted.

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

23 (1) The county election official verifies that the signature of the
24 person matches that on file in the county voter registration records, except
25 that verification of the voter's signature shall not be required if a voter has
26 a disability preventing the voter from signing. Signature verification may
27 occur by electronic device or by human inspection. In the event that the
28 signature of a person who is requesting an advance voting ballot does not
29 match that on file, the county election officer shall attempt to contact the
30 person and shall offer the person another opportunity to provide the
31 person's signature for the purposes of verifying the person's identity. If the
32 county election officer is unable to reach the person, the county election
33 officer may transmit a provisional ballot, however, such provisional ballot
34 may not be counted unless a signature is included therewith that can be
35 verified; and

36 (2) the person provides such person's full Kansas driver's license
37 number, Kansas nondriver's identification card number issued by the
38 division of vehicles, or submits such person's application for an advance
39 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
40 amendments thereto, to the county election officer for verification. If a
41 person applies for an advance voting ballot to be transmitted by mail but
42 fails to provide identification pursuant to this subsection or the
43 identification of the person cannot be verified by the county election

1 officer, the county election officer shall provide information to the person
2 regarding the voter rights provisions of subsection (d) and shall provide
3 the person an opportunity to provide identification pursuant to this
4 subsection. For the purposes of this act, Kansas state offices and offices of
5 any subdivision of the state will allow any person seeking to vote by an
6 advance voting ballot the use of a photocopying device to make one
7 photocopy of an identification document at no cost.

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

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

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

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

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

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

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

32 (g) Unless an earlier date is designated by the county election office,
33 applications for advance voting ballots transmitted to the voter in person in
34 the office of the county election officer shall be filed on the Tuesday next
35 preceding the election and on each subsequent business day until no later
36 than 12 noon on the day preceding such election. If the county election
37 officer so provides, applications for advance voting ballots transmitted to
38 the voter in person in the office of the county election officer also may be
39 filed on the Saturday preceding the election. Upon receipt of any such
40 properly executed application, the county election officer shall deliver to
41 the voter such ballots and instructions as are provided for in this act.

42 An application for an advance voting ballot filed by a voter who has a
43 temporary illness or disability or who is not proficient in reading the

1 English language or by a person rendering assistance to such voter may be
2 filed during the regular advance ballot application periods until the close
3 of the polls on election day.

4 The county election officer may designate places other than the central
5 county election office as satellite advance voting sites. At any satellite
6 advance voting site, a registered voter may obtain an application for
7 advance voting ballots. Ballots and instructions shall be delivered to the
8 voter in the same manner and subject to the same limitations as otherwise
9 provided by this subsection.

10 (h) Any person having a permanent disability or an illness that has
11 been diagnosed as a permanent illness is hereby authorized to make an
12 application for permanent advance voting status. Applications for
13 permanent advance voting status shall be in the form and contain such
14 information as is required for application for advance voting ballots and
15 also shall contain information that establishes the voter's right to
16 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 election. The county
25 election officer shall maintain a separate listing of the names and addresses
26 of persons qualifying for permanent advance voting status. All such lists
27 shall be available for inspection upon request in compliance with this
28 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. 3. K.S.A. 2019 Supp. 25-1122 is hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its
14 publication in the Kansas register.