

HOUSE BILL No. 2054

By Committee on Elections

1-13

1 AN ACT concerning advance ballots; relating to limitations on persons
2 returning such advance ballots; establishing criminal penalties related
3 thereto; amending K.S.A. 25-1130 and K.S.A. 2020 Supp. 25-1124 and
4 25-1128 and repealing the existing sections.
5

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

7 New Section 1. (a) No person may deliver an advance voting ballot to
8 the county election officer or polling place on behalf of a voter unless such
9 person delivering the ballot is a family member or caregiver of the voter or
10 is otherwise authorized by law.

11 (b) Any person who knowingly violates this section shall be guilty of
12 a severity level 9, nonperson felony.

13 Sec. 2. K.S.A. 2020 Supp. 25-1124 is hereby amended to read as
14 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
15 shall cast such voter's vote as follows: The voter shall make a cross or
16 check mark in the square or parentheses opposite the name of each
17 candidate or question for whom the voter desires to vote. The voter shall
18 make no other mark, and shall allow no other person to make any mark,
19 upon such ballot. If the advance voting ballot was transmitted by mail, the
20 voter personally shall place the ballot in the ballot envelope bearing the
21 same number as the ballot and seal the envelope. The voter shall complete
22 the form on the ballot envelope and shall sign the same. Except as
23 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
24 shall be mailed or otherwise transmitted to the county election officer. If
25 the advance voting ballot was transmitted to the voter in person in the
26 office of the county election officer or at a satellite advance voting site, the
27 voter may deposit such ballot into a locked ballot box without an envelope.

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

33 (c) Any voter who has an illness or physical disability or who is not
34 proficient in reading the English language and is unable to apply for or
35 mark or transmit an advance voting ballot, or any voter who has a
36 disability preventing the voter from signing an application or the form on

1 the ballot envelope, may request assistance by a person who has signed a
2 statement required by subsection (e) in applying for or marking an advance
3 voting ballot, or in signing an application or the form on the ballot
4 envelope if the voter has a disability preventing the voter from signing.

5 (d) *Subject to the provisions of section 1, and amendments thereto,*
6 any voted ballot may be transmitted to the county election officer by the
7 voter or by another person designated in writing by the voter, except if the
8 voter has a disability preventing the voter from writing and signing a
9 statement, the written and signed statement required by subsection (e) shall
10 be sufficient. Any such voted ballot shall be transmitted to the county
11 election officer before the close of the polls on election day.

12 (e) The county election officer shall allow a person to assist a voter
13 who has an illness or physical disability or who is not proficient in reading
14 the English language in applying for or marking an application or advance
15 voting ballot, or to sign for a voter who has a disability preventing the
16 voter from signing an application or advance voting ballot form, provided
17 a written statement is signed by the person who renders assistance to the
18 voter who has an illness or physical disability or who is not proficient in
19 reading the English language and such statement is submitted to the county
20 election officer with the application or ballot. The statement shall be on a
21 form prescribed by the secretary of state and shall contain a statement
22 from the person providing assistance that the person has not exercised
23 undue influence on the voting decision of the voter who has an illness or
24 physical disability or who is not proficient in reading the English language
25 and that the person providing assistance has completed the application,
26 marked the ballot, or signed the application or ballot form as instructed by
27 the voter.

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

36 Sec. 3. K.S.A. 2020 Supp. 25-1128 is hereby amended to read as
37 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
38 county election officer more than one advance voting ballot, or set of one
39 of each kind of ballot, if the voter is entitled to vote more than one such
40 ballot at a particular election.

41 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
42 no person shall knowingly interfere with or delay the transmission of any
43 advance voting ballot application from a voter to the county election

1 officer, nor shall any person mail, fax or otherwise cause the application to
2 be sent to a place other than the county election office. Any person or
3 group engaged in the distribution of advance voting ballot applications
4 shall mail, fax or otherwise deliver any application signed by a voter to the
5 county election office within two days after such application is signed by
6 the applicant.

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

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

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

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

23 (g) A voter may return such voter's advance voting ballot to the
24 county election officer by personal delivery or by mail. *Subject to the*
25 *limitations contained in section 1, and amendments thereto*, upon written
26 designation by the voter, a person other than the voter may return the
27 advance voting ballot by personal delivery or mail, except that a written
28 designation shall not be required from a voter who has a disability
29 preventing the voter from writing or signing a written designation. Any
30 such person designated by the voter shall sign a statement that such person
31 has not exercised undue influence on the voting decisions of the voter and
32 agrees to deliver the ballot as directed by the voter.

33 (h) Violation of any provision of this section is a severity level 9,
34 nonperson felony.

35 Sec. 4. K.S.A. 25-1130 is hereby amended to read as follows: 25-
36 1130. *Subject to the provisions of section 1, and amendments thereto*,
37 advance voting ballots for questions submitted in statewide county
38 elections shall be prepared by election officers according to such form as is
39 specified by the secretary of state. The secretary of state shall specify the
40 form of advance voting ballots for questions submitted in such detail as the
41 secretary deems appropriate. Political party designation of the voter shall
42 not appear on such ballots. Such ballots shall be prepared and transmitted
43 at the same time as other advance voting ballots.

1 The secretary of state shall prescribe voting instructions to accompany
2 every question submitted advance voting ballot, and when the question
3 submitted election is also a primary or general election, such instructions
4 may be combined with other instructions to voters. The secretary of state
5 shall prescribe the form of advance voting ballot envelopes to be used
6 when only a question submitted is to be voted upon. Advance voting
7 ballots for questions submitted shall bear the same serial number as the
8 advance voting ballot envelope used for transmission thereof.

9 Forms of advance voting ballot, ballot envelope and voter instructions
10 in question submitted elections which are not statewide shall be prescribed
11 by the county election officer in charge of such election, in conformity
12 with any applicable provisions of law and, as nearly as practicable, in
13 conformity with forms prescribed by the secretary of state for statewide
14 elections.

15 Advance voting ballots for questions submitted shall be cast, counted,
16 tabulated, canvassed and handled in the same manner as other advance
17 voting ballots. Votes of advance voting voters may be challenged or
18 objected to in question submitted elections in the same manner as in other
19 elections.

20 Sec. 5. K.S.A. 25-1130 and K.S.A. 2020 Supp. 25-1124 and 25-1128
21 are hereby repealed.

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