

HOUSE BILL No. 2512

By Committee on Elections

Requested by Representative Waggoner

1-17

1 AN ACT concerning elections; relating to advance voting ballots;
2 requiring that if such ballots are cast in person that they be received in
3 the county election office by 7:00 p.m. on the second day preceding the
4 election; amending K.S.A. 25-1128 and K.S.A. 2023 Supp. 25-1122
5 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2023 Supp. 25-1122 is hereby amended to read as
9 follows: 25-1122. (a) Any registered voter may file with the county
10 election officer where such person is a resident, or where such person is
11 authorized by law to vote as a former precinct resident, an application for
12 an advance voting ballot. The signed application shall be transmitted only
13 to the county election officer by personal delivery, mail, facsimile or as
14 otherwise provided by law.

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

18 (c) If the registered voter is applying for an advance voting ballot to
19 be transmitted by mail, the voter shall provide with the application for an
20 advance voting ballot the voter's current and valid Kansas driver's license
21 number, nondriver's identification card number or a photocopy of any
22 other identification provided by K.S.A. 25-2908, and amendments thereto.

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

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

27 (2) the name and address of the voter provided on the application for
28 an advance voting ballot do not match the voter's name and address on the
29 registration book. The voter shall provide a valid form of identification as
30 defined in K.S.A. 25-2908, and amendments thereto, to the county election
31 officer in person or provide a copy by mail or electronic means before the
32 meeting of the county board of canvassers. At the meeting of the county
33 board of canvassers the county election officer shall present copies of
34 identification received from provisional voters and the corresponding
35 provisional ballots. If the county board of canvassers determines that a

1 voter's identification is valid and the provisional ballot was properly cast,
2 the ballot shall be counted.

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

6 (1) The county election official verifies that the signature of the
7 person matches that on file in the county voter registration records, except
8 that verification of the voter's signature shall not be required if a voter has
9 a disability preventing the voter from signing. Signature verification may
10 occur by electronic device or by human inspection. In the event that the
11 signature of a person who is requesting an advance voting ballot does not
12 match that on file, the county election officer shall attempt to contact the
13 person and shall offer the person another opportunity to provide the
14 person's signature for the purposes of verifying the person's identity. If the
15 county election officer is unable to reach the person, the county election
16 officer may transmit a provisional ballot, however, such provisional ballot
17 may not be counted unless a signature is included therewith that can be
18 verified; and

19 (2) the person provides such person's full Kansas driver's license
20 number, Kansas nondriver's identification card number issued by the
21 division of vehicles, or submits such person's application for an advance
22 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
23 amendments thereto, to the county election officer for verification. If a
24 person applies for an advance voting ballot to be transmitted by mail but
25 fails to provide identification pursuant to this subsection or the
26 identification of the person cannot be verified by the county election
27 officer, the county election officer shall provide information to the person
28 regarding the voter rights provisions of subsection (d) and shall provide
29 the person an opportunity to provide identification pursuant to this
30 subsection. For the purposes of this act, Kansas state offices and offices of
31 any subdivision of the state will allow any person seeking to vote by an
32 advance voting ballot the use of a photocopying device to make one
33 photocopy of an identification document at no cost.

34 (f) (1) Applications for advance voting ballots to be transmitted to the
35 voter by mail shall be filed only at the following times:

36 (A) For the primary election occurring on the first Tuesday in August
37 in both even-numbered and odd-numbered years, between April 1 of such
38 year and the Tuesday of the week preceding such primary election;

39 (B) for the general election occurring on the Tuesday following the
40 first Monday in November in both even-numbered and odd-numbered
41 years, between 90 days prior to such election and the Tuesday of the week
42 preceding such general election;

43 (C) for the presidential preference primary election held pursuant to

1 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year
2 in which such election is held and 30 days prior to the day of such
3 election;

4 (D) for question submitted elections occurring on the date of a
5 primary or general election, the same as is provided for ballots for election
6 of officers at such election;

7 (E) for question submitted elections not occurring on the date of a
8 primary or general election, between the time of the first published notice
9 thereof and the Tuesday of the week preceding such question submitted
10 election, except that if the question submitted election is held on a day
11 other than a Tuesday, the final date for mailing of advance voting ballots
12 shall be one week before such election; and

13 (F) for any special election of officers, at such time as is specified by
14 the secretary of state.

15 (2) The county election officer of any county may receive
16 applications prior to the time specified in this subsection and hold such
17 applications until the beginning of the prescribed application period. Such
18 applications shall be treated as filed on that date.

19 (g) (1) Unless an earlier date is designated by the county election
20 office, applications for advance voting ballots transmitted to the voter in
21 person shall be filed on the Tuesday next preceding the election and on
22 each subsequent business day until ~~no~~ not later than ~~12 noon~~ 7:00 p.m. on
23 the *second* day preceding such election. If the county election officer so
24 provides, applications for advance voting ballots transmitted to the voter in
25 person ~~in the office of the county election officer~~ also may be filed on the
26 Saturday or Sunday preceding the election. Upon receipt of any such
27 properly executed application, the county election officer shall deliver to
28 the voter such ballots and instructions as are provided for in this act.

29 (2) An application for an advance voting ballot filed by a voter who
30 has a temporary illness or disability or who is not proficient in reading the
31 English language or by a person rendering assistance to such voter may be
32 filed during the regular advance ballot application periods until the close
33 of the polls on election day.

34 (3) The county election officer may designate places other than the
35 central county election office as satellite advance voting sites. At any
36 satellite advance voting site, a registered voter may obtain an application
37 for advance voting ballots. Ballots and instructions shall be delivered to
38 the voter in the same manner and subject to the same limitations as
39 otherwise provided by this subsection.

40 (h) Any person having a permanent disability or an illness that has
41 been diagnosed as a permanent illness is hereby authorized to make an
42 application for permanent advance voting status. Applications for
43 permanent advance voting status shall be in the form and contain such

1 information as is required for application for advance voting ballots and
2 also shall contain information that establishes the voter's right to
3 permanent advance voting status.

4 (i) On receipt of any application filed under the provisions of this
5 section, the county election officer shall prepare and maintain in such
6 officer's office a list of the names of all persons who have filed such
7 applications, together with their correct post office address and the
8 precinct, ward, township or voting area in which the persons claim to be
9 registered voters or to be authorized by law to vote as former precinct
10 residents and the present resident address of each applicant. Names and
11 addresses shall remain so listed until the day of such election. The county
12 election officer shall maintain a separate listing of the names and addresses
13 of persons qualifying for permanent advance voting status. All such lists
14 shall be available for inspection upon request in compliance with this
15 subsection by any registered voter during regular business hours. The
16 county election officer upon receipt of the applications shall enter upon a
17 record kept by such officer the name and address of each applicant, which
18 record shall conform to the list above required. Before inspection of any
19 advance voting ballot application list, the person desiring to make the
20 inspection shall provide to the county election officer identification in the
21 form of driver's license or other reliable identification and shall sign a log
22 book or application form maintained by the officer stating the person's
23 name and address and showing the date and time of inspection. All records
24 made by the county election officer shall be subject to public inspection,
25 except that the voter identification information required by subsections (b)
26 and (c) and the identifying number on ballots and ballot envelopes and
27 records of such numbers shall not be made public.

28 (j) If a person on the permanent advance voting list fails to vote in
29 four consecutive general elections, the county election officer may mail a
30 notice to such voter. The notice shall inform the voter that the voter's name
31 will be removed from the permanent advance voting list unless the voter
32 renews the application for permanent advance voting status within 30 days
33 after the notice is mailed. If the voter fails to renew such application, the
34 county election officer shall remove the voter's name from the permanent
35 advance voting list. Failure to renew the application for permanent
36 advance voting status shall not result in removal of the voter's name from
37 the voter registration list.

38 (k) (1) Any person who solicits by mail a registered voter to file an
39 application for an advance voting ballot and includes an application for an
40 advance voting ballot in such mailing shall include on the exterior of such
41 mailing, and on each page contained therein, except the application, a clear
42 and conspicuous label in 14-point font or larger that includes:

43 (A) The name of the individual or organization that caused such

1 solicitation to be mailed;

2 (B) if an organization, the name of the president, chief executive
3 officer or executive director of such organization;

4 (C) the address of such individual or organization; and

5 (D) the following statement: "Disclosure: This is not a government
6 mailing. It is from a private individual or organization."

7 (2) The application for an advance voting ballot included in such
8 mailing shall be the official application for advance ballot by mail
9 provided by the secretary of state. No portion of such application shall be
10 completed prior to mailing such application to the registered voter.

11 (3) An application for an advance voting ballot shall include an
12 envelope addressed to the appropriate county election office for the
13 mailing of such application. In no case shall the person who mails the
14 application to the voter direct that the completed application be returned to
15 such person.

16 (4) The provisions of this subsection shall not apply to:

17 (A) The secretary of state or any election official or county election
18 office; or

19 (B) the official protection and advocacy for voting access agency for
20 this state as designated pursuant to the federal help America vote act of
21 2002, public law 107-252, or any other entity required to provide
22 information concerning elections and voting procedures by federal law.

23 (5) A violation of this subsection is a class C nonperson
24 misdemeanor.

25 (1) (1) No person shall mail or cause to be mailed an application for
26 an advance voting ballot, unless such person is a resident of this state or is
27 otherwise domiciled in this state.

28 (2) Any individual may file a complaint in writing with the attorney
29 general alleging a violation of this subsection. Such complaint shall
30 include the name of the person alleged to have violated this subsection and
31 any other information as required by the attorney general. Upon receipt of
32 a complaint, the attorney general shall investigate and may file an action
33 against any person found to have violated this subsection.

34 (3) Any person who violates the provisions of this subsection is
35 subject to a civil penalty of \$20. Each instance in which a person mails an
36 application for an advance voting ballot in violation of this section shall
37 constitute a separate violation.

38 (m) A county election officer shall not mail a ballot to a voter unless
39 such voter has submitted an application for an advance voting ballot,
40 except that a ballot may be mailed to a voter if such voter has permanent
41 advance voting ballot status pursuant to subsection (h) or if the election is
42 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,
43 and amendments thereto.

1 (n) The secretary of state may adopt rules and regulations in order to
2 implement the provisions of this section and to define valid forms of
3 identification.

4 Sec. 2. K.S.A. 25-1128 is hereby amended to read as follows: 25-
5 1128. (a) No voter shall knowingly mark or transmit to the county election
6 officer more than one advance voting ballot, or set of one of each kind of
7 ballot, if the voter is entitled to vote more than one such ballot at a
8 particular election.

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

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

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

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

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

34 (g) A voter may return such voter's advance voting ballot to the
35 county election officer by personal delivery or by mail. Subject to the
36 provisions of K.S.A. 25-2437, and amendments thereto, a person other
37 than the voter may return the advance voting ballot by personal delivery or
38 mail if authorized by the voter in writing as provided in K.S.A. 25-2437,
39 and amendments thereto, except that a written designation shall not be
40 required from a voter who has a disability preventing the voter from
41 writing or signing a written designation. Any such person designated by
42 the voter shall sign a statement in accordance with K.S.A. 25-2437, and
43 amendments thereto. *All advance voting ballots returned by personal*

1 *delivery and all ballots cast by advance in-person voting shall be*
2 *delivered to the county election office not later than 7:00 p.m. on the*
3 *second day preceding the date of the election. If the county election officer*
4 *so provides, such ballots may be delivered or cast on the Saturday or*
5 *Sunday preceding the election.*

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

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

14 Sec. 3. K.S.A. 25-1128 and K.S.A. 2023 Supp. 25-1122 are hereby
15 repealed.

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