

**SENATE BILL No. 344**

By Committee on Federal and State Affairs

1-12

1 AN ACT concerning elections; relating to advance voting ballots;  
2 requiring voter verification of identity when transmitting such ballots to  
3 the county election office; amending K.S.A. 25-1121 and 25-1123 and  
4 K.S.A. 2023 Supp. 25-1124 and repealing the existing sections.

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

7 Section 1. K.S.A. 25-1121 is hereby amended to read as follows: 25-  
8 1121. (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) The secretary of state shall prescribe the general format of  
15 advance voting ballot envelopes. The envelopes shall include signature  
16 blocks for the advance voter; a signature block for the person, if any,  
17 assisting the advance voter; and a signature block for a person, if any, who  
18 signs the advance voting ballot envelope on behalf of the advance voter in  
19 situations when the advance voter is physically unable to sign the  
20 envelope.

21 (c) The advance ballot envelope shall contain the following statement  
22 after the signature block provided for the person who signs the advance  
23 ballot envelope on behalf of a person physically unable to sign such  
24 envelope:

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

30 (d) *The secretary of state shall prescribe the form of the voter identity*  
31 *verification to be included with each advance voting ballot. The*  
32 *verification form shall be separate from the advance voting ballot and*  
33 *contain appropriate space for the voter's government-issued photo*  
34 *identification information. A voter identity verification shall require the*  
35 *voter's name and date of birth and the voter's government-issued photo*  
36 *identification number and expiration date.*

1       Sec. 2. K.S.A. 25-1123 is hereby amended to read as follows: 25-  
2 1123. (a) (1) When an application for an advance voting ballot has been  
3 filed in accordance with K.S.A. 25-1122, and amendments thereto, the  
4 county election officer shall transmit to the voter applying therefor one  
5 each of the appropriate ballots. Unless an advance voting ballot is  
6 transmitted in person pursuant to this subsection, the county election  
7 officer shall transmit the advance voting ballots to the voter at one of the  
8 following addresses as specified by the voter on such application: (1) The  
9 voter's residential address or mailing address as indicated on the  
10 registration list; (2) the voter's temporary residential address; or (3) a  
11 medical care facility as defined in K.S.A. 65-425, and amendments  
12 thereto, psychiatric hospital, hospice or adult care home where the voter  
13 resides.

14       (2) No advance voting ballot shall be transmitted by the county  
15 election officer by any means prior to the 20<sup>th</sup> day before the election for  
16 which an application for an advance voting ballot has been received by  
17 such county election officer, *but such ballot shall be transmitted within*  
18 *two business days of the receipt of such voter's application by the election*  
19 *officer or the commencement of such 20-day period.*

20       (3) If the advance voting ballot is transmitted by mail, such ballot  
21 shall be transmitted with printed instructions prescribed by the secretary of  
22 state, *a voter identity verification form bearing the same number as the*  
23 *number of the ballot* and a ballot envelope bearing upon the outside *the*  
24 *same number as the number of the ballot and* a printed form as described  
25 in K.S.A. 25-1120, and amendments thereto, ~~and the same number as the~~  
26 ~~number of the ballot.~~

27       (4) If the advance voting ballot is transmitted to the applicant in  
28 person in the office of the county election officer or at a satellite advance  
29 voting site, such advance voting ballot, *voter identity verification form* and  
30 printed instructions shall be transmitted in an advance voting ballot  
31 envelope bearing upon the outside *the same number as the number of the*  
32 *ballot and* a printed form as described in K.S.A. 25-1120, and amendments  
33 thereto, ~~and the same number as the number of the ballot~~ unless the voter  
34 elects to deposit the advance voting ballot into a locked ballot box without  
35 an envelope. ~~All ballots shall be transmitted to the advance voting voter~~  
36 ~~not more than 20 days before the election but within two business days of~~  
37 ~~the receipt of such voter's application by the election officer or the~~  
38 ~~commencement of such 20-day period.~~

39       (5) In primary elections required to be conducted on a partisan basis,  
40 the election officer shall deliver to such voter the ballot of the political  
41 party of the applicant.

42       (b) The restrictions in subsection (a) relating to where a county  
43 election officer may transmit an advance voting ballot shall not apply to an

1 advance voting ballot requested pursuant to an application for an advance  
2 voting ballot filed by a voter who has a temporary illness or disability or  
3 who is not proficient in reading the English language.

4 (c) The county election officer shall compare the driver's license  
5 number, nondriver's identification card number or copy of other valid  
6 identification provided by a voter to the voter registration list verified by  
7 the division of vehicles in accordance with federal law. If no identification  
8 information was provided by the voter or if such information does not  
9 match the information on the voter registration list, the county election  
10 officer shall transmit a provisional advance voting ballot.

11 Sec. 3. K.S.A. 2023 Supp. 25-1124 is hereby amended to read as  
12 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter  
13 shall cast such voter's vote ~~as follows:~~ *in accordance with this section.* The  
14 voter shall make a cross or check mark in the square or parentheses  
15 opposite the name of each candidate or question for whom the voter  
16 desires to vote. The voter shall make no other mark, and shall allow no  
17 other person to make any mark, upon such ballot. If the advance voting  
18 ballot was transmitted by mail, the voter, personally, shall place the ballot  
19 in the ballot envelope bearing the same number as the ballot, *complete the*  
20 *voter identity verification form and place it in the same ballot envelope*  
21 *with the ballot* and seal the envelope. The voter shall complete the form on  
22 the ballot envelope and shall sign the same. Except as provided by K.S.A.  
23 25-2908, and amendments thereto, the ballot envelope shall be mailed or  
24 otherwise transmitted to the county election officer. If the advance voting  
25 ballot was transmitted to the voter in person in the office of the county  
26 election officer or at a satellite advance voting site, the voter may deposit  
27 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~~  
30 ~~where~~, the signature does not match with the signature on file, *the voter*  
31 *failed to complete the voter identity verification form or such form is*  
32 *incomplete* and allow such voter the opportunity to correct the deficiency  
33 before the commencement of the final county canvass.

34 (c) Any voter who has an illness or physical disability or who is not  
35 proficient in reading the English language and is unable to apply for or  
36 mark or transmit an advance voting ballot, or any voter who has a  
37 disability preventing the voter from signing an application or the form on  
38 the ballot envelope, may request assistance by a person who has signed a  
39 statement required by subsection (e) in applying for or marking an advance  
40 voting ballot, or in signing an application or the form on the ballot  
41 envelope if the voter has a disability preventing the voter from signing.

42 (d) Any voted ballot may be transmitted to the county election officer  
43 by the voter. Subject to the provisions of K.S.A. 25-2437, and amendments

1 thereto, a voted ballot may be transmitted by another person designated in  
2 writing by the voter as provided in K.S.A. 25-2437, and amendments  
3 thereto, except if the voter has a disability preventing the voter from  
4 writing and signing a statement, the written and signed statement required  
5 by subsection (e) shall be sufficient. Any such voted ballot shall be  
6 transmitted to the county election officer before the close of the polls on  
7 election day.

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

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

32 (g) (1) No person who is a candidate for office shall assist any voter  
33 in marking an advance voting ballot or in signing an advance voting ballot  
34 form pursuant to this section.

35 (2) It shall not be a violation of this subsection for:

36 (A) The secretary of state, any election official or county election  
37 officer to assist a voter while engaged in the performance of the duties of  
38 such office; or

39 (B) any candidate for office employed by a county election office to  
40 assist a voter while engaged in the performance of the duties of such  
41 employee, unless the employee appears as a candidate for office on the  
42 advance voting ballot for which such candidate is providing assistance.

43 (3) For purposes of this subsection, the term "candidate for office"

1 means an individual who has declared such individual's candidacy  
2 pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been  
3 nominated for elected office pursuant to K.S.A. 25-301 et seq., and  
4 amendments thereto, in the election for which the voter applied for an  
5 advance voting ballot.

6 (4) A violation of this subsection is a class C misdemeanor.

7 (h) Subject to the provisions of subsection (b), no county election  
8 officer shall accept an advance voting ballot transmitted by mail unless the  
9 county election officer verifies that the signature of the person on the  
10 advance voting ballot envelope matches the signature on file in the county  
11 voter registration records, except that verification of the voter's signature  
12 shall not be required if a voter has a disability preventing the voter from  
13 signing the ballot or preventing the voter from having a signature  
14 consistent with such voter's registration form, *and that the voter identity*  
15 *verification form is complete*. Signature verification may occur by  
16 electronic device or by human inspection. In the event that the signature of  
17 a person on the advance voting ballot envelope does not match the  
18 signature on file in the county voter registration records, the ballot shall  
19 not be counted.

20 Sec. 4. K.S.A. 25-1121 and 25-1123 and K.S.A. 2023 Supp. 25-1124  
21 are hereby repealed.

22 Sec. 5. This act shall take effect and be in force from and after its  
23 publication in the statute book.