

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2687

By Committee on Elections

2-13

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. 2019 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) No person may deliver more than six advance ballots for any~~  
12 ~~election.~~

13 ~~(e)~~—Any person who knowingly violates this section shall be guilty of  
14 a severity level 9, nonperson felony.

15 Sec. 2. K.S.A. 2019 Supp. 25-1124 is hereby amended to read as  
16 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter  
17 shall cast such voter's vote as follows: The voter shall make a cross or  
18 check mark in the square or parentheses opposite the name of each  
19 candidate or question for whom the voter desires to vote. The voter shall  
20 make no other mark, and shall allow no other person to make any mark,  
21 upon such ballot. If the advance voting ballot was transmitted by mail, the  
22 voter personally shall place the ballot in the ballot envelope bearing the  
23 same number as the ballot and seal the envelope. The voter shall complete  
24 the form on the ballot envelope and shall sign the same. Except as  
25 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope  
26 shall be mailed or otherwise transmitted to the county election officer. If  
27 the advance voting ballot was transmitted to the voter in person in the  
28 office of the county election officer or at a satellite advance voting site, the  
29 voter may deposit such ballot into a locked ballot box without an envelope.

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

35 (c) Any voter who has an illness or physical disability or who is not  
36 proficient in reading the English language and is unable to apply for or

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

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

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

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

38 Sec. 3. K.S.A. 2019 Supp. 25-1128 is hereby amended to read as  
39 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the  
40 county election officer more than one advance voting ballot, or set of one  
41 of each kind of ballot, if the voter is entitled to vote more than one such  
42 ballot at a particular election.

43 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,

1 no person shall knowingly interfere with or delay the transmission of any  
2 advance voting ballot application from a voter to the county election  
3 officer, nor shall any person mail, fax or otherwise cause the application to  
4 be sent to a place other than the county election office. Any person or  
5 group engaged in the distribution of advance voting ballot applications  
6 shall mail, fax or otherwise deliver any application signed by a voter to the  
7 county election office within two days after such application is signed by  
8 the applicant.

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

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

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

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

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

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

37 Sec. 4. K.S.A. 25-1130 is hereby amended to read as follows: 25-  
38 1130. *Subject to the provisions of section 1, and amendments thereto*,  
39 advance voting ballots for questions submitted in statewide county  
40 elections shall be prepared by election officers according to such form as is  
41 specified by the secretary of state. The secretary of state shall specify the  
42 form of advance voting ballots for questions submitted in such detail as the  
43 secretary deems appropriate. Political party designation of the voter shall

1 not appear on such ballots. Such ballots shall be prepared and transmitted  
2 at the same time as other advance voting ballots.

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

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

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

22 Sec. 5. K.S.A. 25-1130 and K.S.A. 2019 Supp. 25-1124 and 25-1128  
23 are hereby repealed.

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