

Senate Substitute for HOUSE BILL No. 2183

By Committee on Federal and State Affairs

3-30

1 AN ACT concerning elections; creating the transparency in revenues
2 underwriting elections act; prohibiting the receipt and expenditure of
3 private moneys by election officials; ***{directing the secretary of state to***
4 ***publish certain registered voter totals;*** relating to advance voting
5 ballots; requiring signed statements for delivery of such ballots on
6 behalf of a voter; limiting the number of such ballots that can be
7 delivered; prohibiting the altering or backdating of the mailing date on
8 such ballots; requiring a matching signature on such ballots; removing
9 the secretary of state's authority to provide additional time for receipt of
10 such ballots; prohibiting candidates for office from engaging in certain
11 conduct related to advance voting ballots; ***{creating the crime of false***
12 ***representation of an election official;*** expanding the crime of
13 electioneering; penalties for violations; amending K.S.A. 2020 Supp.
14 25-1124, 25-1128, 25-1132 and 25-2430 and repealing the existing
15 sections; also repealing K.S.A. 25-608.

16

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

18 New Section 1. (a) The provisions of this section shall be known and
19 may be cited as the transparency in revenues underwriting elections act.

20 (b) As used in this section:

21 (1) "Election official" means any county election officer or the chief
22 state election official, as such terms are defined in K.S.A. 25-2504, and
23 amendments thereto, and any officer or employee of such election official.

24 (2) "Person" means any individual, corporation, partnership,
25 company, organization, political party, political committee or any other
26 private entity.

27 (c) No election official shall knowingly accept or expend any
28 moneys, directly or indirectly, from any person, except as provided in any
29 acts of appropriation or as otherwise provided by law, for any expenditures
30 related to conducting, funding or otherwise facilitating the administration
31 of an election pursuant to law.

32 (d) The provisions of this section shall not apply to:

33 (1) Any moneys collected by an election official from the payment of
34 fees or assessed costs as required by law; or

35 (2) any moneys received as campaign contributions for any candidate
36 for the office of county clerk.

1 (e) A violation of this section is a severity level 9, nonperson felony.

2 New Sec. 2. (a) No person shall knowingly transmit or deliver an
3 advance voting ballot to the county election officer or polling place on
4 behalf of a voter who is not such person, unless the person submits a
5 written statement accompanying the ballot at the time of ballot delivery to
6 the county election officer or polling place as provided in this section. Any
7 written statement shall be signed by both the voter and the person
8 delivering such ballot and shall be delivered only by such person. The
9 statement shall be on a form prescribed by the secretary of state and shall
10 contain:

11 (1) A sworn statement from the person delivering such ballot
12 affirming that such person has not:

13 (A) Exercised undue influence on the voting decision of the voter; or

14 (B) delivered more than five advance voting ballots on behalf of other
15 persons during the election in which the ballot is being cast; and

16 (2) a sworn statement by the voter affirming that:

17 (A) The voter has authorized such person to deliver the voter's ballot
18 to a county election officer or polling place; and

19 (B) such person has not exercised undue influence on the voting
20 decision of the voter.

21 (b) No candidate for office shall knowingly transmit or deliver an
22 advance voting ballot to the county election officer or polling place on
23 behalf of a voter who is not such person, except on behalf of an immediate
24 family member of such candidate.

25 (c) No person shall deliver more than five advance voting ballots on
26 behalf of other voters during an election.

27 (d) A violation of this section is a severity level 9, nonperson felony.

28 ***{New Sec. 3. (a) False representation of an election official is***
29 ***engaging in any of the following conduct by phone, mail, email, website***
30 ***or other online activity or by any other means of communication while***
31 ***not holding a position as an election official:***

32 ***(1) Representing oneself as an election official;***

33 ***(2) engaging in conduct that gives the appearance of being an***
34 ***election official; or***

35 ***(3) engaging in conduct that would cause another person to believe***
36 ***a person engaging in such conduct is an election official.***

37 ***(b) False representation of an election official is a severity level 7,***
38 ***nonperson felony.***

39 ***(c) As used in this section, "election official" means the secretary***
40 ***of state, or any employee thereof, any county election commissioner or***
41 ***county clerk, or any employee thereof, or any other person employed by***
42 ***any county election office.***

43 ***New Sec. 4. (a) Each month, the secretary of state shall publish the***

1 *following information on the official website of the secretary of state:*

2 *(1) The total number of registered voters in each county of this*
3 *state;*

4 *(2) the total number of registered voters in each county who have*
5 *been identified by the county election office as having mail that is*
6 *undeliverable and the number of such registered voters as a percentage*
7 *of all registered voters in the county; and*

8 *(3) the total number of registered voters for each political party.*

9 *(b) On the 20th day prior to any election, the secretary of state shall*
10 *publish the total number of registered voters in each voting precinct and*
11 *include in such publication the total number of such registered voters*
12 *who affiliated with each political party on the official website of the*
13 *secretary of state.}*

14 ~~Sec. 3.~~ *{5.}* K.S.A. 2020 Supp. 25-1124 is hereby amended to read as
15 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
16 shall cast such voter's vote as follows: The voter shall make a cross or
17 check mark in the square or parentheses opposite the name of each
18 candidate or question for whom the voter desires to vote. The voter shall
19 make no other mark, and shall allow no other person to make any mark,
20 upon such ballot. If the advance voting ballot was transmitted by mail, the
21 voter personally shall place the ballot in the ballot envelope bearing the
22 same number as the ballot and seal the envelope. The voter shall complete
23 the form on the ballot envelope and shall sign the same. Except as
24 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
25 shall be mailed or otherwise transmitted to the county election officer. If
26 the advance voting ballot was transmitted to the voter in person in the
27 office of the county election officer or at a satellite advance voting site, the
28 voter may deposit such ballot into a locked ballot box without an envelope.

29 (b) The county election officer shall attempt to contact each person
30 who submits an advance voting ballot where there is no signature or where
31 the signature does not match with the signature on file and allow such
32 voter the opportunity to correct the deficiency before the commencement
33 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—~~or~~. *Subject to the provisions of section 2, and amendments*

1 *thereto, a voted ballot may be transmitted* by another person designated in
2 *writing by the voter as provided in section 2, and amendments thereto,*
3 *except if the voter has a disability preventing the voter from writing and*
4 *signing a statement, the written and signed statement required by*
5 *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*
34 *ballot form pursuant to this section.*

35 (2) *It shall not be a violation of this subsection for the secretary of*
36 *state, any election official or any county election office to assist a voter*
37 *while engaged in the performance of the duties of such office.*

38 (3) *A violation of this subsection is a class C misdemeanor.*

39 (h) *Subject to the provisions of subsection (b), no county election*
40 *officer shall accept an advance voting ballot transmitted by mail unless*
41 *the county election officer verifies that the signature of the person on the*
42 *advance voting ballot envelope matches the signature on file in the county*
43 *voter registration records, except that verification of the voter's signature*

1 *shall not be required if a voter has a disability preventing the voter from*
2 *signing the ballot. Signature verification may occur by electronic device or*
3 *by human inspection. In the event that the signature of a person on the*
4 *advance voting ballot envelope does not match the signature on file in the*
5 *county voter registration records, the ballot shall not be counted.*

6 Sec. ~~4.~~ {6.} K.S.A. 2020 Supp. 25-1128 is hereby amended to read as
7 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
8 county election officer more than one advance voting ballot, or set of one
9 of each kind of ballot, if the voter is entitled to vote more than one such
10 ballot at a particular election.

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

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

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

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

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

36 (g) A voter may return such voter's advance voting ballot to the
37 county election officer by personal delivery or by mail. ~~Upon written~~
38 ~~designation by the voter~~ *Subject to the provisions of section 2, and*
39 *amendments thereto, a person other than the voter may return the advance*
40 *voting ballot by personal delivery or mail if authorized by the voter in*
41 *writing as provided in section 2, and amendments thereto, except that a*
42 *written designation shall not be required from a voter who has a disability*
43 *preventing the voter from writing or signing a written designation. Any*

1 such person designated by the voter shall sign a statement ~~that such person~~
2 ~~has not exercised undue influence on the voting decisions of the voter and~~
3 ~~agrees to deliver the ballot as directed by the voter in accordance with~~
4 ~~section 2, and amendments thereto.~~

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

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

13 ~~Sec. 5; {7.}~~ K.S.A. 2020 Supp. 25-1132 is hereby amended to read as
14 follows: 25-1132. (a) All advance voting ballots ~~which~~ *that* are received in
15 the office of the county election officer or any polling place within the
16 county not later than the hour for closing of the polls on the date of any
17 election specified in K.S.A. 25-1122(f), and amendments thereto, shall be
18 delivered by the county election officer to the appropriate special election
19 board provided for in K.S.A. 25-1133, and amendments thereto.

20 (b) Subject to the deadline for receipt by the office of the county
21 election officer as set forth in this subsection, all advance voting ballots
22 received by mail by the office of the county election officer after the
23 closing of the polls on the date of any election specified in K.S.A. 25-
24 1122(f), and amendments thereto, and which are postmarked or are
25 otherwise indicated by the United States postal service to have been
26 mailed on or before the close of the polls on the date of the election, shall
27 be delivered by the county election officer to a special election board or
28 the county board of canvassers, as determined by the secretary of state, for
29 canvassing in a manner consistent, as nearly as may be, with other advance
30 voting ballots. The deadline for the receipt by mail of the advance voting
31 ballots by the office of the county election officer shall be the last delivery
32 of mail by the United States postal service on the third day following the
33 date of the election, ~~unless additional time is permitted by the secretary.~~
34 The secretary of state shall adopt rules and regulations to implement this
35 subsection.

36 ~~Sec. 6; {8.}~~ K.S.A. 2020 Supp. 25-2430 is hereby amended to read as
37 follows: 25-2430. (a) (I) Electioneering is:

38 (A) Knowingly attempting to persuade or influence eligible voters to
39 vote for or against a particular candidate, party or question submitted-
40 ~~Electioneering includes, including~~ wearing, exhibiting or distributing
41 labels, signs, posters, stickers or other materials that clearly identify a
42 candidate in the election or clearly indicate support or opposition to a
43 question submitted election within any polling place on election day or

1 advance voting site during the time period allowed by law for casting a
2 ballot by advance voting or within a radius of 250 feet from the entrance
3 thereof; *or*

4 (B) *if committed by a candidate:*

5 (i) *Touching or handling any voter's ballot during the voting process;*

6 (ii) *distributing ballots or counting ballots;*

7 (iii) *hindering or obstructing any voter from voting or from entering
8 and leaving the polling place; or*

9 (iv) *hindering or obstructing any election board worker from
10 performing election duties.*

11 (2) Electioneering shall not include bumper stickers affixed to a
12 motor vehicle that is used to transport voters to a polling place or to an
13 advance voting site for the purpose of voting.

14 (b) *The provisions of subsection (a)(1)(B) shall not apply to the
15 secretary of state or any election official or county election office.*

16 (c) As used in this section, "advance voting site" means the central
17 county election office or satellite advance voting sites designated as such
18 pursuant to ~~subsection (c)~~ of K.S.A. 25-1122(c), and amendments thereto,
19 and adult care homes and hospital based care units at the time of an
20 election participating in the voting procedures prescribed in K.S.A. 2020
21 Supp. 25-2812, *and amendments thereto.*

22 ~~(e)~~(d) Electioneering is a class C misdemeanor.

23 Sec. ~~7~~ **19**, K.S.A. 25-608 and K.S.A. 2020 Supp. 25-1124, 25-1128,
24 25-1132 and 25-2430 are hereby repealed.

25 Sec. ~~8~~ **10**, This act shall take effect and be in force from and after
26 its publication in the statute book.