

**HOUSE BILL No. 2310**

By Committee on Elections

2-8

1 AN ACT concerning elections; dealing with municipal elections and other  
2 election laws; amending K.S.A. 10-120 and 25-1903 and K.S.A. 2016  
3 Supp. 25-1122 and 25-2110a and repealing the existing sections.  
4

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

6 Section 1. K.S.A. 10-120 is hereby amended to read as follows: 10-  
7 120. Whenever an election is required for the issuance of bonds for any  
8 purpose by any municipality other than an irrigation district or where a  
9 different procedure for giving notice of the election is specifically  
10 provided by law, upon compliance with the legal requirements necessary  
11 and precedent to the call for the election, the proper municipal officers  
12 shall call an election. The election shall be held within ~~45~~ 60 days after  
13 compliance with the necessary requirements, or within 90 days, should the  
14 longer period include the date of a general election.

15 Notice of the election shall be published in a newspaper of general  
16 circulation in the municipality once each week for two consecutive weeks.  
17 The first publication shall be not less than 21 days prior to the election.  
18 The notice shall set forth the time and place of holding the election and the  
19 purpose for which the bonds are to be issued and shall be signed by the  
20 county election officer. The election shall be held at the usual place of  
21 holding elections and shall be conducted by the officers or persons  
22 provided by law for holding elections in the municipality.

23 Sec. 2. K.S.A. 2016 Supp. 25-1122 is hereby amended to read as  
24 follows: 25-1122. (a) Any registered voter may file with the county  
25 election officer where the person is a resident, or where the person is  
26 authorized by law to vote as a former precinct resident, an application for  
27 an advance voting ballot. The signed application shall be transmitted only  
28 to the county election officer by personal delivery, mail, facsimile or as  
29 otherwise provided by law.

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

33 (c) If the registered voter is applying for an advance voting ballot to  
34 be transmitted by mail, the voter shall provide with the application for an  
35 advance voting ballot the voter's current and valid Kansas driver's license  
36 number, nondriver's identification card number or a photocopy of any

1 other identification provided by K.S.A. 25-2908, and amendments thereto.

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

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

6 (2) the name and address of the voter provided on the application for  
7 an advance voting ballot do not match the voter's name and address on the  
8 registration book. The voter shall provide a valid form of identification as  
9 defined in K.S.A. 25-2908, and amendments thereto, to the county election  
10 officer in person or provide a copy by mail or electronic means before the  
11 meeting of the county board of canvassers. At the meeting of the county  
12 board of canvassers the county election officer shall present copies of  
13 identification received from provisional voters and the corresponding  
14 provisional ballots. If the county board of canvassers determines that a  
15 voter's identification is valid and the provisional ballot was properly cast,  
16 the ballot shall be counted.

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

20 (1) The county election official verifies that the signature of the  
21 person matches that on file in the county voter registration records.  
22 Signature verification may occur by electronic device or by human  
23 inspection. In the event that the signature of a person who is requesting an  
24 advance voting ballot does not match that on file, the county election  
25 officer shall attempt to contact the person and shall offer the person  
26 another opportunity to provide the person's signature for the purposes of  
27 verifying the person's identity. If the county election officer is unable to  
28 reach the person, the county election officer may transmit a provisional  
29 ballot, however, ~~such~~ the provisional ballot may not be counted unless a  
30 signature is included therewith that can be verified; and

31 (2) the person provides ~~such~~ the person's full Kansas driver's license  
32 number, Kansas nondriver's identification card number issued by the  
33 division of vehicles, or submits ~~such~~ the person's application for an  
34 advance voting ballot and a copy of identification provided by K.S.A. 25-  
35 2908, and amendments thereto, to the county election officer for  
36 verification. If a person applies for an advance voting ballot to be  
37 transmitted by mail but fails to provide identification pursuant to this  
38 subsection or the identification of the person cannot be verified by the  
39 county election officer, the county election officer shall provide  
40 information to the person regarding the voter rights provisions of  
41 subsection (d) and shall provide the person an opportunity to provide  
42 identification pursuant to this subsection. For the purposes of this act,  
43 Kansas state offices and offices of any subdivision of the state will allow

1 any person seeking to vote by an advance voting ballot the use of a  
2 photocopying device to make one photocopy of an identification document  
3 at no cost.

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

6 (1) For the primary election occurring on the first Tuesday in August  
7 in both even-numbered and odd-numbered years, between April 1 of such  
8 year and the last business day of the week preceding such primary  
9 election.

10 (2) For the general election occurring on the Tuesday following the  
11 first Monday in November in both even-numbered and odd-numbered  
12 years, between 90 days prior to such election and the last business day of  
13 the week preceding such general election.

14 (3) For question submitted elections occurring on the date of a  
15 primary or general election, the same as is provided for ballots for election  
16 of officers at such election.

17 (4) For question submitted elections not occurring on the date of a  
18 primary or general election, between the time of the first published notice  
19 thereof and the last business day of the week preceding ~~such~~ the question  
20 submitted election, except that if the question submitted election is held on  
21 a day other than a Tuesday, the county election officer shall determine the  
22 final date for mailing of advance voting ballots, but ~~such~~ the date shall not  
23 be more than three business days before such election.

24 (5) For any special election of officers, at such time as is specified by  
25 the secretary of state.

26 ~~(6) For the presidential preference primary, between January 1 of the~~  
27 ~~year in which such primary is held and the last business day of the week~~  
28 ~~preceding such primary election.~~

29 The county election officer of any county may receive applications  
30 prior to the time specified in this subsection and hold ~~such~~ the applications  
31 until the beginning of the prescribed application period. ~~Such~~ The  
32 applications shall be treated as filed on that date.

33 (g) Unless an earlier date is designated by the county election office,  
34 applications for advance voting ballots transmitted to the voter in person in  
35 the office of the county election officer shall be filed on the Tuesday next  
36 preceding the election and on each subsequent business day until no later  
37 than 12 noon on the day preceding ~~such~~ the election. If the county election  
38 officer so provides, applications for advance voting ballots transmitted to  
39 the voter in person in the office of the county election officer also may be  
40 filed on the Saturday preceding the election. Upon receipt of any ~~such~~  
41 properly executed application, the county election officer shall deliver to  
42 the voter ~~such~~ the ballots and instructions as are provided for in this act.

43 An application for an advance voting ballot filed by a voter who has a

1 temporary illness or disability or who is not proficient in reading the  
2 English language or by a person rendering assistance to ~~such~~ the voter may  
3 be filed during the regular advance ballot application periods until the  
4 close of the polls on election day.

5 The county election officer may designate places other than the central  
6 county election office as satellite advance voting sites. At any satellite  
7 advance voting site, a registered voter may obtain an application for  
8 advance voting ballots. Ballots and instructions shall be delivered to the  
9 voter in the same manner and subject to the same limitations as otherwise  
10 provided by this subsection.

11 (h) Any person having a permanent disability or an illness which has  
12 been diagnosed as a permanent illness is hereby authorized to make an  
13 application for permanent advance voting status. Applications for  
14 permanent advance voting status shall be in the form and contain ~~such~~ the  
15 information as is required for application for advance voting ballots and  
16 also shall contain information which establishes the voter's right to  
17 permanent advance voting status.

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

42 (j) If a person on the permanent advance voting list fails to vote in  
43 four consecutive general elections held on the Tuesday succeeding the first

1 Monday in November of each even-numbered and odd-numbered year, the  
2 county election officer may mail a notice to ~~such~~ the voter. The notice  
3 shall inform the voter that the voter's name will be removed from the  
4 permanent advance voting list unless the voter renews the application for  
5 permanent advance voting status within 30 days after the notice is mailed.  
6 If the voter fails to renew such application, the county election officer shall  
7 remove the voter's name from the permanent advance voting list. Failure to  
8 renew the application for permanent advance voting status shall not result  
9 in removal of the voter's name from the voter registration list.

10 (k) The secretary of state may adopt rules and regulations in order to  
11 implement the provisions of this section and to define valid forms of  
12 identification.

13 Sec. 3. K.S.A. 25-1903 is hereby amended to read as follows: 25-  
14 1903. (a) A person may become a candidate for election to the office of  
15 state board member by either one of the methods provided in this section.  
16 (1) Any person who is an elector of any board member district may  
17 petition to be a candidate for member of the state board from the board  
18 member district in which ~~such~~ the person resides. Any such person shall  
19 file with the secretary of state a petition for the candidacy of such person  
20 signed by not less than 200 electors residing in ~~such~~ the board member  
21 district. (2) Any person who is an elector of any board member district  
22 may become a candidate for member of the state board from the board  
23 member district in which ~~such~~ the candidate resides by filing in the office  
24 of the secretary of state a declaration of intent to be such a candidate and  
25 payment of a filing fee in the amount of \$25.

26 (b) Any such petition or declaration of intent filed by a candidate to  
27 run in the primary election held in accordance with K.S.A. 25-203, and  
28 amendments thereto, shall be filed no later than 12:00 noon, June ~~10~~ 1,  
29 prior to ~~such~~ the primary election, or if ~~such~~ the date falls on Saturday,  
30 Sunday or a holiday, then before 12:00 noon of the next following day that  
31 is not a Saturday, Sunday or a holiday. Any such petition or declaration of  
32 intent filed by an independent candidate for the office of state board  
33 member shall be filed no later than 12:00 noon on the Monday preceding  
34 the date fixed for the holding of primary elections in accordance with  
35 K.S.A. 25-203, and amendments thereto.

36 Sec. 4. K.S.A. 2016 Supp. 25-2110a is hereby amended to read as  
37 follows: 25-2110a. (a) ~~In cities of the first and second class, any person~~  
38 ~~desiring to become a candidate for a city office elected from a district,~~  
39 ~~shall file with the city clerk before the filing deadline a statement of such~~  
40 ~~candidacy on a form furnished by the county election officer as specified~~  
41 ~~by the secretary of state. The city clerk of any city upon receiving any~~  
42 ~~filing under this section shall record the same and transmit it, together with~~  
43 ~~the filing fee or petition herein provided, within three business days to the~~

1 county election officer. In cities of the third class, any person desiring to  
2 become a candidate for a city office elected from a district, shall file with  
3 the county election officer of the county in which the city is located, or in  
4 the county in which the greater population of the city is located if the city  
5 extends into more than one county, or the city clerk, before the filing  
6 deadline, a statement of candidacy on a form furnished by the county  
7 election officer as specified by the secretary of state.

8 (b) In cities having a population of less than 5,000, each such filing  
9 shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a  
10 petition signed by 25 qualified electors of the council district or by a  
11 number of such qualified electors of the district equal to not less than 10%  
12 of the ballots cast in the district at the last general city election, whichever  
13 is less.

14 (c) In cities having a population of not less than 5,000 nor more than  
15 100,000, each such filing shall be accompanied by a filing fee of \$10 or, in  
16 lieu of such filing fee, by a petition signed by 50 qualified electors of the  
17 council district or by a number of such qualified electors of the district  
18 equal to not less than 1% of the ballots cast in the district at the last  
19 general city election, whichever is less.

20 (d) In cities having a population of more than 100,000, each such  
21 filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing  
22 fee, by a petition signed by 100 qualified electors of the council district or  
23 by a number of qualified electors of the district equal to 1% of the ballots  
24 cast in the district at the last general city election, whichever is less. *Any*  
25 *person desiring to become a candidate for a city office elected from a*  
26 *district shall file with the county election office of the county in which the*  
27 *city is located, or of the county in which the greater population of the city*  
28 *is located if the city extends into more than one county, before the filing*  
29 *deadline, established in K.S.A. 25-205, and amendments thereto, a*  
30 *declaration of candidacy on a form furnished by the county election office*  
31 *as specified by the secretary of state.*

32 (b) *The number of qualified electors of the city that must sign a*  
33 *nomination petition shall be established by the city governing body by*  
34 *passage of an ordinance.*

35 (c) *The filing fee for any candidate for city office elected from a*  
36 *district is \$20.*

37 (e) (d) Within three days from the date of the filing of a nomination  
38 petition or declaration of intention to become a candidate for a city office  
39 elected from a district, the county election officer shall determine the  
40 validity of such petition or declaration.

41 (f) (e) If a nomination petition or declaration is found to be invalid,  
42 the county election officer shall notify the candidate on whose behalf the  
43 petition or declaration was filed that ~~such~~ the nomination petition or

1 declaration has been found to be invalid and the reason for the finding.  
2 ~~Such~~ *The* candidate may make objection to the finding of invalidity by the  
3 county election officer in accordance with K.S.A. 25-308, and  
4 amendments thereto.

5 ~~(g)~~ *(f)* All city elections shall be conducted by the county election  
6 officer of the county in which ~~such~~ *the* city is located, or of the county in  
7 which the greater population of the city is located if the city extends into  
8 more than one county.

9 Sec. 5. K.S.A. 10-120 and 25-1903 and K.S.A. 2016 Supp. 25-1122  
10 and 25-2110a are hereby repealed.

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