

HOUSE BILL No. 2355

By Committee on Elections

2-11

1 AN ACT concerning elections; clarifying certain election laws; amending
2 K.S.A. 10-120, 19-3419 and 19-3422 and K.S.A. 2020 Supp. 25-433
3 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 *but not*
13 *sooner than 45 days* after compliance with the necessary requirements, or
14 within 90 days, should the longer period include the date of a general
15 election.

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

24 Sec. 2. K.S.A. 19-3419 is hereby amended to read as follows: 19-
25 3419. In counties of this state having a population exceeding 130,000,
26 there shall be an office of commissioner of elections, which shall be
27 administered by an election commissioner. The election commissioner
28 shall be appointed by the secretary of state and shall hold office for a term
29 of four years and until a successor is appointed and qualified. The
30 secretary of state may remove the election commissioner for official
31 misconduct. Upon occurrence of a vacancy in the office of county election
32 commissioner, the secretary of state shall appoint a successor. If the
33 vacancy occurs before the expiration of a term of office, the appointment
34 shall be for the unexpired term. ~~Such election commissioner shall have~~
35 ~~been a qualified elector and a resident of the county at least two years prior~~
36 ~~to appointment.~~ Within 10 days after receiving official notice of the

1 appointment and before entering upon the duties of the office, the election
2 commissioner shall take, subscribe and cause to be filed in the office of the
3 secretary of state an oath of office for the faithful discharge of official
4 duties.

5 Sec. 3. K.S.A. 19-3422 is hereby amended to read as follows: 19-
6 3422. All the jurisdiction, powers and duties now or hereafter conferred by
7 law upon the county clerks and city, school and township officers relating
8 to the conduct, supervision and control of elections, are hereby withdrawn
9 from ~~said~~ such county clerks and city, school and township officers, in all
10 counties having a population of more than ~~one hundred thousand~~
11 ~~(100,000)~~ 130,000, and ~~the same~~ such jurisdiction, powers and duties are
12 conferred upon the election commissioner appointed as provided in K.S.A.
13 19-3419; *and amendments thereto*, and all laws of the state relating to the
14 registration, qualification, challenging and voting of electors at any
15 election in any such county are conferred upon and made applicable to the
16 county election commissioner.

17 Sec. 4. K.S.A. 2020 Supp. 25-433 is hereby amended to read as
18 follows: 25-433. (a) The county election officer shall mail all official
19 ballots with a return identification envelope and instructions sufficient to
20 describe the voting process to each elector entitled to vote in the election
21 on one date not sooner than the 20th day before the date of the election and
22 not later than the 10th day before the date of the election. Ballots mailed by
23 the county election officer shall be addressed to the address of each elector
24 appearing in the registration records, and placed in an envelope which is
25 prominently marked "Do Not Forward." Ballots shall not be mailed to any
26 inactive voter who, based on information provided by the postal service,
27 appears to have moved to a residence address outside the county in which
28 the voter is currently registered and who has been mailed a confirmation
29 notice as described in ~~subparagraph (4) of subsection (c) of~~ K.S.A. 25-
30 2316c(e)(4), and amendments thereto, or because a "Forwarding Order
31 Expired" or "Moved — No Forwarding Address" notice was received from
32 the post office. Any inactive voter who believes such voter is entitled to
33 vote in the election may request a replacement ballot as provided for in
34 subsection (d) ~~of this section~~.

35 (b) Upon receipt of the ballot the elector shall mark it, sign the return
36 identification envelope supplied with the ballot and comply with the
37 instructions provided with the ballot. *Mail ballots received by mail by the*
38 *office of the county election officer after the date of election, postmarked*
39 *or otherwise indicated by the United States postal service to have been*
40 *mailed on or before the close of the polls on the date of the election, shall*
41 *be delivered by the county election officer to a special election board or*
42 *the county board of canvassers, for canvassing in a manner consistent*
43 *with other mail ballots. The deadline for the receipt by mail of mail ballots*

1 *by the office of the county election officer shall be the last delivery of mail*
 2 *by the United States postal service on the third day following the date of*
 3 *the election. The elector may ~~return the marked ballot to the county~~*
 4 *election officer by United States mail, if it is received by the county*
 5 *election officer by the date of the election, or personally deliver the ballot*
 6 *to the office of the county election officer before noon on the date of the*
 7 *election. The ballot shall be returned in the return identification envelope.*
 8 *The county election officer shall provide for the payment of postage for*
 9 *the return of ballot envelopes.*

10 (c) The return identification envelope shall contain the following
 11 form:

12 I declare under penalty of election perjury, a felony, that I am a
 13 resident and a qualified voter for this election as shown on voter
 14 registration records and that I have voted the enclosed ballot and am
 15 returning it in compliance with Kansas law, and amendments thereto, and
 16 have not and will not vote more than one ballot in this election.

17 I also understand that failure to complete the information below
 18 will invalidate my ballot.

19
 20
 21
 22
 23
 24

Signature

Residence Address

25 (d) If the ballot is destroyed, spoiled, lost or not received by the
 26 elector, the elector may obtain a replacement ballot from the county
 27 election officer as provided in this subsection. An elector seeking a
 28 replacement ballot shall sign a statement verified on oath or affirmation,
 29 on a form prescribed by the secretary of state, that the ballot was
 30 destroyed, spoiled, lost or not received. The applicant shall deliver the
 31 statement to the county election officer before noon on the date of the
 32 election. The applicant may mail the statement to the county election
 33 officer, except a county election officer shall not transmit a ballot by mail
 34 under this subsection unless the application is received prior to the close of
 35 business on the second day prior to the election. When an application is
 36 timely received under this subsection, the county election officer shall
 37 deliver the ballot to the voter if the voter is present in the office of the
 38 county election officer, or promptly transmit the ballot by mail to the voter
 39 at the address contained in the application, except when prohibited in this
 40 subsection. The county election officer shall keep a record of each
 41 replacement ballot provided under this subsection.

42 (e) A ballot shall be counted only if: (1) It is returned in the return
 43 identification envelope; (2) the envelope is signed by the elector to whom

1 the ballot is issued; and (3) the signature has been verified as provided in
2 this subsection. The county election officer shall verify the signature of
3 each elector on the return identification envelope with the signature on the
4 elector's registration records and may commence verification at any time
5 prior to the canvass of the election. *The county election officer shall*
6 *attempt to contact each person who submits a mail ballot where there is*
7 *no signature or where the signature does not match the signature on file*
8 *and allow such voter the opportunity to correct the deficiency before the*
9 *commencement of the final county canvass.* If the county election officer
10 determines that an elector to whom a replacement ballot has been issued
11 under subsection (d) has voted more than once, the county election officer
12 shall not count any ballot cast by that elector.

13 (f) The county election officer shall supervise the procedures for the
14 handling and canvassing of ballots to insure the safety and confidentiality
15 of all ballots properly cast.

16 (g) The names of voters whose mail ballot envelopes are returned to
17 the county election officer as "undeliverable" shall be subject to removal
18 from the voter registration book and party affiliation list in the manner
19 provided in ~~subsection (d) of~~ K.S.A. 25-2316c(d), and amendments
20 thereto.

21 Sec. 5. K.S.A. 10-120, 19-3419 and 19-3422 and K.S.A. 2020 Supp.
22 25-433 are hereby repealed.

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