SENATE BILL No. 220

By Committee on Federal and State Affairs

AN ACT concerning elections; relating to advance voting ballots; establishing uniform requirements for envelopes for returning such ballots; amending K.S.A. 25-1120 and 25-1121 and repealing the existing sections.

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

Section 1. K.S.A. 25-1120 is hereby amended to read as follows: 25-1120. (a) The secretary of state shall prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act to enable voters to comply with the requirements of this act. The prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

(b) When the names to appear on ballots are definitely known and not later than 20 days prior to any primary, general or question submitted election each county election officer shall cause to be prepared such number of advance voting ballots and ballot envelopes as in the election officer's judgment are necessary to carry out the requirements of this act. Except as otherwise provided in this section, such ballots shall contain the names and cities of residence of all persons who are candidates for all national, state, county, city, township and school offices, which names may be written, typewritten or printed. On the same line with each candidate's name shall be a square in the ordinary form, or parentheses in which the voter can place a cross or check mark. In the case of elections required by law to be conducted on a partisan basis, such ballot shall indicate the political party of each candidate. In all counties in which the same, or reproductions of the same, ballots which that are presented to electors at the polls for voting on election day can be used for advance voting, the names of candidates for the offices of precinct committeeman and committeewoman shall be printed on the ballots. In counties in which ballots or reproductions of ballots presented to electors at the polls for voting on election day cannot be used for advance voting, the ballots may contain blank lines for writing in names of candidates for precinct committeemen and committeewomen together with the number of the precinct or name of the township of such candidate. On the same line with each blank line shall be a square in the ordinary form or parenthesis in
which the voter can place the appropriate mark.

(c) The county election officer of any county may number such advance voting ballots. If the county election officer of any county elects to prepare advance voting ballots and ballot envelopes without identifying consecutive numbers, such officer shall prepare and distribute such ballots and envelopes in accordance with a plan approved by the secretary of state. If the county election officer elects to number such ballots, all advance voting ballots shall be consecutively numbered, and the ballot envelope for each ballot, if such envelope is required as provided in K.S.A. 25-1123, and amendments thereto, shall bear the same number as the ballot. The ballot envelope shall also bear a declaration in substance as follows:

THIS DECLARATION MUST BE COMPLETED AND SIGNED

"I________________ do hereby declare that I marked the enclosed ballot and that such ballot was enclosed and sealed in this envelope by me.

My legal residence is in the ______________ precinct, ______________ township, (or, in the ______________ precinct of the ______________ ward, ______________ street in the city of ______________), in the county of ______________, state of Kansas.

(Signed) ______________."

The ballot envelope shall also contain a statement advising the voter that the signed envelope will be separated from the ballot to guarantee the confidentiality of the vote cast.

The ballot envelope to be used for voting by a former precinct resident shall also state the place of former residence of the voter and the date of removal therefrom to the voter's present residence.

Sec. 2. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121. (a) The secretary of state shall prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act, to enable voters to comply with the requirements of this act. The prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

(b) The secretary of state shall prescribe the general format of advance voting ballot envelopes. Each envelope shall include:

(1) A signature block for the advance voter;

(2) a signature block for the person, if any, assisting the advance voter if the voter is physically unable to sign the envelope or needs other assistance; and

(3) a signature block for the person, if any, who signs the advance voting ballot envelope on behalf of the advance voter in situations when the advance voter is physically unable to sign the envelope is authorized
by the advance voter to deliver the advance voting ballot to the county
election office; and
(4) a statement advising the voter that the signed envelope will be
separated from the ballot to guarantee the confidentiality of the vote cast.
(b) The signature block for the advance voter shall contain:
(1) The following statement: "I hereby declare that I marked the
enclosed ballot and that such ballot was enclosed and sealed in this
envelope by me.";
(2) space to write the name and address of the advance voter;
(3) space for the signature of the advance voter and to write the date
such envelope was signed; and
(4) a square box for the advance voter to check the following
statement: "Optional: I hereby authorize the person who completed and is
named in Statement of Person Delivering Ballot to mail or deliver my
advance voting ballot to the county election office.
(c) The advance ballot envelope signature block for the person, if
any, assisting the advance voter shall contain:
(1) The following statement after the signature block provided for the
person who signs the advance ballot envelope on behalf of a person
physically unable to sign such envelope:
"My signature constitutes an affidavit that the person for whom I
signed the envelope is a person who is physically unable to sign such
envelope. By signing this envelope, I swear this information is true and
correct, and that signing an advance ballot envelope under false pretenses
shall constitute the crime of perjury.";
(2) space to write the name of the person assisting the advance voter;
and
(3) space for the signature of the advance voter and to write the date
such envelope was signed.
(d) The signature block for the person, if any, delivering the advance
voting ballot on behalf of the advance voter shall contain:
(1) The following statement: "I hereby acknowledge that I have been
designated by the voter to mail or deliver the enclosed advance voting
ballot to the county election office and affirm that I will deliver such ballot
as instructed by the voter. I have not transmitted or delivered more than 10
advance voting ballots on behalf of other persons during the election in
which this ballot is being cast.";
(2) space to write the name of the person delivering the ballot; and
(3) space for the signature of the advance voter and to write the date
such envelope was signed.
(e) The ballot envelope to be used for voting by a former precinct
resident shall also state the place of former residence of the voter and the
date of removal therefrom to the voter's present residence.
1  Sec. 3.  K.S.A. 25-1120 and 25-1121 are hereby repealed.
2  Sec. 4.  This act shall take effect and be in force from and after its
3  publication in the statute book.