

**HOUSE BILL No. 2014**

By Representative Carmichael

1-5

1 AN ACT concerning elections; relating to voting; penalties for voting  
2 crimes; prosecution of election crimes; amending K.S.A. 2016 Supp.  
3 25-1128, 25-2409, 25-2416, 25-2423 and 25-2431 and repealing the  
4 existing sections; also repealing K.S.A. 2016 Supp. 25-2434 and 25-  
5 2435.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2016 Supp. 25-1128 is hereby amended to read as  
9 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the  
10 county election officer more than one advance voting ballot, or set of one  
11 of each kind of ballot, if the voter is entitled to vote more than one such  
12 ballot at a particular election.

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

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

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

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

35 (f) No person shall knowingly and falsely affirm, declare or subscribe  
36 to any material fact in an affirmation form for an advance voting ballot or

1 set of advance voting ballots.

2 (g) A voter may return such voter's advance voting ballot to the  
3 county election officer by personal delivery or by mail. Upon written  
4 designation by the voter, a person other than the voter may return the  
5 advance voting ballot by personal delivery or mail. Any such person  
6 designated by the voter shall sign a statement that such person has not  
7 exercised undue influence on the voting decisions of the voter and agrees  
8 to deliver the ballot as directed by the voter.

9 (h) Violation of any provision of this section is a ~~severity level 9,~~  
10 ~~nonperson felony class C misdemeanor.~~

11 Sec. 2. K.S.A. 2016 Supp. 25-2409 is hereby amended to read as  
12 follows: 25-2409. (a) Election bribery is conferring, offering or agreeing to  
13 confer, or soliciting, accepting or agreeing to accept any benefit as  
14 consideration to or from any person either to vote or withhold any person's  
15 vote, or to vote for or against any candidate or question submitted at any  
16 public election.

17 ~~(b) This section shall not apply to a business or organization that~~  
18 ~~provides a product of value less than \$3 to any person who asserts that~~  
19 ~~such person has voted, without regard to such voter's vote for or against~~  
20 ~~any candidate or issue.~~

21 (e) Election bribery is a severity level 7, nonperson felony.

22 Sec. 3. K.S.A. 2016 Supp. 25-2416 is hereby amended to read as  
23 follows: 25-2416. (a) Voting without being qualified is knowingly:

24 (1) Voting or attempting to vote ~~without being qualified;~~

25 ~~(1) in any election district when not a lawfully registered voter in~~  
26 ~~such election district; or~~

27 ~~(2) at any election by a person who is not a citizen of the United~~  
28 ~~States or who does not otherwise meet the qualifications of an elector~~  
29 ~~voting or offering to vote more than once at the same election; or~~

30 (3) *inducing or aiding any person to vote more than once at the same*  
31 *election.*

32 (b) Voting without being qualified ~~or attempting to vote without being~~  
33 ~~qualified~~ is a ~~severity level 7, nonperson felony class A misdemeanor.~~

34 (c) The provisions of K.S.A. 2016 Supp. 21-5301(c), and  
35 amendments thereto, shall not apply to a violation of attempting to vote  
36 without being qualified pursuant to this section.

37 Sec. 4. K.S.A. 2016 Supp. 25-2423 is hereby amended to read as  
38 follows: 25-2423. (a) Election tampering is, while being charged with no  
39 election duty, making or changing any election record.

40 (b) Election tampering is a severity level ~~7~~ 8, nonperson felony.

41 Sec. 5. K.S.A. 2016 Supp. 25-2431 is hereby amended to read as  
42 follows: 25-2431. (a) False impersonation of a voter is representing  
43 oneself as another person, whether real or fictitious, and thereby voting or

1 attempting to vote.

2 (b) False impersonation of a voter is a severity level-8 9, nonperson  
3 felony.

4 Sec. 6. K.S.A. 2016 Supp. 25-1128, 25-2409, 25-2416, 25-2423, 25-  
5 2431, 25-2434 and 25-2435 are hereby repealed.

6 Sec. 7. This act shall take effect and be in force from and after its  
7 publication in the statute book.