

SENATE BILL No. 130

By Committee on Ethics, Elections and Local Government

2-8

Proposed Amendments to Senate Bill No. 130
February 20, 2019
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Office of Revisor of Statutes

1 AN ACT concerning elections; relating to advance ballots; amending
2 K.S.A. 2018 Supp. 25-1122 and repealing the existing section.
3
4 *Be it enacted by the Legislature of the State of Kansas:*
5 Section 1. K.S.A. 2018 Supp. 25-1122 is hereby amended to read as
6 follows: 25-1122. (a) Any registered voter may file with the county
7 election officer where the person is a resident, or where the person is
8 authorized by law to vote as a former precinct resident, an application for
9 an advance voting ballot. The signed application shall be transmitted only
10 to the county election officer by personal delivery, mail, facsimile or as
11 otherwise provided by law.
12 (b) If the registered voter is applying for an advance voting ballot to
13 be transmitted in person, the voter shall provide identification pursuant to
14 K.S.A. 25-2908, and amendments thereto.
15 (c) If the registered voter is applying for an advance voting ballot to
16 be transmitted by mail, the voter shall provide with the application for an
17 advance voting ballot the voter's current and valid Kansas driver's license
18 number, nondriver's identification card number or a photocopy of any
19 other identification provided by K.S.A. 25-2908, and amendments thereto.
20 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
21 and amendments thereto, if:
22 (1) The voter is unable or refuses to provide current and valid
23 identification; or
24 (2) the name and address of the voter provided on the application for
25 an advance voting ballot do not match the voter's name and address on the
26 registration book. The voter shall provide a valid form of identification as
27 defined in K.S.A. 25-2908, and amendments thereto, to the county election
28 officer in person or provide a copy by mail or electronic means before the
29 meeting of the county board of canvassers. At the meeting of the county
30 board of canvassers the county election officer shall present copies of
31 identification received from provisional voters and the corresponding
32 provisional ballots. If the county board of canvassers determines that a
33 voter's identification is valid and the provisional ballot was properly cast,
34 the ballot shall be counted.
35 (e) No county election officer shall provide an advance voting ballot
36 to a person who is requesting an advance voting ballot to be transmitted by

1 mail unless:

2 (1) The county election official verifies that the signature of the
3 person matches that on file in the county voter registration records, except
4 that verification of the voter's signature shall not be required if a voter has
5 a disability preventing the voter from signing. Signature verification may
6 occur by electronic device or by human inspection. In the event that the
7 signature of a person who is requesting an advance voting ballot does not
8 match that on file, the county election officer shall attempt to contact the
9 person and shall offer the person another opportunity to provide the
10 person's signature for the purposes of verifying the person's identity. If the
11 county election officer is unable to reach the person, the county election
12 officer may transmit a provisional ballot, however, such provisional ballot
13 may not be counted unless a signature is included therewith that can be
14 verified; ~~and~~

attempt to

15 (2) *the county election officer shall ~~contact each person who submits~~
16 an advance voting ballot where there is no signature or where the
17 signature does not match with the signature on file and allow such voter
18 the opportunity to correct the deficiency before the commencement of the
19 final canvass;*

county

20 (3) the person provides such person's full Kansas driver's license
21 number, Kansas nondriver's identification card number issued by the
22 division of vehicles, or submits such person's application for an advance
23 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
24 amendments thereto, to the county election officer for verification. If a
25 person applies for an advance voting ballot to be transmitted by mail but
26 fails to provide identification pursuant to this subsection or the
27 identification of the person cannot be verified by the county election
28 officer, the county election officer shall provide information to the person
29 regarding the voter rights provisions of subsection (d) and shall provide
30 the person an opportunity to provide identification pursuant to this
31 subsection. For the purposes of this act, Kansas state offices and offices of
32 any subdivision of the state will allow any person seeking to vote by an
33 advance voting ballot the use of a photocopying device to make one
34 photocopy of an identification document at no cost.

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

37 (1) For the primary election occurring on the first Tuesday in August
38 in both even-numbered and odd-numbered years, between April 1 of such
39 year and the Tuesday of the week preceding such primary election.

40 (2) For the general election occurring on the Tuesday following the
41 first Monday in November in both even-numbered and odd-numbered
42 years, between 90 days prior to such election and the Tuesday of the week
43 preceding such general election.

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

4 (4) For question submitted elections not occurring on the date of a
5 primary or general election, between the time of the first published notice
6 thereof and the Tuesday of the week preceding such question submitted
7 election, except that if the question submitted election is held on a day
8 other than a Tuesday, the final date for mailing of advance voting ballots
9 shall be one week before such election.

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

12 The county election officer of any county may receive applications
13 prior to the time specified in this subsection and hold such applications
14 until the beginning of the prescribed application period. Such applications
15 shall be treated as filed on that date.

16 (g) Unless an earlier date is designated by the county election office,
17 applications for advance voting ballots transmitted to the voter in person in
18 the office of the county election officer shall be filed on the Tuesday next
19 preceding the election and on each subsequent business day until no later
20 than 12 noon on the day preceding such election. If the county election
21 officer so provides, applications for advance voting ballots transmitted to
22 the voter in person in the office of the county election officer also may be
23 filed on the Saturday preceding the election. Upon receipt of any such
24 properly executed application, the county election officer shall deliver to
25 the voter such ballots and instructions as are provided for in this act.

26 An application for an advance voting ballot filed by a voter who has a
27 temporary illness or disability or who is not proficient in reading the
28 English language or by a person rendering assistance to such voter may be
29 filed during the regular advance ballot application periods until the close
30 of the polls on election day.

31 The county election officer may designate places other than the central
32 county election office as satellite advance voting sites. At any satellite
33 advance voting site, a registered voter may obtain an application for
34 advance voting ballots. Ballots and instructions shall be delivered to the
35 voter in the same manner and subject to the same limitations as otherwise
36 provided by this subsection.

37 (h) Any person having a permanent disability or an illness that has
38 been diagnosed as a permanent illness is hereby authorized to make an
39 application for permanent advance voting status. Applications for
40 permanent advance voting status shall be in the form and contain such
41 information as is required for application for advance voting ballots and
42 also shall contain information that establishes the voter's right to
43 permanent advance voting status.

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

25 (j) If a person on the permanent advance voting list fails to vote in
26 four consecutive general elections held on the Tuesday succeeding the first
27 Monday in November of each even-numbered and odd-numbered year, the
28 county election officer may mail a notice to such voter. The notice shall
29 inform the voter that the voter's name will be removed from the permanent
30 advance voting list unless the voter renews the application for permanent
31 advance voting status within 30 days after the notice is mailed. If the voter
32 fails to renew such application, the county election officer shall remove the
33 voter's name from the permanent advance voting list. Failure to renew the
34 application for permanent advance voting status shall not result in removal
35 of the voter's name from the voter registration list.

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

39 Sec. 2. K.S.A. 2018 Supp. 25-1122 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the statute book.