

## HOUSE BILL No. 2659

By Committee on Elections

2-12

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1 AN ACT concerning elections; amending the mail ballot election act;  
2 concerning time frame for counting ballots; amending K.S.A. 2019  
3 Supp. 25-433 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2019 Supp. 25-433 is hereby amended to read as  
7 follows: 25-433. (a) The county election officer shall mail all official  
8 ballots with a return identification envelope and instructions sufficient to  
9 describe the voting process to each elector entitled to vote in the election  
10 on one date not sooner than the 20<sup>th</sup> day before the date of the election and  
11 not later than the 10<sup>th</sup> day before the date of the election. Ballots mailed by  
12 the county election officer shall be addressed to the address of each elector  
13 appearing in the registration records, and placed in an envelope which is  
14 prominently marked "Do Not Forward." Ballots shall not be mailed to any  
15 inactive voter who, based on information provided by the postal service,  
16 appears to have moved to a residence address outside the county in which  
17 the voter is currently registered and who has been mailed a confirmation  
18 notice as described in ~~subparagraph (4) of subsection (c) of K.S.A. 25-~~  
19 ~~2316c(e)(4),~~ and amendments thereto, or because a "Forwarding Order  
20 Expired" or "Moved — No Forwarding Address" notice was received from  
21 the post office. Any inactive voter who believes such voter is entitled to  
22 vote in the election may request a replacement ballot as provided for in  
23 subsection (d) of this section.

24 (b) Upon receipt of the ballot the elector shall mark it, sign the return  
25 identification envelope supplied with the ballot and comply with the  
26 instructions provided with the ballot. The elector may return the marked  
27 ballot to the county election officer by United States mail, if it is received  
28 by the county election officer by *the last delivery of mail by the United*  
29 *States postal service on the third day following the date of the election, or*  
30 *and which are postmarked or are otherwise indicated by the United States*  
31 *postal service to have been mailed on or before the close of the polls on*  
32 *the election date. If personally-deliver delivered by the elector, the ballot*  
33 *shall be returned to the office of the county election officer before-noon*  
34 *5:00 p.m. on the date of the election. The ballot shall be returned in the*  
35 *return identification envelope. The county election officer shall provide for*  
36 *the payment of postage for the return of ballot envelopes.*

1 (c) The return identification envelope shall contain the following  
2 form:

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

8 I also understand that failure to complete the information below will  
9 invalidate my ballot.

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\_\_\_\_\_  
Signature

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Residence Address

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

(e) A ballot shall be counted only if: (1) It is returned in the return  
identification envelope; (2) the envelope is signed by the elector to whom  
the ballot is issued; and (3) the signature has been verified as provided in  
this subsection. The county election officer shall verify the signature of  
each elector on the return identification envelope with the signature on the  
elector's registration records and may commence verification at any time  
prior to the canvass of the election. If the county election officer  
determines that an elector to whom a replacement ballot has been issued  
under subsection (d) has voted more than once, the county election officer  
shall not count any ballot cast by that elector.

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

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

6 Sec. 2. K.S.A. 2019 Supp. 25-433 is hereby repealed.

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