

As Amended by House Committee

Session of 2019

Substitute for SENATE BILL No. 130

By Committee on Ethics, Elections and Local Government

2-25

1 AN ACT concerning elections; relating to advance ballots; **concerning**  
2 **polling places**; amending K.S.A. 2018 Supp. 25-1124 **and 25-2701**  
3 **and repealing the existing ~~section~~ sections.**  
4

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

6 Section 1. K.S.A. 2018 Supp. 25-1124 is hereby amended to read as  
7 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter  
8 shall cast such voter's vote as follows: The voter shall make a cross or  
9 check mark in the square or parentheses opposite the name of each  
10 candidate or question for whom the voter desires to vote. The voter shall  
11 make no other mark, and shall allow no other person to make any mark,  
12 upon such ballot. If the advance voting ballot was transmitted by mail, the  
13 voter personally shall place the ballot in the ballot envelope bearing the  
14 same number as the ballot and seal the envelope. The voter shall complete  
15 the form on the ballot envelope and shall sign the same. Except as  
16 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope  
17 shall be mailed or otherwise transmitted to the county election officer. If  
18 the advance voting ballot was transmitted to the voter in person in the  
19 office of the county election officer or at a satellite advance voting site, the  
20 voter may deposit such ballot into a locked ballot box without an envelope.

21 (b) *The county election officer shall attempt to contact each person*  
22 *who submits an advance voting ballot where there is no signature or*  
23 *where the signature does not match with the signature on file and allow*  
24 *such voter the opportunity to correct the deficiency before the*  
25 *commencement of the final county canvass.*

26 (c) Any voter who has an illness or physical disability or who is not  
27 proficient in reading the English language and is unable to apply for or  
28 mark or transmit an advance voting ballot, or any voter who has a  
29 disability preventing the voter from signing an application or the form on  
30 the ballot envelope, may request assistance by a person who has signed a  
31 statement required by subsection ~~(d)~~ (e) in applying for or marking an  
32 advance voting ballot, or in signing an application or the form on the ballot  
33 envelope if the voter has a disability preventing the voter from signing.

34 ~~(e)~~(d) Any voted ballot may be transmitted to the county election  
35 officer by the voter or by another person designated in writing by the  
36 voter, except if the voter has a disability preventing the voter from writing

1 and signing a statement, the written and signed statement required by  
2 subsection ~~(d)~~ (e) shall be sufficient. Any such voted ballot shall be  
3 transmitted to the county election officer before the close of the polls on  
4 election day.

5 ~~(d)~~(e) The county election officer shall allow a person to assist a voter  
6 who has an illness or physical disability or who is not proficient in reading  
7 the English language in applying for or marking an application or advance  
8 voting ballot, or to sign for a voter who has a disability preventing the  
9 voter from signing an application or advance voting ballot form, provided  
10 a written statement is signed by the person who renders assistance to the  
11 voter who has an illness or physical disability or who is not proficient in  
12 reading the English language and such statement is submitted to the county  
13 election officer with the application or ballot. The statement shall be on a  
14 form prescribed by the secretary of state and shall contain a statement  
15 from the person providing assistance that the person has not exercised  
16 undue influence on the voting decision of the voter who has an illness or  
17 physical disability or who is not proficient in reading the English language  
18 and that the person providing assistance has completed the application,  
19 marked the ballot, or signed the application or ballot form as instructed by  
20 the voter.

21 ~~(e)~~(f) Any person assisting a voter who has an illness or physical  
22 disability or who is not proficient in reading the English language in  
23 applying for or marking an advance voting ballot, or in signing an  
24 application or advance voting ballot form for a voter who has a disability  
25 preventing the voter from signing the application or advance voting ballot  
26 form, who knowingly fails to sign and submit the statement required by  
27 this section or who exercises undue influence on the voting decision of  
28 such voter shall be guilty of a severity level 9, nonperson felony.

29 **Sec. 2. K.S.A. 2018 Supp. 25-2701 is hereby amended to read as**  
30 **follows: 25-2701. (a) (1) The county election officer shall determine the**  
31 **area to be served by each voting place at every election and shall**  
32 **provide notice of such voting places as required by law. At the**  
33 *discretion of the county election officer, all voters within a county may be*  
34 *allowed to vote at any polling location on election day, provided all rules*  
35 *and regulations are followed as established by the secretary of state for*  
36 *such purpose.*

37 (2) Any precinct having less than 20 registered voters shall be  
38 included with an adjacent precinct or precincts in a single area to be  
39 served by a common voting place. The location of voting places shall  
40 be designated by the county election officer as provided by K.S.A. 25-  
41 2703, and amendments thereto.

42 (b) For any election to which this section is applicable, wherever a  
43 city is located in two counties, the county election officer of the county

1 in which the greater population of the city is located may designate a  
2 voting place located in a portion of the city in the other county to serve  
3 an area within that portion of the city within the county in which the  
4 greater population of the city is located.

5 (c) At voting places serving two or more precincts, one or more of  
6 which have less than 20 registered voters, all ballots which are  
7 identical shall be deposited in the same ballot box or boxes and such  
8 votes shall be counted and canvassed in a manner as to minimize the  
9 possibility of identifying the ballots cast by any voter.

10 (d) (1) The county election officer may not change a voting place  
11 prior to an election without providing mailed notice to the voters  
12 affected at least 30 days prior to the election. If an emergency is  
13 declared by the county election officer, the mailed notice requirement  
14 shall be waived.

15 (2) Failure to receive notice of a change in the voting place shall  
16 not give rise to a cause of action challenging the results of the election.

17 Sec. ~~2~~ 3. K.S.A. 2018 Supp. 25-1124~~is~~ and 25-2701 are hereby  
18 repealed.

19 Sec. ~~3~~ 4. This act shall take effect and be in force from and after its  
20 publication in the statute book.