

HOUSE BILL No. 2619

By Committee on Ethics and Elections

1-28

AN ACT concerning elections; pertaining to advance voting; requiring verification of voter's signature and need to provide assistance to certain voters; amending K.S.A. 25-1136 and K.S.A. 2003 Supp. 25-1124 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any sick, physically disabled or illiterate voter who is unable to apply for or mark or transmit an advance voting ballot, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person upon request of the voter. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a sick, physically disabled or illiterate voter in applying for or marking an application or advance voting ballot, provided ~~a written statement~~ *an affidavit* is signed by the person who renders assistance to the sick, physically disabled or illiterate voter and submitted to the county election officer

1 with the application or ballot. The ~~statement~~ *affidavit* shall be on a form
2 prescribed by the secretary of state and shall contain a statement from
3 the person providing assistance that the person has not exercised undue
4 influence on the voting decision of the sick, physically disabled or illiterate
5 voter and that the person providing assistance has completed the appli-
6 cation or marked the ballot as instructed by the sick, physically disabled
7 or illiterate voter *and stating the reason the sick, physically disabled or*
8 *illiterate voter required assistance.*

9 (e) Any person assisting a sick, physically disabled or illiterate voter
10 in applying for or marking an advance voting ballot who knowingly and
11 willfully fails to sign and submit the ~~statement~~ *affidavit* required by this
12 section or who exercises undue influence on the voting decision of such
13 voter shall be guilty of a severity level 9 nonperson felony.

14 Sec. 2. K.S.A. 25-1136 is hereby amended to read as follows: 25-
15 1136. (a) The vote of any advance voting voter may be challenged in the
16 same manner as other votes are challenged, as nearly as may be, and the
17 judges of the special election board shall determine the validity of each
18 advance voting ballot. Whenever the judges determine that the form ac-
19 companying an advance voting ballot is insufficient, or that the voter is
20 not a registered voter, or the challenge is otherwise sustained, the advance
21 voting ballot envelope shall not be opened. In all such cases, the judges
22 shall endorse on the back of the envelope the word “provisional” and
23 state the reason for sustaining the challenge.

24 (b) ~~Any~~ An advance voting ballot envelope ~~which has not been signed~~
25 shall not be opened, and no vote on the ballot therein shall be counted
26 *if the envelope has not been signed or if the signature on the envelope*
27 *does not match the voter’s signature on the voter registration records.*
28 Such envelope or ballot shall be challenged in the same manner in which
29 other votes are challenged. *The county election officer shall verify the*
30 *signature of the advance voting voter on each envelope with the voter’s*
31 *signature on the voter’s registration records.*

32 (c) Whenever it shall be made to appear to the judges of a special
33 election board by sufficient proof that an advance voting voter has died,
34 the envelope containing the advance voting ballot of such deceased voter
35 shall not be opened. In all such cases, the judges shall endorse on the
36 back of the envelope the word “provisional” and the reason for sustaining
37 the challenge.

38 (d) If objection is made to an advance voting ballot because of form,
39 condition, or marking thereof, the ballot shall be marked “void” if the
40 judges uphold the objection to the entire ballot, and otherwise shall be
41 marked on the back thereof, “objected to” with a statement of the sub-
42 stance of the objection.

43 (e) Void, provisional and objected to advance voting ballots shall be

1 transmitted to the county election officer in the same manner as person-
2 ally cast provisional ballots are transmitted but shall be placed in separate
3 envelopes or sacks, appropriately labeled and sealed. Votes contained in
4 void and provisional advance voting ballots shall not be included in the
5 total of votes certified by the special election board. Void, provisional and
6 objected to advance voting ballots shall be reviewed by the board of
7 county canvassers, and such board shall finally determine the acceptance
8 or rejection of each void, provisional or objected to ballot.

9 Sec. 3. K.S.A. 25-1136 and K.S.A. 2003 Supp. 25-1124 are hereby
10 repealed.

11 Sec. 4. This act shall take effect and be in force from and after its
12 publication in the statute book.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43