

HOUSE BILL No. 2281

By Committee on Elections and Governmental Organization

1-30

9 AN ACT concerning elections; relating to advance voting ballots; amend-
10 ing K.S.A. 2006 Supp. 25-1124 and 25-1128 and repealing the existing
11 sections.

12

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

14 Section 1. K.S.A. 2006 Supp. 25-1124 is hereby amended to read as
15 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
16 shall cast such voter's vote as follows: The voter shall make a cross or
17 check mark in the square or parentheses opposite the name of each can-
18 didate or question for whom the voter desires to vote. The voter shall
19 make no other mark, and shall allow no other person to make any mark,
20 upon such ballot. If the advance voting ballot was transmitted by mail,
21 the voter personally shall place the ballot in the ballot envelope bearing
22 the same number as the ballot and seal the envelope. The voter shall
23 complete the form on the ballot envelope and shall sign the same. Except
24 as provided by K.S.A. 25-2908, and amendments thereto, the ballot en-
25 velope shall be mailed or otherwise transmitted to the county election
26 officer. If the advance voting ballot was transmitted to the voter in person
27 in the office of the county election officer or at a satellite advance voting
28 site, the voter may deposit such ballot into a locked ballot box without an
29 envelope.

30 (b) ~~Any sick, physically disabled or illiterate~~ voter who *has a tempo-*
31 *rary illness or disability or who is not proficient in reading the English*
32 *language and is unable to apply for or mark or transmit an advance voting*
33 *ballot, may request assistance by a person who has signed a statement*
34 *required by subsection (d) in applying for or marking an advance voting*
35 *ballot.*

36 (c) Any voted ballot may be transmitted to the county election officer
37 by the voter or by another person ~~upon request of~~ *designated in writing*
38 *by the voter.* Any such voted ballot shall be transmitted to the county
39 election officer before the close of the polls on election day.

40 (d) The county election officer shall allow a person to assist a ~~sick,~~
41 ~~physically disabled or illiterate~~ voter *who has a temporary illness or dis-*
42 *ability or who is not proficient in reading the English language in applying*
43 *for or marking an application or advance voting ballot, provided a written*

1 statement is signed by the person who renders assistance to the ~~sick,~~
2 ~~physically disabled or illiterate~~ voter *who has a temporary illness or dis-*
3 *ability or who is not proficient in reading the English language* and sub-
4 mitted to the county election officer with the application or ballot. The
5 statement shall be on a form prescribed by the secretary of state and shall
6 contain a statement from the person providing assistance that the person
7 has not exercised undue influence on the voting decision of the ~~sick,~~
8 ~~physically disabled or illiterate~~ voter *who has a temporary illness or dis-*
9 *ability or who is not proficient in reading the English language* and that
10 the person providing assistance has completed the application or marked
11 the ballot as instructed by the ~~sick, physically disabled or illiterate~~ voter.

12 (e) Any person assisting a ~~sick, physically disabled or illiterate~~ voter
13 *who has a temporary illness or disability or who is not proficient in read-*
14 *ing the English language* in applying for or marking an advance voting
15 ballot who knowingly and willfully fails to sign and submit the statement
16 required by this section or who exercises undue influence on the voting
17 decision of such voter shall be guilty of a severity level 9 nonperson felony.

18 Sec. 2. K.S.A. 2006 Supp. 25-1128 is hereby amended to read as
19 follows: 25-1128. (a) No voter shall mark or transmit to the county elec-
20 tion officer more than one advance voting ballot, or set of one of each
21 kind of ballot, if the voter is entitled to vote more than one such ballot
22 at a particular election.

23 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
24 no person shall interfere with or delay the transmission of any advance
25 voting ballot application from a voter to the county election officer, nor
26 shall any person mail, fax or otherwise cause the application to be sent to
27 a place other than the county election office. Any person or group en-
28 gaged in the distribution of advance voting ballot applications shall mail,
29 fax or otherwise deliver any application signed by a voter to the county
30 election office within two days after such application is signed by the
31 applicant.

32 (c) Except as otherwise provided by law, no person other than the
33 voter, shall mark, sign or transmit to the county election officer any ad-
34 vance voting ballot or advance voting ballot envelope.

35 (d) *Except as otherwise provided by law, no person other than the*
36 *voter shall sign an application for an advance voting ballot.*

37 ~~(e)~~ (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
38 1124, and amendments thereto, shall intercept, interfere with, or delay
39 the transmission of advance voting ballots from the county election officer
40 to the voter.

41 ~~(f)~~ (f) No person shall willfully and falsely affirm, declare or subscribe
42 to any material fact in an affirmation form for an advance voting ballot,
43 or set of advance voting ballots if the voter is entitled to vote more than

1 one kind of advance voting ballot at a particular election, or in a decla-
2 ration form on an advance voting ballot envelope.

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

10 *(h) Violation of any provision of this section is a level 9 nonperson*
11 *felony.*

12 ~~*(f) Nothing in this section shall be construed to prohibit any person*~~
13 ~~*from mailing, carrying or otherwise conveying advance voting ballots or*~~
14 ~~*sets of advance voting ballots to the county election officer upon request*~~
15 ~~*of advance voting voters.*~~

16 ~~*(g) Violation of any provision of this section is a class C misdemeanor.*~~

17 Sec. 3. K.S.A. 2006 Supp. 25-1124 and 25-1128 are hereby repealed.

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