

As Amended by House Committee

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 519

By Committee on Elections and Local Government

1-30

12 AN ACT concerning mail ballot elections; pertaining to mailing of ballots
13 to inactive voters in local question submitted elections conducted by
14 mail ballot; amending K.S.A. 25-433 and repealing the existing section.
15

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

17 Section 1. K.S.A. 25-433 is hereby amended to read as follows: 25-
18 433. (a) The county election officer shall mail all official ballots with a
19 return identification envelope and instructions sufficient to describe the
20 voting process to each elector entitled to vote in the election on one date
21 not sooner than the 20th day before the date of the election and not later
22 than the 10th day before the date of the election. Ballots mailed by the
23 county election officer shall be addressed to the address of each elector
24 appearing in the registration records, and placed in an envelope which is
25 prominently marked "Do Not Forward." *Ballots shall not be mailed to*
26 *any inactive voter who, based on information provided by the postal serv-*
27 *ice, appears to have moved to a residence address outside the county in*
28 *which the voter is currently registered and who has been mailed a con-*
29 *firmation notice as described in subparagraph (4) of subsection (e) of*
30 *K.S.A. 25-2316c and amendments thereto, or because a "Forwarding*
31 **Order Expired" or "Moved — No Forwarding Address" notice was**
32 **received from the post office.** *Any inactive voter who believes such*
33 *voter is entitled to vote in the election may request a replacement ballot*
34 *as provided for in subsection (d) of this section.*

35 (b) Upon receipt of the ballot the elector shall mark it, sign the return
36 identification envelope supplied with the ballot and comply with the in-
37 structions provided with the ballot. The elector may return the marked
38 ballot to the county election officer by United States mail, if it is received
39 by the county election officer by the date of the election, or personally
40 deliver the ballot to the office of the county election officer before noon
41 on the date of the election. The ballot shall be returned in the return
42 identification envelope. The county election officer shall provide for the
43 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 and a
4 qualified voter for this election as shown on voter registration records and that I
5 have voted the enclosed ballot and am returning it in compliance with Kansas law,
6 and amendments thereto, and have not and will not vote more than one ballot in
7 this election.

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

10 _____
11 Signature

12 _____
13 Residence Address

14 (d) If the ballot is destroyed, spoiled, lost or not received by the elec-
15 tor, the elector may obtain a replacement ballot from the county election
16 officer as provided in this subsection. An elector seeking a replacement
17 ballot shall sign a statement verified on oath or affirmation, on a form
18 prescribed by the secretary of state, that the ballot was destroyed, spoiled,
19 lost or not received. The applicant shall deliver the statement to the
20 county election officer before noon on the date of the election. The ap-
21 plicant may mail the statement to the county election officer, except a
22 county election officer shall not transmit a ballot by mail under this sub-
23 section unless the application is received prior to the close of business on
24 the second day prior to the election. When an application is timely re-
25 ceived under this subsection, the county election officer shall deliver the
26 ballot to the voter if the voter is present in the office of the county election
27 officer, or promptly transmit the ballot by mail to the voter at the address
28 contained in the application, except when prohibited in this subsection.
29 The county election officer shall keep a record of each replacement ballot
30 provided under this subsection.

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

41 (f) The county election officer shall supervise the procedures for the
42 handling and canvassing of ballots to insure the safety and confidentiality
43 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, and amendments thereto.
5 Sec. 2. K.S.A. 25-433 is hereby repealed.
6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the ~~statute book~~ **Kansas register**.