

SENATE BILL No. 616

By Committee on Elections and Local Government

2-13

9 AN ACT concerning elections; pertaining to applications for advanced
10 ballots; amending K.S.A. 2007 Supp. 25-1122 and repealing the exist-
11 ing section.
12

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

14 Section 1. K.S.A. 2007 Supp. 25-1122 is hereby amended to read as
15 follows: 25-1122. (a) Any registered voter may file with the county elec-
16 tion officer where such person is a resident, or where such person is
17 authorized by law to vote as a former precinct resident, an application for
18 an advance voting ballot. The signed application shall be transmitted only
19 to the county election officer by personal delivery, mail, facsimile or as
20 otherwise provided by law.

21 (b) If the registered voter is applying for an advance voting ballot to
22 be transmitted in person, and such voter is a first-time voter, such voter
23 shall provide a form of valid identification such as a current and valid
24 Kansas driver's license, nondriver's identification card, utility bill, bank
25 statement, paycheck, government check or other government document
26 containing the voter's current name and address as indicated on the reg-
27 istration book. Such voter shall not be required to provide identification
28 if such voter has previously provided current and valid identification in
29 the county where registered.

30 (c) If the registered voter is applying for an advance voting ballot to
31 be transmitted by mail, and such voter is a first-time voter, such voter
32 shall provide on the application for an advance voting ballot the voter's
33 current and valid Kansas driver's license number, nondriver's identifica-
34 tion card number or the last four digits of the voter's social security num-
35 ber, or shall provide with the application a copy of the voter's current and
36 valid Kansas driver's license, nondriver's identification card, utility bill,
37 bank statement, paycheck, government check or other government doc-
38 ument containing the voter's current name and address as indicated on
39 the registration book. Such voter shall not be required to provide iden-
40 tification if such voter has previously provided current and valid identi-
41 fication in the county where registered.

42 (d) If a first-time voter is unable or refuses to provide current and
43 valid identification, or if the name and address do not match the voter's

1 name and address on the registration book, the voter may vote a provi-
2 sional ballot according to K.S.A. 25-409, and amendments thereto. The
3 voter shall provide a valid form of identification as defined in subsection
4 (c) of this section to the county election officer in person or provide a
5 copy by mail or electronic means before the meeting of the county board
6 of canvassers. At the meeting of the county board of canvassers the county
7 election officer shall present copies of identification received from pro-
8 visional voters and the corresponding provisional ballots. If the county
9 board of canvassers determines that a voter's identification is valid and
10 the provisional ballot was properly cast, the ballot shall be counted.

11 (e) Applications for advance voting ballots to be transmitted to the
12 voter by mail shall be filed only at the following times:

13 (1) For the primary election occurring on the first Tuesday in August
14 in even-numbered years, between April 1 of such year and the last busi-
15 ness day of the week preceding such primary election.

16 (2) For the general election occurring on the Tuesday succeeding the
17 first Monday in November in even-numbered years, between 90 days
18 prior to such election and the last business day of the week preceding
19 such general election.

20 (3) For the primary election held five weeks preceding the first Tues-
21 day in April, between January 1 of the year of such election and the last
22 business day of the week preceding such primary election.

23 (4) For the general election occurring on the first Tuesday in April,
24 between January 1 of the year of such election and the last business day
25 of the week preceding such general election.

26 (5) For question submitted elections occurring on the date of a pri-
27 mary or general election, the same as is provided for ballots for election
28 of officers at such election.

29 (6) For question submitted elections not occurring on the date of a
30 primary or general election, between the time of the first published notice
31 thereof and the last business day of the week preceding such question
32 submitted election, except that if the question submitted election is held
33 on a day other than a Tuesday, the county election officer shall determine
34 the final date for mailing of advance voting ballots, but such date shall
35 not be more than three business days before such election.

36 (7) For any special election of officers, at such time as is specified by
37 the secretary of state.

38 (8) For the presidential preference primary, between January 1 of
39 the year in which such primary is held and the last business day of the
40 week preceding such primary election.

41 The county election officer of any county may receive applications prior
42 to the time specified in this subsection (e) and hold such applications
43 until the beginning of the prescribed application period. Such applications

1 shall be treated as filed on that date.

2 (f) Unless an earlier date is designated by the county election office,
3 applications for advance voting ballots transmitted to the voter in person
4 in the office of the county election officer shall be filed on the Tuesday
5 next preceding the election and on each subsequent business day until
6 no later than 12:00 noon on the day preceding such election. If the county
7 election officer so provides, applications for advance voting ballots trans-
8 mitted to the voter in person in the office of the county election officer
9 also may be filed on the Saturday preceding the election. Upon receipt
10 of any such properly executed application, the county election officer shall
11 deliver to the voter such ballots and instructions as are provided for in
12 this act.

13 An application for an advance voting ballot filed by a voter who has a
14 temporary illness or disability or who is not proficient in reading the
15 English language or by a person rendering assistance to such voter may
16 be filed during the regular advance ballot application periods until the
17 close of the polls on election day.

18 In any county having a population exceeding 250,000, the county elec-
19 tion officer may designate places other than the central county election
20 office as satellite advance voting sites. At any satellite advance voting site,
21 a registered voter may obtain an application for advance voting ballots,
22 such ballots and instructions shall be delivered to the voter in the same
23 manner and subject to the same limitations as otherwise provided by this
24 subsection.

25 (g) (1) Any person having a permanent disability or an illness which
26 has been diagnosed as a permanent illness is hereby authorized to make
27 an application for permanent advance voting status. Applications for per-
28 manent advance voting status shall be in the form and contain such in-
29 formation as is required for application for advance voting ballots and also
30 shall contain information which establishes the voter's right to permanent
31 advance voting status.

32 (2) *Notwithstanding any other provision of this section, any regis-*
33 *tered voter may make an application for and receive permanent advance*
34 *voting status. The permanent advance voting status authorized by this*
35 *paragraph shall continue until the registered voter:*

36 (A) *Requests in writing that such registered voter's permanent ad-*
37 *vance voting status be discontinued;*

38 (B) *changes such registered voter's residence; or*

39 (C) *performs any act that requires such registered voter to reapply*
40 *for voter registration.*

41 (h) On receipt of any application filed under the provisions of this
42 section, the county election officer shall prepare and maintain in such
43 officer's office a list of the names of all persons who have filed such

1 applications, together with their correct post office address and the pre-
2 cinct, ward, township or voting area in which such persons claim to be
3 registered voters or to be authorized by law to vote as former precinct
4 residents and the present resident address of each applicant. Such names
5 and addresses shall remain so listed until the day of such election. The
6 county election officer shall maintain a separate listing of the names and
7 addresses of persons qualifying for permanent advance voting status. All
8 such lists shall be available for inspection upon request in compliance
9 with this subsection by any registered voter during regular business hours.
10 The county election officer upon receipt of such applications shall enter
11 upon a record kept by such officer the name and address of each appli-
12 cant, which record shall conform to the list above required. Before in-
13 spection of any advance voting ballot application list, the person desiring
14 to make such inspection shall provide to the county election officer iden-
15 tification in the form of driver's license or other reliable identification and
16 shall sign a log book or application form maintained by such officer stating
17 such person's name and address and showing the date and time of in-
18 spection. All records made by the county election officer shall be subject
19 to public inspection, except that the voter identification information re-
20 quired by subsections (b) and (c) and the identifying number on ballots
21 and ballot envelopes and records of such numbers shall not be made
22 public.

23 (i) If a person on the permanent advance voting list fails to vote in
24 two consecutive general elections held on the Tuesday succeeding the
25 first Monday in November of each even-numbered year, the county elec-
26 tion officer may mail a notice to such voter. Such notice shall inform the
27 voter that the voter's name will be removed from the permanent advance
28 voting list unless the voter renews the application for permanent advance
29 voting status within 30 days after the notice is mailed. If the voter fails to
30 renew such application, the county election officer shall remove the
31 voter's name from the permanent advance voting list. Failure to renew
32 the application for permanent advance voting status shall not result in
33 removal of the voter's name from the voter registration list.

34 (j) For the purposes of this section, "first-time voter" means a reg-
35 istered voter who has not previously voted in any election in the county
36 in which the voter desires to vote. First-time voter includes a person
37 whose name was removed from the county registration list in accordance
38 with K.S.A. 25-2316c, and amendments thereto, and who has re-
39 registered.

40 (k) The secretary of state may adopt rules and regulations defining
41 valid forms of identification.

42 Sec. 2. K.S.A. 2007 Supp. 25-1122 is hereby repealed.

43

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