

STATE OF KANSAS



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GOVERNOR LAURA KELLY

MESSAGE FROM THE GOVERNOR

REGARDING VETO OF HOUSE BILL 2614

This bill is an attempt to disenfranchise Kansas voters by enacting burdensome and unnecessary requirements that are designed to restrict and suppress advanced voting.

Kansans have a right to participate in our democracy, but time and again some politicians have tried to interfere in the voting process. I will continue to oppose efforts that place obstacles between voters casting their ballots and making their voices heard.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2614.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in black ink that reads "Laura Kelly".

DATED April 19, 2024

HOUSE BILL No. 2614

AN ACT concerning elections; relating to election crimes; requiring certain information be provided on advance voting ballot envelopes; directing county election officers to record the name of individuals returning advance voting ballots on behalf of another voter and the number of such ballots returned; requiring county election officers to file complaints if laws regulating the return of such ballots are violated; removing the requirement to provide the name of the treasurer of the sponsoring organization of a political advertisement; amending K.S.A. 25-1121, 25-1128, 25-2407 and 25-4156 and repealing the existing sections.

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

Section 1. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121. (a) The secretary of state shall prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act, to enable voters to comply with the requirements of this act. The prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

(b) The secretary of state shall prescribe the general format of advance voting ballot envelopes. The envelopes shall include:

(1) A signature ~~blocks~~ block for the advance voter;

(2) a signature block for the person, if any, assisting the advance voter; ~~and a signature block for a person, if any, who signs the advance voting ballot envelope on behalf of the advance voter in situations when the advance voter is physically unable to sign the envelope if the voter is physically unable to sign the envelope;~~

(3) a signature block for the person, if any, who is authorized by the voter to deliver the advance voting ballot to the county election office;

(4) a designated block for the person described in paragraph (3) to print such person's full name; and

(5) the following statement: "K.S.A. 25-2437 prohibits the transmission or delivery of more than 10 advance voting ballots by any one person."

(c) The advance ballot envelope shall contain the following statement after the signature block provided for the person who signs the advance ballot envelope on behalf of a person physically unable to sign such envelope:

"My signature constitutes an affidavit that the person for whom I signed the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury."

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

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

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

(d) Except as otherwise provided by law, no person shall knowingly sign an application for an advance voting ballot for another person. This provision shall not apply if a voter has a disability preventing the voter from signing an application or if an immediate family member signs an application on behalf of another immediate

family member with proper authorization being given.

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

(f) No person shall knowingly and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot or set of advance voting ballots.

(g) (1) A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Subject to the provisions of K.S.A. 25-2437, and amendments thereto, a person other than the voter may return the advance voting ballot by personal delivery or mail if authorized by the voter in writing as provided in K.S.A. 25-2437, and amendments thereto, except that a written designation shall not be required from a voter who has a disability preventing the voter from writing or signing a written designation. Any such person designated by the voter shall sign a statement in accordance with K.S.A. 25-2437, and amendments thereto.

(2) *Each county election officer shall record the name of each individual who delivers an advance voting ballot on behalf of another voter and maintain a record of the number of such ballots returned by such individual to the county election office. If any such individual returns more than 10 advance voting ballots for an election, the county election officer shall file a complaint with the secretary of state and the county or district attorney for such county alleging a violation of K.S.A. 25-2437, and amendments thereto.*

(h) Except as otherwise provided by federal law, no person shall knowingly backdate or otherwise alter a postmark or other official indication of the date of mailing of an advance voting ballot returned to the county election officer by mail for the purpose of indicating a date of mailing other than the actual date of mailing by the voter or the voter's designee.

(i) Violation of any provision of this section is a severity level 9, nonperson felony.

Sec. 3. K.S.A. 25-2407 is hereby amended to read as follows: 25-2407. Corrupt political advertising is:

(a) (1) Publishing or causing to be published in a newspaper or other periodical any paid matter ~~which~~ *that* expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

(2) broadcasting or causing to be broadcast by any radio or television station any paid matter ~~which~~ *that* expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by a statement ~~which~~ *that* states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(3) publishing or causing to be published in a newspaper or other periodical any paid matter ~~which~~ *that* is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor;

(4) broadcasting or causing to be broadcast by any radio or television station any paid matter ~~which~~ *that* is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance

of bonds or any other question submitted at an election, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson~~—or treasurer~~ of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(5) publishing or causing to be published any brochure, flier or other political fact sheet~~—which~~ *that* is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson~~—or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(b) Corrupt political advertising is a class C misdemeanor.

(c) For the purposes of this section, the term "expressly advocate the nomination, election or defeat of a candidate" shall have the meaning ascribed to it in K.S.A. 25-4143, and amendments thereto.

Sec. 4. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A *nonperson* misdemeanor.

(b) (1) Except as provided in paragraph (2), corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson~~—or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson~~—or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(C) telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement that states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson~~—or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(D) publishing or causing to be published any brochure, flier or other political fact sheet that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the chairperson~~—or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph~~(D)~~ requiring the disclosure of the name of an individual shall not apply to individuals making

expenditures in an aggregate amount of less than \$2,500 within a calendar year; or

(E) making or causing to be made any website, e-mail or other type of internet communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless the matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the chairperson—~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph—~~(E)~~ requiring the disclosure of the name of an individual shall apply only to any website, email or other type of internet communication that is made by the candidate, the candidate's candidate committee, a political committee or a party committee and the website, email or other internet communication viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms "candidate," "candidate committee," "party committee" and "political committee" shall have the meanings ascribed to them in K.S.A. 25-4143, and amendments thereto.

(2) The provisions of subsections (b)(1)(C) and—~~(E)~~ (b)(1)(E) shall not apply to the publication of any communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office, if such communication is made over any social media provider—~~which~~ *that* has a character limit of 280 characters or fewer.

(3) Corrupt political advertising of a state or local office is a class C *nonperson* misdemeanor.

(c) If any provision *or clause* of this section or application thereof to any person or circumstance is held invalid, such invalidity—~~does~~ *shall* not affect other provisions or applications of this section that can be given effect without the invalid—~~application~~ *or provision or application*, and to this end the provisions of this—~~section~~ *act* are declared to be severable.

Sec. 5. K.S.A. 25-1121, 25-1128, 25-2407 and 25-4156 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after January 1, 2025, and its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.