

Elections and Voting; Senate Sub. for HB 2183

Senate Sub. for HB 2183 amends and creates law pertaining to elections and voting, including on advance mail ballots, registered voter information reporting, assistance with the return of advance ballots, advance ballot return deadlines, the authority of the Secretary of State, duties of election officials, electioneering, and election funding. The bill also creates the crime of false representation of an election official.

Alteration of Advance Mail Ballot Postmark

The bill amends election law to make it unlawful for any person to knowingly backdate or otherwise alter a postmark or other official indication of the date of mailing of an advance mail ballot if the intent is to make the mailing date appear different from the actual date of mailing by the voter or voter's designee. A violation will carry the same criminal penalty as other violations concerning advance voting, a level 9 nonperson felony.

Signature Matching on Advance Voting Ballots

The bill prohibits a county election officer from accepting an advance voting ballot transmitted by mail unless they first verify the signature on an advance voting ballot envelope matches the signature on file in the county voter registration records. If the signature of a person on the advance voting ballot envelope does not match the signature on file, the ballot will not be counted. Verification could occur by electronic device or human inspection.

The bill specifies that such verification will not be required if the voter has a disability that prevents them from signing the ballot or that prevents them from signing the ballot in a way that matches the signature on file in the county voter registration records.

Authority to Extend the Advance Mail Ballot Deadline

The bill removes the authority of the Secretary of State (Secretary) to extend the deadline for receiving advance mail ballots. Under continuing law, the deadline for a county election office to receive advance voting ballots is the last mail delivery on the third day following an election; current law authorizes the Secretary to permit additional time.

False Representation of an Election Official

The bill creates the crime of false representation of an election official, defined as knowingly engaging in any of the following by phone, mail, email, website, or other online activity or other means of communication while not holding a position as an election official:

- Representing oneself as an election official;
- Engaging in conduct that gives the appearance of being an election official; or

- Engaging in conduct that would cause another person to believe a person engaging in such conduct is an election official.

The bill defines an “election official” to mean the Secretary, any employee of the Secretary, any county election commissioner or county clerk, any employee of any county election commissioner or county clerk, or any other person employed by a county election office.

False representation of an election official will be a level 7 nonperson felony.

Registered Voter Reporting Requirements

The bill requires the Secretary to publish the following information on the official website of the Secretary each month:

- The total number of registered voters in each county;
- The total number of registered voters in each county who have been identified by the county election office as having mail that is undeliverable and the number of such voters as a percentage of all registered voters in the county; and
- The total number of registered voters for each political party.

The bill requires the Secretary, on the tenth day prior to any election, to publish on the official website of the Secretary, the total number of registered voters in each voting precinct, including the total number of such registered voters affiliated with each political party on the official website of the Secretary.

Delivering or Assisting with Advance Voting Ballots

The bill prohibits any person from delivering an advance voting ballot on behalf of another person, unless the person submits an accompanying written statement at the time of delivery, signed by both the voter and the person delivering the ballot. The bill specifies that only the person delivering such ballot could deliver the written statement.

The bill requires the statement to be on a form established by the Secretary containing:

- A sworn statement from the person delivering the ballot affirming they have not exercised undue influence on the voting decision of the voter, nor delivered more than ten advance voting ballots on behalf of other persons during the election; and
- A sworn statement by the voter affirming the authorization of the person to deliver the ballot, and the person has not exercised undue influence on the voting decision of the voter.

The bill prohibits:

- A candidate for office from delivering an advance voting ballot on behalf of another voter unless it is on behalf of an immediate family member [*Note*: The candidate could return no more than ten advance voting ballots total.]; and
- An individual from delivering more than ten advance voting ballots on behalf of other voters during an election.

A violation of these provisions will be a class B misdemeanor.

The bill prohibits a candidate for office from assisting any voter in marking an advance ballot or signing an advance ballot form, except it will not be a violation for the Secretary, an election official, or county election office to assist a voter while in the performance of the duties of such office. A violation of this provision will be a class C misdemeanor.

Electioneering

The bill expands the definition of “electioneering” in continuing law to include a candidate:

- Touching or handling a voter’s ballot during the voting process, unless it is on behalf of an immediate family member;
- Distributing or counting ballots;
- Hindering or obstructing a voter from voting, entering, or leaving a polling place; or
- Hindering or obstructing an election board worker from performing election duties.

The new electioneering provisions will not apply to the Secretary, an election official, or county election office.

Under continuing law, electioneering is a class C misdemeanor.

Transparency in Revenues Underwriting Act

The bill creates the Transparency in Revenues Underwriting Act (Act), prohibiting election officials from knowingly accepting moneys, directly or indirectly, for any expenditures related to conducting, funding, or facilitating election administration.

The bill will not apply to:

- Acts of appropriation;

- Any moneys collected by an election official from the payment of fees or assessed costs;
- Any monetary campaign contributions for any candidate for the office of county clerk; or
- Moneys otherwise provided by law.

A violation of the Act will be a level 9 nonperson felony.

Severability

The bill contains a severability clause regarding all provisions.