

SENATE BILL No. 366

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning elections; relating to advance voting ballots;
2 requiring that county election officers receive a request for an
3 application for an advance voting ballot prior to mailing such
4 application to such voter; amending K.S.A. 2023 Supp. 25-1122 and
5 repealing the existing section.
6

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

8 Section 1. K.S.A. 2023 Supp. 25-1122 is hereby amended to read as
9 follows: 25-1122. (a) Any registered voter may file with the county
10 election officer where such person is a resident, or where such person is
11 authorized by law to vote as a former precinct resident, an application for
12 an advance voting ballot. The signed application shall be transmitted only
13 to the county election officer by personal delivery, mail, facsimile or as
14 otherwise provided by law.

15 (b) If the registered voter is applying for an advance voting ballot to
16 be transmitted in person, the voter shall provide identification pursuant to
17 K.S.A. 25-2908, and amendments thereto.

18 (c) If the registered voter is applying for an advance voting ballot to
19 be transmitted by mail, the voter shall provide with the application for an
20 advance voting ballot the voter's current and valid Kansas driver's license
21 number, nondriver's identification card number or a photocopy of any
22 other identification provided by K.S.A. 25-2908, and amendments thereto.

23 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
24 and amendments thereto, if:

25 (1) The voter is unable or refuses to provide current and valid
26 identification; or

27 (2) the name and address of the voter provided on the application for
28 an advance voting ballot do not match the voter's name and address on the
29 registration book. The voter shall provide a valid form of identification as
30 defined in K.S.A. 25-2908, and amendments thereto, to the county election
31 officer in person or provide a copy by mail or electronic means before the
32 meeting of the county board of canvassers. At the meeting of the county
33 board of canvassers the county election officer shall present copies of
34 identification received from provisional voters and the corresponding
35 provisional ballots. If the county board of canvassers determines that a
36 voter's identification is valid and the provisional ballot was properly cast,

1 the ballot shall be counted.

2 (e) No county election officer shall provide an advance voting ballot
3 to a person who is requesting an advance voting ballot to be transmitted by
4 mail unless:

5 (1) The county election official verifies that the signature of the
6 person matches that on file in the county voter registration records, except
7 that verification of the voter's signature shall not be required if a voter has
8 a disability preventing the voter from signing. Signature verification may
9 occur by electronic device or by human inspection. In the event that the
10 signature of a person who is requesting an advance voting ballot does not
11 match that on file, the county election officer shall attempt to contact the
12 person and shall offer the person another opportunity to provide the
13 person's signature for the purposes of verifying the person's identity. If the
14 county election officer is unable to reach the person, the county election
15 officer may transmit a provisional ballot, however, such provisional ballot
16 may not be counted unless a signature is included therewith that can be
17 verified; and

18 (2) the person provides such person's full Kansas driver's license
19 number, Kansas nondriver's identification card number issued by the
20 division of vehicles, or submits such person's application for an advance
21 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
22 amendments thereto, to the county election officer for verification. If a
23 person applies for an advance voting ballot to be transmitted by mail but
24 fails to provide identification pursuant to this subsection or the
25 identification of the person cannot be verified by the county election
26 officer, the county election officer shall provide information to the person
27 regarding the voter rights provisions of subsection (d) and shall provide
28 the person an opportunity to provide identification pursuant to this
29 subsection. For the purposes of this act, Kansas state offices and offices of
30 any subdivision of the state will allow any person seeking to vote by an
31 advance voting ballot the use of a photocopying device to make one
32 photocopy of an identification document at no cost.

33 (f) (1) Applications for advance voting ballots to be transmitted to the
34 voter by mail shall be filed only at the following times:

35 (A) For the primary election occurring on the first Tuesday in August
36 in both even-numbered and odd-numbered years, between April 1 of such
37 year and the Tuesday of the week preceding such primary election;

38 (B) for the general election occurring on the Tuesday following the
39 first Monday in November in both even-numbered and odd-numbered
40 years, between 90 days prior to such election and the Tuesday of the week
41 preceding such general election;

42 (C) for the presidential preference primary election held pursuant to
43 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year

1 in which such election is held and 30 days prior to the day of such
2 election;

3 (D) for question submitted elections occurring on the date of a
4 primary or general election, the same as is provided for ballots for election
5 of officers at such election;

6 (E) for question submitted elections not occurring on the date of a
7 primary or general election, between the time of the first published notice
8 thereof and the Tuesday of the week preceding such question submitted
9 election, except that if the question submitted election is held on a day
10 other than a Tuesday, the final date for mailing of advance voting ballots
11 shall be one week before such election; and

12 (F) for any special election of officers, at such time as is specified by
13 the secretary of state.

14 (2) The county election officer of any county may receive
15 applications prior to the time specified in this subsection and hold such
16 applications until the beginning of the prescribed application period. Such
17 applications shall be treated as filed on that date.

18 (g) (1) Unless an earlier date is designated by the county election
19 office, applications for advance voting ballots transmitted to the voter in
20 person shall be filed on the Tuesday next preceding the election and on
21 each subsequent business day until no later than 12-noon:00 *p.m.* on the
22 day preceding such election. If the county election officer so provides,
23 applications for advance voting ballots transmitted to the voter in person in
24 the office of the county election officer also may be filed on the Saturday
25 preceding the election. Upon receipt of any such properly executed
26 application, the county election officer shall deliver to the voter such
27 ballots and instructions as are provided for in this act.

28 (2) An application for an advance voting ballot filed by a voter who
29 has a temporary illness or disability or who is not proficient in reading the
30 English language or by a person rendering assistance to such voter may be
31 filed during the regular advance ballot application periods until the close
32 of the polls on election day.

33 (3) The county election officer may designate places other than the
34 central county election office as satellite advance voting sites. At any
35 satellite advance voting site, a registered voter may obtain an application
36 for advance voting ballots. Ballots and instructions shall be delivered to
37 the voter in the same manner and subject to the same limitations as
38 otherwise provided by this subsection.

39 (h) Any person having a permanent disability or an illness that has
40 been diagnosed as a permanent illness is hereby authorized to make an
41 application for permanent advance voting status. Applications for
42 permanent advance voting status shall be in the form and contain such
43 information as is required for application for advance voting ballots and

1 also shall contain information that establishes the voter's right to
2 permanent advance voting status.

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

27 (j) If a person on the permanent advance voting list fails to vote in
28 four consecutive general elections, the county election officer may mail a
29 notice to such voter. The notice shall inform the voter that the voter's name
30 will be removed from the permanent advance voting list unless the voter
31 renews the application for permanent advance voting status within 30 days
32 after the notice is mailed. If the voter fails to renew such application, the
33 county election officer shall remove the voter's name from the permanent
34 advance voting list. Failure to renew the application for permanent
35 advance voting status shall not result in removal of the voter's name from
36 the voter registration list.

37 (k) (1) Any person who solicits by mail a registered voter to file an
38 application for an advance voting ballot and includes an application for an
39 advance voting ballot in such mailing shall include ~~on the exterior of such~~
40 ~~mailing, and on each page contained therein, except the application, a clear~~
41 ~~and conspicuous label in 14-point~~ *12-point* font or larger *on the exterior of*
42 *the mailing or on at least one page contained in such mailing* that
43 includes:

1 (A) The name of the individual or organization that caused such
2 solicitation to be mailed;

3 (B) if an organization, the name of the president, chief executive
4 officer or executive director of such organization;

5 (C) the address of such individual or organization; and

6 (D) the following statement: "Disclosure: This is not a government
7 mailing. It is from a private individual or organization."

8 (2) The application for an advance voting ballot included in such
9 mailing shall be the official application for advance ballot by mail
10 provided by the secretary of state. No portion of such application shall be
11 completed prior to mailing such application to the registered voter.

12 (3) An application for an advance voting ballot shall include an
13 envelope addressed to the appropriate county election office for the
14 mailing of such application. In no case shall the person who mails the
15 application to the voter direct that the completed application be returned to
16 such person.

17 (4) The provisions of this subsection shall not apply to:

18 (A) The secretary of state or any election official or county election
19 office; or

20 (B) the official protection and advocacy for voting access agency for
21 this state as designated pursuant to the federal help America vote act of
22 2002, public law 107-252, or any other entity required to provide
23 information concerning elections and voting procedures by federal law.

24 (5) A violation of this subsection is a class C nonperson
25 misdemeanor.

26 ~~(1)-(4) No person county election officer or employee of a county~~
27 ~~election office shall mail or cause to be mailed an application for an~~
28 ~~advance voting ballot, unless such person is a resident of this state or is~~
29 ~~otherwise domiciled in this state the registered voter to whom such~~
30 ~~application is to be mailed has requested such application. No portion of~~
31 ~~such application shall be completed prior to mailing such application to~~
32 ~~the registered voter.~~

33 ~~(2) Any individual may file a complaint in writing with the attorney~~
34 ~~general alleging a violation of this subsection. Such complaint shall~~
35 ~~include the name of the person alleged to have violated this subsection and~~
36 ~~any other information as required by the attorney general. Upon receipt of~~
37 ~~a complaint, the attorney general shall investigate and may file an action~~
38 ~~against any person found to have violated this subsection.~~

39 ~~(3) Any person who violates the provisions of this subsection is~~
40 ~~subject to a civil penalty of \$20. Each instance in which a person mails an~~
41 ~~application for an advance voting ballot in violation of this section shall~~
42 ~~constitute a separate violation.~~

43 (m) A county election officer shall not mail a ballot to a voter unless

1 such voter has submitted an application for an advance voting ballot,
2 except that a ballot may be mailed to a voter if such voter has permanent
3 advance voting ballot status pursuant to subsection (h) or if the election is
4 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,
5 and amendments thereto.

6 (n) The secretary of state may adopt rules and regulations in order to
7 implement the provisions of this section and to define valid forms of
8 identification.

9 Sec. 2. K.S.A. 2023 Supp. 25-1122 is hereby repealed.

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