

Senate Substitute for HOUSE BILL No. 2056

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning elections; relating to advance voting ballots;
2 regulating the use of remote ballot boxes for the return of such ballots;
3 extending the time for transmittal of such ballots to 23 days prior to an
4 election; requiring the return of such ballots by 7:00 p.m. on the day of
5 the election; amending K.S.A. 25-1122, 25-1123, 25-1128, 25-1132 and
6 25-2311 and repealing the existing sections.

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

9 New Section 1. (a) A county election office shall only use remote
10 ballot boxes in accordance with this section. A county election office may
11 designate and use not more than one remote ballot box for each election,
12 except that if a county has a population of more than 30,000 registered
13 voters, the county election office for such county may designate and use
14 one remote ballot box for every 30,000 registered voters in such county.

15 (b) *{(1)}* While open and accessible for the deposit of advance voting
16 ballots, each remote ballot box used in an election shall be:

17 *(A)* continuously observed by an employee of the county election
18 office ~~or be continuously monitored by video recording equipment;~~

19 *(B) located inside a state or municipal building where employees of*
20 *the state or such municipality are physically present; or*

21 *(C) located inside any other building and continuously observed by*
22 *two authorized poll agents who shall not be registered with the same*
23 *political party}.*

24 *{(2)}* Except as otherwise provided, all remote ballot boxes shall be
25 closed and shall not be accessible for the deposit of advance voting ballots
26 when the county election office is closed. All remote ballot boxes shall be
27 closed, locked and shall not be accessible for the deposit of advance voting
28 ballots after 7:00 p.m. on the date of the election, except that any voter
29 who is waiting to deposit an advance voting ballot in a remote ballot box
30 at 7:00 p.m. shall be permitted to deposit such ballot.

31 (c) Each remote ballot box shall have a sign conspicuously posted
32 near the opening for depositing an advance voting ballot that shall state the
33 requirements for and the statutory limit on the number of advance voting
34 ballots that may be transmitted by a person other than the voter under
35 K.S.A. 25-2437, and amendments thereto, and the penalty for violations
36 thereof. Such signage shall be in compliance with any rules and

1 regulations adopted by the secretary of state.

2 ~~(d) If a remote ballot box is monitored by video recording equipment,~~
3 ~~such equipment shall be located to allow recording of the face of each~~
4 ~~individual when depositing an advance voting ballot. All video recordings~~
5 ~~shall be digitally preserved and maintained by the county election office~~
6 ~~for a period of not less than one year from the date of the recording. All~~
7 ~~video recordings created under this section shall be public records, and any~~
8 ~~video recording shall be made available upon request to any candidate~~
9 ~~whose name appears on a ballot in the county where such request is~~
10 ~~submitted.~~

11 ~~(e)~~—The secretary of state shall adopt rules and regulations necessary
12 to implement and enforce the provisions of this section, including, but not
13 limited to, rules and regulations requiring that advance voting ballots that
14 are returned using a remote ballot box be preserved separately from all
15 other ballots collected by a county election office.

16 ~~(f)}~~~~(e)}~~ As used in this section:

17 **(1)}** "Remote ballot box" means any form of a locked ballot box
18 designated by the county election officer as available for use for depositing
19 advance voting ballots. "Remote ballot box" does not include any ballot
20 boxes located in a county election office or satellite advance voting site;
21 *and*

22 **(2)** *"state or municipal building" means a building owned or leased*
23 *by the state or a municipality. "State or municipal building" does not*
24 *include a building owned by the state or a municipality that is leased by*
25 *a private entity whether for profit or not-for-profit or a building held in*
26 *title by the state or a municipality solely for reasons of revenue bond*
27 *financing}.*

28 Sec. 2. K.S.A. 25-1122 is hereby amended to read as follows: 25-
29 1122. (a) Any registered voter may file with the county election officer
30 where the person is a resident, or where the person is authorized by law to
31 vote as a former precinct resident, an application for an advance voting
32 ballot. The signed application shall be transmitted only to the county
33 election officer by personal delivery, mail, facsimile or as otherwise
34 provided by law.

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

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

43 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,

1 and amendments thereto, if:

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

4 (2) the name and address of the voter provided on the application for
5 an advance voting ballot do not match the voter's name and address on the
6 registration book. The voter shall provide a valid form of identification as
7 defined in K.S.A. 25-2908, and amendments thereto, to the county election
8 officer in person or provide a copy by mail or electronic means before the
9 meeting of the county board of canvassers. At the meeting of the county
10 board of canvassers the county election officer shall present copies of
11 identification received from provisional voters and the corresponding
12 provisional ballots. If the county board of canvassers determines that a
13 voter's identification is valid and the provisional ballot was properly cast,
14 the ballot shall be counted.

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

18 (1) The county election official verifies that the signature of the
19 person matches that on file in the county voter registration records, except
20 that verification of the voter's signature shall not be required if a voter has
21 a disability preventing the voter from signing. Signature verification may
22 occur by electronic device or by human inspection. In the event that the
23 signature of a person who is requesting an advance voting ballot does not
24 match that on file, the county election officer shall attempt to contact the
25 person and shall offer the person another opportunity to provide the
26 person's signature for the purposes of verifying the person's identity. If the
27 county election officer is unable to reach the person, the county election
28 officer may transmit a provisional ballot, however, such provisional ballot
29 may not be counted unless a signature is included therewith that can be
30 verified; and

31 (2) the person provides such person's full Kansas driver's license
32 number, Kansas nondriver's identification card number issued by the
33 division of vehicles, or submits such person's application for an advance
34 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
35 amendments thereto, to the county election officer for verification. If a
36 person applies for an advance voting ballot to be transmitted by mail but
37 fails to provide identification pursuant to this subsection or the
38 identification of the person cannot be verified by the county election
39 officer, the county election officer shall provide information to the person
40 regarding the voter rights provisions of subsection (d) and shall provide
41 the person an opportunity to provide identification pursuant to this
42 subsection. For the purposes of this act, Kansas state offices and offices of
43 any subdivision of the state will allow any person seeking to vote by an

1 advance voting ballot the use of a photocopying device to make one
2 photocopy of an identification document at no cost.

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

5 (1) For the primary election occurring on the first Tuesday in August
6 in both even-numbered and odd-numbered years, between April 1 of such
7 year and the Tuesday of the week preceding such primary election.

8 (2) For the general election occurring on the Tuesday following the
9 first Monday in November in both even-numbered and odd-numbered
10 years, between ~~90~~ 93 days prior to such election and the Tuesday of the
11 week preceding such general election.

12 (3) For question submitted elections occurring on the date of a
13 primary or general election, the same as is provided for ballots for election
14 of officers at such election.

15 (4) For question submitted elections not occurring on the date of a
16 primary or general election, between the time of the first published notice
17 thereof and the Tuesday of the week preceding such question submitted
18 election, except that if the question submitted election is held on a day
19 other than a Tuesday, the final date for mailing of advance voting ballots
20 shall be one week before such election.

21 (5) For any special election of officers, at such time as is specified by
22 the secretary of state.

23 The county election officer of any county may receive applications
24 prior to the time specified in this subsection and hold such applications
25 until the beginning of the prescribed application period. Such applications
26 shall be treated as filed on that date.

27 (g) Unless an earlier date is designated by the county election office,
28 applications for advance voting ballots transmitted to the voter in person in
29 the office of the county election officer shall be filed ~~on the Tuesday next~~
30 ~~preceding the election and on each subsequent business day until no later~~
31 ~~than~~ *between 10 days prior to such election and 12 noon on the day*
32 *preceding such election. If the county election officer so provides,*
33 *applications for advance voting ballots transmitted to the voter in person in*
34 *the office of the county election officer also may be filed on the Saturday*
35 *preceding the election. Upon receipt of any such properly executed*
36 *application, the county election officer shall deliver to the voter such*
37 *ballots and instructions as are provided for in this act.*

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

43 The county election officer may designate places other than the central

1 county election office as satellite advance voting sites. At any satellite
2 advance voting site, a registered voter may obtain an application for
3 advance voting ballots. Ballots and instructions shall be delivered to the
4 voter in the same manner and subject to the same limitations as otherwise
5 provided by this subsection.

6 (h) Any person having a permanent disability or an illness that has
7 been diagnosed as a permanent illness is hereby authorized to make an
8 application for permanent advance voting status. Applications for
9 permanent advance voting status shall be in the form and contain such
10 information as is required for application for advance voting ballots and
11 also shall contain information that establishes the voter's right to
12 permanent advance voting status.

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

37 (j) If a person on the permanent advance voting list fails to vote in
38 four consecutive general elections held on the Tuesday succeeding the first
39 Monday in November of each even-numbered and odd-numbered year, the
40 county election officer may mail a notice to such voter. The notice shall
41 inform the voter that the voter's name will be removed from the permanent
42 advance voting list unless the voter renews the application for permanent
43 advance voting status within 30 days after the notice is mailed. If the voter

1 fails to renew such application, the county election officer shall remove the
2 voter's name from the permanent advance voting list. Failure to renew the
3 application for permanent advance voting status shall not result in removal
4 of the voter's name from the voter registration list.

5 (k) (1) Any person who solicits by mail a registered voter to file an
6 application for an advance voting ballot and includes an application for an
7 advance voting ballot in such mailing shall include on the exterior of such
8 mailing, and on each page contained therein, except the application, a clear
9 and conspicuous label in 14-point font or larger that includes:

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

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

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

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

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

21 (3) An application for an advance voting ballot shall include an
22 envelope addressed to the appropriate county election office for the
23 mailing of such application. In no case shall the person who mails the
24 application to the voter direct that the completed application be returned to
25 such person.

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

27 (A) The secretary of state or any election official or county election
28 office; or

29 (B) the official protection and advocacy for voting access agency for
30 this state as designated pursuant to the federal help America vote act of
31 2002, public law 107-252, or any other entity required to provide
32 information concerning elections and voting procedures by federal law.

33 (5) A violation of this subsection is a class C nonperson
34 misdemeanor.

35 (l) (1) No person shall mail or cause to be mailed an application for
36 an advance voting ballot, unless such person is a resident of this state or is
37 otherwise domiciled in this state.

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

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

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

8 Sec. 3. K.S.A. 25-1123 is hereby amended to read as follows: 25-

9 1123. (a) When an application for an advance voting ballot has been filed
10 in accordance with K.S.A. 25-1122, and amendments thereto, the county
11 election officer shall transmit to the voter applying therefor one each of the
12 appropriate ballots. Unless an advance voting ballot is transmitted in
13 person pursuant to this subsection, the county election officer shall
14 transmit the advance voting ballots to the voter at one of the following
15 addresses as specified by the voter on such application: (1) The voter's
16 residential address or mailing address as indicated on the registration list;
17 (2) the voter's temporary residential address; or (3) a medical care facility
18 as defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,
19 hospice or adult care home where the voter resides. No advance voting
20 ballot shall be transmitted by the county election officer by any means
21 prior to the ~~20th~~ 23rd day before the election for which an application for an
22 advance voting ballot has been received by such county election officer. If
23 the advance voting ballot is transmitted by mail, such ballot shall be
24 transmitted with printed instructions prescribed by the secretary of state
25 and a ballot envelope bearing upon the outside a printed form as described
26 in K.S.A. 25-1120, and amendments thereto, and the same number as the
27 number of the ballot. If the advance voting ballot is transmitted to the
28 applicant in person in the office of the county election officer or at a
29 satellite advance voting site, such advance voting ballot and printed
30 instructions shall be transmitted in an advance voting ballot envelope
31 bearing upon the outside a printed form as described in K.S.A. 25-1120,
32 and amendments thereto, and the same number as the number of the ballot
33 unless the voter elects to deposit the advance voting ballot into a locked
34 ballot box without an envelope. All ballots shall be transmitted to the
35 advance voting voter not more than ~~20~~ 23 days before the election but
36 within two business days of the receipt of such voter's application by the
37 election officer or the commencement of such ~~20-day~~ 23-day period. In
38 primary elections required to be conducted on a partisan basis, the election
39 officer shall deliver to such voter the ballot of the political party of the
40 applicant.

41 (b) The restrictions in subsection (a) relating to where a county
42 election officer may transmit an advance voting ballot shall not apply to an
43 advance voting ballot requested pursuant to an application for an advance

1 voting ballot filed by a voter who has a temporary illness or disability or
2 who is not proficient in reading the English language.

3 (c) The county election officer shall compare the driver's license
4 number, nondriver's identification card number or copy of other valid
5 identification provided by a voter to the voter registration list verified by
6 the division of vehicles in accordance with federal law. If no identification
7 information was provided by the voter or if such information does not
8 match the information on the voter registration list, the county election
9 officer shall transmit a provisional advance voting ballot.

10 Sec. 4. K.S.A. 25-1128 is hereby amended to read as follows: 25-
11 1128. (a) No voter shall knowingly mark or transmit to the county election
12 officer more than one advance voting ballot, or set of one of each kind of
13 ballot, if the voter is entitled to vote more than one such ballot at a
14 particular election.

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

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

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

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

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

40 (g) A voter may return such voter's advance voting ballot to the
41 county election officer by personal delivery ~~or~~, by mail *or by depositing*
42 *the ballot in a designated remote ballot box in accordance with section 1,*
43 *and amendments thereto. If returning an advance voting ballot by mail, a*

1 voter shall mail such ballot using the United States postal service or any
2 other delivery service that provides the voter with a receipt indicating that
3 the ballot was mailed and allowing the voter to verify that the ballot was
4 delivered. Subject to the provisions of K.S.A. 25-2437, and amendments
5 thereto, a person other than the voter may return the advance voting ballot
6 by personal delivery or mail if authorized by the voter in writing as
7 provided in K.S.A. 25-2437, and amendments thereto, except that a written
8 designation shall not be required from a voter who has a disability
9 preventing the voter from writing or signing a written designation. Any
10 such person designated by the voter shall sign a statement in accordance
11 with K.S.A. 25-2437, and amendments thereto.

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

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

20 Sec. 5. K.S.A. 25-1132 is hereby amended to read as follows: 25-
21 1132. (a) All advance voting ballots that are received in the office of the
22 county election officer or any polling place within the county not later than
23 the hour for closing of the polls on the date of any election specified in
24 K.S.A. 25-1122(f), and amendments thereto, shall be delivered by the
25 county election officer to the appropriate special election board provided
26 for in K.S.A. 25-1133, and amendments thereto.

27 ~~(b) Subject to the deadline for receipt by the office of the county~~
28 ~~election officer as set forth in this subsection, all advance voting ballots~~
29 ~~received by mail by the office of the county election officer after the~~
30 ~~closing of the polls on the date of any election specified in K.S.A. 25-~~
31 ~~1122(f), and amendments thereto, and which are postmarked or are~~
32 ~~otherwise indicated by the United States postal service to have been~~
33 ~~mailed on or before the close of the polls on the date of the election, shall~~
34 ~~be delivered by the county election officer to a special election board or~~
35 ~~the county board of canvassers, as determined by the secretary of state, for~~
36 ~~canvassing in a manner consistent, as nearly as may be, with other advance~~
37 ~~voting ballots. The deadline for the receipt by mail of the advance voting~~
38 ~~ballots by the office of the county election officer shall be the last delivery~~
39 ~~of mail by the United States postal service 7:00 p.m. on the third day~~
40 ~~following the date of the election.~~

41 (c) The secretary of state shall adopt rules and regulations to
42 implement this subsection section.

43 Sec. 6. K.S.A. 25-2311 is hereby amended to read as follows: 25-

1 2311. (a) County election officers shall provide for the registration of
2 voters at one or more places on all days except the following:

3 (1) Days when the main offices of the county government are closed
4 for business, except as is otherwise provided by any county election officer
5 under the provisions of K.S.A. 25-2312, and amendments thereto;

6 (2) days when the main offices of the city government are closed for
7 business, in the case of deputy county election officers who are city clerks
8 except as is otherwise provided by any county election officer under the
9 provisions of K.S.A. 25-2312, and amendments thereto;

10 (3) the ~~20~~ 23 days preceding the day of primary and general
11 elections;

12 (4) the ~~20~~ 23 days preceding the day of any election other than one
13 specified in this subsection; and

14 (5) the day of any primary or general election or any question
15 submitted election.

16 (b) For the purposes of this section in counting days that registration
17 books are to be closed, all of the days including Sunday and legal holidays
18 shall be counted.

19 (c) The secretary of state shall notify every county election officer of
20 the dates when registration shall be closed preceding primary and general
21 elections. The days so specified by the secretary of state shall be
22 conclusive. Such notice shall be given by the secretary of state by mail at
23 least 60 days preceding every primary and general election.

24 (d) The last days before closing of registration books as directed by
25 the secretary of state under subsection (c), county election officers shall
26 provide for registration of voters during regular business hours, during the
27 noon hours and at other than regular business hours upon such days as the
28 county election officers deem necessary. The last three business days
29 before closing of registration books prior to primary and general elections,
30 county election officers may provide for registration of voters until 9 p.m.
31 in any city.

32 (e) County election officers shall accept and process applications
33 received by voter registration agencies and the division of motor vehicles
34 not later than the ~~21st~~ 24th day preceding the date of any election; mailed
35 voter registration applications that are postmarked not later than the ~~21st~~
36 24th day preceding the date of any election; or, if the postmark is illegible
37 or missing, is received in the mail not later than the ninth day preceding
38 the day of any election.

39 (f) The secretary of state may adopt rules and regulations interpreting
40 the provisions of this section and specifying the days when registration
41 shall be open, days when registration shall be closed, and days when it is
42 optional with the county election officer for registration to be open or
43 closed.

1 (g) Before each primary and general election held in even-numbered
2 and odd-numbered years, and at times and in a form prescribed by the
3 secretary of state, each county election officer shall certify to the secretary
4 of state the number of registered voters in each precinct of the county as
5 shown by the registration books in the office of such county election
6 officer.

7 Sec. 7. K.S.A. 25-1122, 25-1123, 25-1128, 25-1132 and 25-2311 are
8 hereby repealed.

9 Sec. 8. This act shall take effect and be in force from and after its
10 publication in the Kansas register.