

SENATE BILL No. 388

By Senator Hilderbrand

1-25

1 AN ACT concerning elections; relating to mail ballots; requiring the use of
2 the United States postal service when returning a ballot by mail;
3 amending K.S.A. 25-1128 and repealing the existing section.
4

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

6 Section 1. K.S.A. 25-1128 is hereby amended to read as follows: 25-
7 1128. (a) No voter shall knowingly mark or transmit to the county election
8 officer more than one advance voting ballot, or set of one of each kind of
9 ballot, if the voter is entitled to vote more than one such ballot at a
10 particular election.

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

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

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

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

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

36 (g) A voter ~~may~~ shall return such voter's advance voting ballot to the

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

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

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

19 Sec. 2. K.S.A. 25-1128 is hereby repealed.

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