AN ACT concerning elections; relating to application and ballot signature requirements for disabled voters; relating to the crime of perjury; amending K.S.A. 25-1121 and K.S.A. 2017 Supp. 21-5903, 25-1122, 25-1124 and 25-1128 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where the person is a resident, or where the person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The application for an advance voting ballot shall include an option for permanent advance voting status as provided in subsection (h). The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

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

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

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

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

(j) If a person on the permanent advance voting list fails to vote in
four consecutive general elections held on the Tuesday succeeding the first
Monday in November of each even-numbered and odd-numbered year, the
county election officer may mail a notice to such voter. The notice shall
inform the voter that the voter's name will be removed from the permanent
advance voting list unless the voter renew the application for permanent
advance voting status within 30 days after the notice is mailed. If the voter
fails to renew such application, the county election officer shall remove the
voter's name from the permanent advance voting list. Failure to renew the
application for permanent advance voting status shall not result in removal
of the voter's name from the voter registration list.

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

Sec. 2. K.S.A. 2017 Supp. 25-1124 is hereby amended to read as
follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
shall cast such voter's vote as follows: The voter shall make a cross or
check mark in the square or parentheses opposite the name of each
candidate or question for whom the voter desires to vote. The voter shall
make no other mark, and shall allow no other person to make any mark,
upon such ballot. If the advance voting ballot was transmitted by mail, the
voter personally shall place the ballot in the ballot envelope bearing the
same number as the ballot and seal the envelope. The voter shall complete
the form on the ballot envelope and shall sign the same. Except as
provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
shall be mailed or otherwise transmitted to the county election officer. If
the advance voting ballot was transmitted to the voter in person in the
office of the county election officer or at a satellite advance voting site, the
voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any voter who has an illness or physical disability or who is not
proficient in reading the English language that and is unable to apply for
or mark or transmit an advance voting ballot, or any voter who has a
disability preventing the voter from signing an application or the form on
the ballot envelope, may request assistance by a person who has signed a
statement required by subsection (d) in applying for or marking an
advance voting ballot, or in signing an application or the form on the
ballot envelope if the voter has a disability preventing the voter from
signing.

(c) Any voted ballot may be transmitted to the county election officer
by the voter or by another person designated in writing by the voter,
except if the voter has a disability preventing the voter from writing and
signing a statement, the written and signed statement required by
subsection (d) shall be sufficient. Any such voted ballot shall be
transmitted to the county election officer before the close of the polls on
election day.

(d) The county election officer shall allow a person to assist a voter
who has an illness or physical disability or who is not proficient in reading
the English language in applying for or marking an application or advance
voting ballot, or to sign for a voter who has a disability preventing the
voter from signing an application or advance voting ballot form, provided
a written statement is signed by the person who renders assistance to the
voter who has an illness or physical disability or who is not proficient in
reading the English language and such statement is submitted to the county
election officer with the application or ballot. The statement shall be on a
form prescribed by the secretary of state and shall contain a statement
from the person providing assistance that the person has not exercised
undue influence on the voting decision of the voter who has an illness or
physical disability or who is not proficient in reading the English language
and that the person providing assistance has completed the application—,
marked the ballot, or signed the application or ballot form as instructed by
the voter.

(e) Any person assisting a voter who has an illness or physical
disability or who is not proficient in reading the English language in
applying for or marking an advance voting ballot, or in signing an
application or advance voting ballot form for a voter who has a disability
preventing the voter from signing the application or advance voting ballot
form, who knowingly fails to sign and submit the statement required by
this section or who exercises undue influence on the voting decision of
such voter shall be guilty of a severity level 9, nonperson felony.

Sec. 3. K.S.A. 2017 Supp. 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 K.S.A. 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) A voter may return such voter's advance voting ballot to the
county election officer by personal delivery or by mail. Upon written
designation by the voter, a person other than the voter may return the
advance voting ballot by personal delivery or mail, 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 that such person
has not exercised undue influence on the voting decisions of the voter and
agrees to deliver the ballot as directed by the voter.

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

Sec. 4. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121. It shall be the duty of the secretary of state to 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 such the requirements of this act. Such 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 signature blocks for the advance voter; 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.

(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. 5. K.S.A. 2017 Supp. 21-5903 is hereby amended to read as follows: 21-5903.(a) Perjury is intentionally and falsely:

(1) Swearing, testifying, affirming, declaring or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter or proceeding before any court, tribunal, public body, notary public or other officer authorized to administer oaths; or

(2) subscribing as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-601, and amendments thereto.

(b) Perjury is a:

(1) Severity level 9, nonperson felony, except as provided in subsection (b)(2); and

(2) severity level 7, nonperson felony if the false statement is made upon the trial of a felony charge; and

(3) subscribing as true and correct under the penalty of perjury the
affidavit as provided in K.S.A. 25-1121(c), and amendments thereto.


Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.