

Substitute for SENATE BILL No. 130

By Committee on Ethics, Elections and Local Government

2-25

1 AN ACT concerning elections; relating to advance ballots; amending
2 K.S.A. 2018 Supp. 25-1124 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2018 Supp. 25-1124 is hereby amended to read as
6 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
7 shall cast such voter's vote as follows: The voter shall make a cross or
8 check mark in the square or parentheses opposite the name of each
9 candidate or question for whom the voter desires to vote. The voter shall
10 make no other mark, and shall allow no other person to make any mark,
11 upon such ballot. If the advance voting ballot was transmitted by mail, the
12 voter personally shall place the ballot in the ballot envelope bearing the
13 same number as the ballot and seal the envelope. The voter shall complete
14 the form on the ballot envelope and shall sign the same. Except as
15 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
16 shall be mailed or otherwise transmitted to the county election officer. If
17 the advance voting ballot was transmitted to the voter in person in the
18 office of the county election officer or at a satellite advance voting site, the
19 voter may deposit such ballot into a locked ballot box without an envelope.

20 (b) *The county election officer shall attempt to contact each person*
21 *who submits an advance voting ballot where there is no signature or*
22 *where the signature does not match with the signature on file and allow*
23 *such voter the opportunity to correct the deficiency before the*
24 *commencement of the final county canvass.*

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

33 ~~(e)~~(d) Any voted ballot may be transmitted to the county election
34 officer by the voter or by another person designated in writing by the
35 voter, except if the voter has a disability preventing the voter from writing
36 and signing a statement, the written and signed statement required by

1 subsection—~~(d)~~ (e) shall be sufficient. Any such voted ballot shall be
2 transmitted to the county election officer before the close of the polls on
3 election day.

4 ~~(d)~~(e) The county election officer shall allow a person to assist a voter
5 who has an illness or physical disability or who is not proficient in reading
6 the English language in applying for or marking an application or advance
7 voting ballot, or to sign for a voter who has a disability preventing the
8 voter from signing an application or advance voting ballot form, provided
9 a written statement is signed by the person who renders assistance to the
10 voter who has an illness or physical disability or who is not proficient in
11 reading the English language and such statement is submitted to the county
12 election officer with the application or ballot. The statement shall be on a
13 form prescribed by the secretary of state and shall contain a statement
14 from the person providing assistance that the person has not exercised
15 undue influence on the voting decision of the voter who has an illness or
16 physical disability or who is not proficient in reading the English language
17 and that the person providing assistance has completed the application,
18 marked the ballot, or signed the application or ballot form as instructed by
19 the voter.

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

28 Sec. 2. K.S.A. 2018 Supp. 25-1124 is hereby repealed.

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