

SENATE BILL No. 412

By Committee on Ethics, Elections and Local Government

2-11

1 AN ACT concerning elections; relating to permanent advance voting
2 status; amending K.S.A. 2019 Supp. 25-1122 and 25-1122d and
3 repealing the existing sections.
4

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

6 Section 1. K.S.A. 2019 Supp. 25-1122 is hereby amended to read as
7 follows: 25-1122. (a) Any registered voter may file with the county
8 election officer where the person is a resident, or where the person is
9 authorized by law to vote as a former precinct resident, an application for
10 an advance voting ballot. The signed application shall be transmitted only
11 to the county election officer by personal delivery, mail, facsimile or as
12 otherwise provided by law.

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

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

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

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

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

36 (e) No county election officer shall provide an advance voting ballot

1 to a person who is requesting an advance voting ballot to be transmitted by
2 mail unless:

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

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

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

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

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

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

43 (4) For question submitted elections not occurring on the date of a

1 primary or general election, between the time of the first published notice
2 thereof and the Tuesday of the week preceding such question submitted
3 election, except that if the question submitted election is held on a day
4 other than a Tuesday, the final date for mailing of advance voting ballots
5 shall be one week before such election.

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

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

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

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

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

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

40 (i) *Any person who does not have a permanent disability or illness is*
41 *authorized to make an application for permanent advance voting status.*
42 *Applications for permanent advance voting status under this subsection*
43 *shall clearly state that if the person who makes such application does not*

1 *vote in two consecutive elections, or if the clerk receives a notice that the*
2 *mail of the person who makes such application is undeliverable, such*
3 *person shall be removed from the permanent advance voter status.*

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

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

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

42 Sec. 2. K.S.A. 2019 Supp. 25-1122d is hereby amended to read as
43 follows: 25-1122d. (a) The application for an advance voting ballot to be

1 transmitted by mail shall be accompanied by an affirmation in substance as
2 follows:

3 Affirmation of an Elector of the County of _____ and State
4 of Kansas Desiring to Vote an Advance Voting Ballot

5 State of _____, County of _____, ss:

6 I, _____

7 (Please print name)

8 do solemnly affirm under penalty of perjury that I am a qualified elector of
9 the _____ precinct of the _____ ward, residing at number _____ on
10 _____ street, city of _____, or in the township of
11 _____, county of _____, and state of Kansas. My date of birth
12 is _____ (month/day/year).

13 I understand that a current and valid Kansas driver’s license number or
14 Kansas nondriver’s identification card number must be provided in order
15 to receive a ballot. If I do not have a current and valid Kansas driver’s
16 license number or Kansas nondriver’s identification card number, I must
17 provide one of the following forms of identification with this application
18 in order to receive a ballot:

19 A copy of any one of the following types of photographic
20 identification: A driver’s license issued by Kansas or by another state or
21 district of the United States, a state identification card issued by Kansas or
22 by another state or district of the United States, a concealed carry of
23 handgun license issued by Kansas or a concealed carry of handgun or
24 weapon license issued by another state or district of the United States, a
25 United States passport, an employee badge or identification document
26 issued by a municipal, county, state, or federal government office or
27 agency, a military identification document issued by the United States, a
28 student identification card issued by an accredited post secondary
29 institution of education in the state of Kansas, or a public assistance
30 identification card issued by a municipal, county, state, or federal
31 government office or agency.

32 I am entitled to vote an advance voting ballot and I have not voted and
33 will not otherwise vote at the election to be held on _____ (date).
34 My political party is _____ (to be filled in only when requesting
35 primary election ballots). I desire my ballots to be sent to the following
36 address:

37 _____
38 _____

39 Signature of voter.

40 Note: False statement on this affirmation is a severity level 9,
41 nonperson felony.

42 (b) The application for an advance voting ballot to be transmitted in
43 person shall be accompanied by an affirmation in substance as follows:

1 Affirmation of an Elector of the County of _____ and State
2 of Kansas Desiring to Vote an Advance Voting Ballot State of
3 _____, County of _____, ss:

4 I, _____
5 (Please print name)

6 do solemnly affirm under penalty of perjury that I am a qualified
7 elector of the _____ precinct of the _____ ward, residing at number
8 _____ on _____ street, city of _____, or in the township
9 of _____, county of _____, and state of Kansas. My date of birth
10 is _____ (month/day/year).

11 I am entitled to vote an advance voting ballot and I have not voted and
12 will not otherwise vote at the election to be held on _____ (date).
13 My political party is _____ (to be filled in only when requesting
14 primary election ballots).

15 _____
16 _____
17 Signature of voter.

18 Note: False statement on this affirmation is a severity level 9,
19 nonperson felony.

20 (c) (1) An application for permanent advance voting status shall be on
21 a form prescribed by the secretary of state for this purpose. Such
22 application shall contain an affirmation concerning substantially the same
23 information required in subsection (a) and in addition thereto a statement
24 regarding the permanent character of such illness or disability.

25 (2) *Any person may apply for permanent advance voting status who*
26 *does not have a permanent disability or illness on a form prescribed by the*
27 *secretary of state which shall state the requirements for maintaining such*
28 *permanent advance voting status as required in K.S.A. 25-1122, and*
29 *amendments thereto.*

30 (d) Any application by a former precinct resident shall state both the
31 former and present residence, address, precinct and county of such former
32 precinct resident and the date of change of residence.

33 (e) The secretary of state may adopt rules and regulations in order to
34 implement the provisions of this section.

35 Sec. 3. K.S.A. 2019 Supp. 25-1122 and 25-1122d are hereby
36 repealed.

37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the statute book.