HOUSE BILL No. 2009

By Representative Ward

6-3

AN ACT concerning the 2020 general election; enacting the 2020 general election health and safety advance voting act; amending K.S.A. 2019 Supp. 25-1122 and repealing the existing section.

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

New Section 1. (a) The purpose of this section is to enhance the safety, health and welfare of registered voters and local election workers at the general election to be held on November 3, 2020, due to the coronavirus pandemic by providing all registered voters in Kansas advance ballots for such election, unless the voter opts out of receiving an advance ballot.

(b) (1) The county election officer of each county shall mail a letter and an advance voting opt-out form to each registered voter not later than September 1, explaining that such voter shall receive an advance voting ballot to be mailed as soon as possible after October 1, unless such voter returns the advance voting opt-out form prior to the October 1 deadline.

(2) The secretary of state shall provide the formats of the opt-out letter and the opt-out form to each county election officer by August 1.

(c) Registered voters who fail to return the advance voting opt-out form to the county election officer on or before October 1 may still cast a provisional ballot in person on November 3, 2020, at the proper polling place.

(d) This section shall be known and may be cited as the 2020 general election health and safety advance voting act.

Sec. 2. K.S.A. 2019 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Except as provided in section 1, and amendments thereto, 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 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 that 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 that 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, except 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 renewes 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. 3. K.S.A. 2019 Supp. 25-1122 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.