

SENATE BILL No. 292

By Committee on Federal and State Affairs

3-11

1 AN ACT concerning elections; relating to advance voting ballots;
2 requiring certain signed statements for delivery of such ballots on
3 behalf of a voter; limiting the number of ballots that can be delivered;
4 penalties for violations; amending K.S.A. 2020 Supp. 25-1124 and 25-
5 1128 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) No person shall knowingly transmit or deliver an
9 advance voting ballot to the county election officer or polling place on
10 behalf of a voter who is not such person, unless the person submits a
11 written statement accompanying the ballot at the time of ballot delivery to
12 the county election officer or polling place as provided in this section. Any
13 written statement shall be signed by both the voter and the person
14 delivering such ballot and shall be delivered only by such person. The
15 statement shall be on a form prescribed by the secretary of state and shall
16 contain:

17 (1) A sworn statement from the person delivering such ballot
18 affirming that such person has not:

19 (A) Exercised undue influence on the voting decision of the voter; or
20 (B) delivered more than five advance voting ballots on behalf of other
21 persons during the election in which the ballot is being cast; and

22 (2) a sworn statement by the voter affirming that:

23 (A) The voter has authorized such person to deliver the voter's ballot
24 to a county election officer or polling place; and

25 (B) such person has not exercised undue influence on the voting
26 decision of the voter.

27 (b) No person shall deliver more than five advance voting ballots on
28 behalf of other voters during an election.

29 (c) A violation of this section is a severity level 9, nonperson felony.

30 Sec. 2. K.S.A. 2020 Supp. 25-1124 is hereby amended to read as
31 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
32 shall cast such voter's vote as follows: The voter shall make a cross or
33 check mark in the square or parentheses opposite the name of each
34 candidate or question for whom the voter desires to vote. The voter shall
35 make no other mark, and shall allow no other person to make any mark,
36 upon such ballot. If the advance voting ballot was transmitted by mail, the

1 voter personally shall place the ballot in the ballot envelope bearing the
2 same number as the ballot and seal the envelope. The voter shall complete
3 the form on the ballot envelope and shall sign the same. Except as
4 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
5 shall be mailed or otherwise transmitted to the county election officer. If
6 the advance voting ballot was transmitted to the voter in person in the
7 office of the county election officer or at a satellite advance voting site, the
8 voter may deposit such ballot into a locked ballot box without an envelope.

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

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

22 (d) Any voted ballot may be transmitted to the county election officer
23 by the voter ~~or~~. *Subject to the provisions of section 1, and amendments*
24 *thereto, a voted ballot may be transmitted* by another person designated in
25 writing by the voter *as provided in section 1, and amendments thereto*,
26 except if the voter has a disability preventing the voter from writing and
27 signing a statement, the written and signed statement required by
28 subsection (e) shall be sufficient. Any such voted ballot shall be
29 transmitted to the county election officer before the close of the polls on
30 election day.

31 (e) The county election officer shall allow a person to assist a voter
32 who has an illness or physical disability or who is not proficient in reading
33 the English language in applying for or marking an application or advance
34 voting ballot, or to sign for a voter who has a disability preventing the
35 voter from signing an application or advance voting ballot form, provided
36 a written statement is signed by the person who renders assistance to the
37 voter who has an illness or physical disability or who is not proficient in
38 reading the English language and such statement is submitted to the county
39 election officer with the application or ballot. The statement shall be on a
40 form prescribed by the secretary of state and shall contain a statement
41 from the person providing assistance that the person has not exercised
42 undue influence on the voting decision of the voter who has an illness or
43 physical disability or who is not proficient in reading the English language

1 and that the person providing assistance has completed the application,
2 marked the ballot, or signed the application or ballot form as instructed by
3 the voter.

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

12 Sec. 3. K.S.A. 2020 Supp. 25-1128 is hereby amended to read as
13 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
14 county election officer more than one advance voting ballot, or set of one
15 of each kind of ballot, if the voter is entitled to vote more than one such
16 ballot at a particular election.

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

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

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

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

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

42 (g) A voter may return such voter's advance voting ballot to the
43 county election officer by personal delivery or by mail. ~~Upon written~~

1 ~~designation by the voter~~ *Subject to the provisions of section 1, and*
2 *amendments thereto*, a person other than the voter may return the advance
3 voting ballot by personal delivery or mail *if authorized by the voter in*
4 *writing as provided in section 1, and amendments thereto*, except that a
5 written designation shall not be required from a voter who has a disability
6 preventing the voter from writing or signing a written designation. Any
7 such person designated by the voter shall sign a statement ~~that such person~~
8 ~~has not exercised undue influence on the voting decisions of the voter and~~
9 ~~agrees to deliver the ballot as directed by the voter in accordance with~~
10 *section 1, and amendments thereto.*

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

13 Sec. 4. K.S.A. 2020 Supp. 25-1124 and 25-1128 is hereby repealed.

14 Sec. 5. This act shall take effect and be in force from and after its
15 publication in the statute book.