

## SENATE BILL No. 11

By Senators Hilderbrand, Baumgardner, Claeys, Erickson, Fagg, Kloos, Peck,  
Steffen, Straub, Thompson and Wilborn

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1 AN ACT concerning elections; relating to advance mail ballots;  
2 prohibiting the altering or backdating of postmark; amending K.S.A.  
3 2020 Supp. 25-1128 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2020 Supp. 25-1128 is hereby amended to read as  
7 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the  
8 county election officer more than one advance voting ballot, or set of one  
9 of each kind of ballot, if the voter is entitled to vote more than one such  
10 ballot at a particular election.

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

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

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

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

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

1 (g) A voter may return such voter's advance voting ballot to the  
2 county election officer by personal delivery or by mail. Upon written  
3 designation by the voter, a person other than the voter may return the  
4 advance voting ballot by personal delivery or mail, except that a written  
5 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.

10 (h) *Except as otherwise provided by federal law, no person shall*  
11 *knowingly backdate or otherwise alter a postmark or other official*  
12 *indication of the date of mailing of an advance voting ballot returned to*  
13 *the county election officer by mail for the purpose of indicating a date of*  
14 *mailing other than the actual date of mailing by the voter or the voter's*  
15 *designee.*

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

18 Sec. 2. K.S.A. 2020 Supp. 25-1128 is hereby repealed.

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