

SENATE BILL No. 445

By Committee on Federal and State Affairs

2-8

1 AN ACT concerning elections; relating to advance voting ballots;
2 prohibiting the use of additional ballot boxes; amending K.S.A. 25-
3 1124 and repealing the existing section.
4

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

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

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

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

34 (d) Any voted ballot may be transmitted to the county election officer
35 by the voter. Subject to the provisions of K.S.A. 25-2437, and amendments
36 thereto, a voted ballot may be transmitted by another person designated in

1 writing by the voter as provided in K.S.A. 25-2437, and amendments
2 thereto, except if the voter has a disability preventing the voter from
3 writing and signing a statement, the written and signed statement required
4 by subsection (e) shall be sufficient. Any such voted ballot shall be
5 transmitted to the county election officer before the close of the polls on
6 election day.

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

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

31 (g) (1) No person who is a candidate for office shall assist any voter
32 in marking an advance voting ballot or in signing an advance voting ballot
33 form pursuant to this section.

34 (2) It shall not be a violation of this subsection for the secretary of
35 state, any election official or any county election office to assist a voter
36 while engaged in the performance of the duties of such office.

37 (3) A violation of this subsection is a class C misdemeanor.

38 (h) Subject to the provisions of subsection (b), no county election
39 officer shall accept an advance voting ballot transmitted by mail unless the
40 county election officer verifies that the signature of the person on the
41 advance voting ballot envelope matches the signature on file in the county
42 voter registration records, except that verification of the voter's signature
43 shall not be required if a voter has a disability preventing the voter from

1 signing the ballot or preventing the voter from having a signature
2 consistent with such voter's registration form. Signature verification may
3 occur by electronic device or by human inspection. In the event that the
4 signature of a person on the advance voting ballot envelope does not
5 match the signature on file in the county voter registration records, the
6 ballot shall not be counted.

7 *(i) No county election office shall use any form of ballot box for the*
8 *deposit of advance voting ballots except the locked ballot box located at*
9 *the county election office or satellite advance voting site as described in*
10 *subsection (a). Any ballot box located at the county election office or*
11 *satellite advance voting site shall be located inside the building of such*
12 *premises and shall be continuously observed by an employee of the county*
13 *election office during those times when such ballot box is accessible by the*
14 *general public.*

15 Sec. 2. K.S.A. 25-1124 is hereby repealed.

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