

HOUSE BILL No. 2572

By Committee on Elections

Requested by Representative Waggoner

1-23

1 AN ACT concerning elections; relating to advance voting ballots and the
2 return thereof; requiring personal delivery and photographic
3 identification of any person delivering advance voting ballots on behalf
4 of other voters; amending K.S.A. 25-1128 and K.S.A. 2023 Supp. 25-
5 1124, 25-2430 and 25-2437 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2023 Supp. 25-1124 is hereby amended to read as
9 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
10 shall cast such voter's vote as follows: The voter shall make a cross or
11 check mark in the square or parentheses opposite the name of each
12 candidate or question for whom the voter desires to vote. The voter shall
13 make no other mark, and shall allow no other person to make any mark,
14 upon such ballot. If the advance voting ballot was transmitted by mail, the
15 voter personally shall place the ballot in the ballot envelope bearing the
16 same number as the ballot and seal the envelope. The voter shall complete
17 the form on the ballot envelope and shall sign the same. Except as
18 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
19 shall be mailed or otherwise transmitted to the county election officer. If
20 the advance voting ballot was transmitted to the voter in person in the
21 office of the county election officer or at a satellite advance voting site, the
22 voter may deposit such ballot into a locked ballot box without an envelope.

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

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

1 (d) (1) Any voted ballot may be transmitted to the county election
2 officer by the voter.

3 (2) Subject to the provisions of K.S.A. 25-2437, and amendments
4 thereto, a voted ballot may be ~~transmitted~~ *delivered* by another person
5 designated in writing by the voter as provided in K.S.A. 25-2437, and
6 amendments thereto, except if the voter has a disability preventing the
7 voter from ~~writing and signing a statement~~ *making a written designation*,
8 the written and signed statement required by subsection (e) shall be
9 sufficient. Any such voted ballot shall be ~~transmitted~~ *delivered* to the
10 county election officer before the close of the polls on election day. *The*
11 *individual delivering such ballot shall do so in person and shall present*
12 *photo identification at the time the ballot is delivered. The county election*
13 *office shall photograph the individual with each ballot such individual is*
14 *delivering and record the individual's personal information as stated on*
15 *the photo identification along with the ballot number or numbers being*
16 *delivered. No such ballot shall be delivered by such individual to any*
17 *remote ballot box or other container identified by the county election*
18 *office for the return of advance voting ballots.*

19 (e) The county election officer shall allow a person to assist a voter
20 who has an illness or physical disability or who is not proficient in reading
21 the English language in applying for or marking an application or advance
22 voting ballot, or to sign for a voter who has a disability preventing the
23 voter from signing an application or advance voting ballot form, provided
24 a written statement is signed by the person who renders assistance to the
25 voter who has an illness or physical disability or who is not proficient in
26 reading the English language and such statement is submitted to the county
27 election officer with the application or ballot. The statement shall be on a
28 form prescribed by the secretary of state and shall contain a statement
29 from the person providing assistance that the person has not exercised
30 undue influence on the voting decision of the voter who has an illness or
31 physical disability or who is not proficient in reading the English language
32 and that the person providing assistance has completed the application,
33 marked the ballot, or signed the application or ballot form as instructed by
34 the voter.

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

43 (g) (1) No person who is a candidate for office shall assist any voter

1 in marking an advance voting ballot or in signing an advance voting ballot
2 form pursuant to this section.

3 (2) It shall not be a violation of this subsection for:

4 (A) The secretary of state, any election official or county election
5 officer to assist a voter while engaged in the performance of the duties of
6 such office; or

7 (B) any candidate for office employed by a county election office to
8 assist a voter while engaged in the performance of the duties of such
9 employee, unless the employee appears as a candidate for office on the
10 advance voting ballot for which such candidate is providing assistance.

11 (3) For purposes of this subsection, ~~the term~~ "candidate for office"
12 means an individual who has declared such individual's candidacy
13 pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been
14 nominated for elected office pursuant to K.S.A. 25-301 et seq., and
15 amendments thereto, in the election for which the voter applied for an
16 advance voting ballot.

17 (4) A violation of this subsection is a class C misdemeanor.

18 (h) Subject to the provisions of subsection (b), no county election
19 officer shall accept an advance voting ballot transmitted by mail unless the
20 county election officer verifies that the signature of the person on the
21 advance voting ballot envelope matches the signature on file in the county
22 voter registration records, except that verification of the voter's signature
23 shall not be required if a voter has a disability preventing the voter from
24 signing the ballot or preventing the voter from having a signature
25 consistent with such voter's registration form. Signature verification may
26 occur by electronic device or by human inspection. In the event that the
27 signature of a person on the advance voting ballot envelope does not
28 match the signature on file in the county voter registration records, the
29 ballot shall not be counted.

30 Sec. 2. K.S.A. 25-1128 is hereby amended to read as follows: 25-
31 1128. (a) No voter shall knowingly mark or transmit to the county election
32 officer more than one advance voting ballot, or set of one of each kind of
33 ballot, if the voter is entitled to vote more than one such ballot at a
34 particular election.

35 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
36 no person shall knowingly interfere with or delay the transmission of any
37 advance voting ballot application from a voter to the county election
38 officer, nor shall any person mail, fax or otherwise cause the application to
39 be sent to a place other than the county election office. Any person or
40 group engaged in the distribution of advance voting ballot applications
41 shall mail, fax or otherwise deliver any application signed by a voter to the
42 county election office within two days after such application is signed by
43 the applicant.

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

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

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

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

17 (g) A voter may return such voter's advance voting ballot to the
18 county election officer by personal delivery or by mail. Subject to the
19 provisions of K.S.A. 25-2437, and amendments thereto, a person other
20 than the voter may return the advance voting ballot by personal delivery ~~or~~
21 ~~mail~~ if authorized by the voter in writing as provided in K.S.A. 25-2437,
22 and amendments thereto, except that a written designation shall not be
23 required from a voter who has a disability preventing the voter from
24 writing or signing a written designation. Any such person designated by
25 the voter shall sign a statement in accordance with K.S.A. 25-2437, and
26 amendments thereto.

27 (h) Except as otherwise provided by federal law, no person shall
28 knowingly backdate or otherwise alter a postmark or other official
29 indication of the date of mailing of an advance voting ballot returned to the
30 county election officer by mail for the purpose of indicating a date of
31 mailing other than the actual date of mailing by the voter or the voter's
32 designee.

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

35 Sec. 3. K.S.A. 2023 Supp. 25-2430 is hereby amended to read as
36 follows: 25-2430. (a) (1) Electioneering is:

37 (A) Knowingly attempting to persuade or influence eligible voters to
38 vote for or against a particular candidate, party or question submitted,
39 including wearing, exhibiting or distributing labels, signs, posters, stickers
40 or other materials that clearly identify a candidate in the election or clearly
41 indicate support or opposition to a question submitted election within any
42 polling place on election day or advance voting site during the time period
43 allowed by law for casting a ballot by advance voting or within a radius of

1 250 feet from the entrance thereof; or
2 (B) if committed by a candidate:
3 (i) Touching or handling any voter's ballot during the voting process;
4 (ii) distributing ballots or counting ballots;
5 (iii) hindering or obstructing any voter from voting or from entering
6 and leaving the polling place; or
7 (iv) hindering or obstructing any election board worker from
8 performing election duties.
9 (2) Electioneering shall not include bumper stickers affixed to a
10 motor vehicle that is used to transport voters to a polling place or to an
11 advance voting site for the purpose of voting.
12 (b) The provisions of subsection (a)(1)(B) shall not apply to:
13 (1) The secretary of state, any election official or any county election
14 officer;
15 (2) a candidate for precinct committeeman or committeewoman who
16 is employed by a county election office and is engaged in the performance
17 of such employee's duties;
18 (3) a candidate for any office not specified in paragraphs (1) or (2)
19 who is employed by a county election office and is engaged in the
20 performance of such employee's duties, if such employee does not appear
21 as a candidate for office on any ballot such employee touches, handles,
22 distributes or counts; or
23 (4) a candidate ~~transmitting or~~ delivering an advance voting ballot in
24 accordance with K.S.A. 25-2437(b), and amendments thereto.
25 (c) As used in this section:
26 (1) "Advance voting site" means the central county election office or
27 satellite advance voting sites designated as such pursuant to K.S.A. 25-
28 1122(c), and amendments thereto, and adult care homes and hospital based
29 care units at the time of an election participating in the voting procedures
30 prescribed in K.S.A. 25-2812, and amendments thereto; and
31 (2) "candidate" means an individual who has declared such
32 individual's candidacy pursuant to K.S.A. 25-205 et seq., and amendments
33 thereto, or has been nominated for elected office pursuant to K.S.A. 25-
34 301 et seq., and amendments thereto, in the election for which the
35 individual is charged with having violated the provisions of this section.
36 (d) Electioneering is a class C misdemeanor.
37 Sec. 4. K.S.A. 2023 Supp. 25-2437 is hereby amended to read as
38 follows: 25-2437. (a) No person shall knowingly ~~transmit or~~ deliver an
39 advance voting ballot to the county election officer or polling place on
40 behalf of a voter who is not such person, unless the person submits a
41 written statement accompanying the ballot at the time of ballot delivery to
42 the county election officer or polling place as provided in this section. Any
43 written statement shall be ~~transmitted or~~ signed by both the voter and the

1 person ~~transmitting or~~ delivering such ballot, *except if the voter has a*
2 *disability preventing the voter from making such written statement, the*
3 *written and signed statement required by K.S.A. 25-1124(e), and*
4 *amendments thereto, shall be sufficient, and shall be delivered only by*
5 *such person delivering the ballot.* The statement shall be on a form
6 prescribed by the secretary of state and shall contain:

7 (1) A sworn statement from the person ~~transmitting or~~ delivering such
8 ballot affirming that such person has not:

9 (A) Exercised undue influence on the voting decision of the voter; or

10 (B) ~~transmitted or~~ delivered more than 10 advance voting ballots on
11 behalf of other persons during the election in which the ballot is being
12 cast; and

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

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

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

18 (b) (1) No candidate for office shall knowingly ~~transmit or~~ deliver an
19 advance voting ballot to the county election officer or polling place on
20 behalf of a voter who is not such person, except on behalf of an immediate
21 family member of such candidate.

22 (2) For purposes of this subsection, ~~the term~~ "candidate for office"
23 means an individual who has declared such individual's candidacy
24 pursuant to K.S.A. 25-205 et seq., and amendments thereto, or has been
25 nominated for elected office pursuant to K.S.A. 25-301 et seq., and
26 amendments thereto, in the election for which the voter applied for an
27 advance voting ballot.

28 (c) No person shall ~~transmit or~~ deliver more than 10 advance voting
29 ballots on behalf of other voters during an election.

30 (d) (1) A violation of subsection (a) or (b) is a severity level 9,
31 nonperson felony.

32 (2) A violation of subsection (c) is a class B misdemeanor.

33 Sec. 5. K.S.A. 25-1128 and K.S.A. 2023 Supp. 25-1124, 25-2430 and
34 25-2437 are hereby repealed.

35 Sec. 6. This act shall take effect and be in force from and after its
36 publication in the statute book.