

**SENATE BILL No. 134**

By Committee on Elections and Local Government

1-28

9 AN ACT concerning elections; relating to party affiliation; amending  
10 K.S.A. 25-3301, 25-3304 and 25-4502 and K.S.A. 2004 Supp. 25-1122d  
11 and 25-1123 and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 2004 Supp. 25-1122d is hereby amended to read  
15 as follows: 25-1122d. (a) The application for an advance voting ballot to  
16 be transmitted by mail shall be accompanied by an affirmation in sub-  
17 stance as follows:

18 Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring  
19 to Vote an Advance Voting Ballot

20 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

21 I, \_\_\_\_\_  
22 (Please print name)

23 do solemnly affirm under penalty of perjury that I am a qualified elector of the \_\_\_\_\_  
24 precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on \_\_\_\_\_  
25 street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county of \_\_\_\_\_,  
26 and state of Kansas. My date of birth is \_\_\_\_\_ (month/day/year).

27 I understand that if I have not previously voted in any election in this county and I have  
28 not previously submitted valid identification, I must provide one of the following forms of  
29 identification with this application in order to receive a ballot:

- 30 (1) A current and valid Kansas driver's license number or nondriver's identification card  
31 number; or  
32 (2) the last four digits of my social security number; or  
33 (3) a copy of a current and valid Kansas driver's license or nondriver's identification  
34 card, utility bill, bank statement, paycheck, government check, or other government docu-  
35 ment that shows my name and address.

36 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise  
37 vote at the election to be held on \_\_\_\_\_ (date). ~~My political party is~~ *I request the*  
38 *ballot of the \_\_\_\_\_ party* (to be filled in only when requesting primary election  
39 ballots). I desire my ballots to be sent to the following address

40 \_\_\_\_\_  
41 \_\_\_\_\_

42 Signature of voter.

43 Note: False statement on this affirmation is a severity level 9, nonperson felony.

1 (b) The application for an advance voting ballot to be transmitted in  
2 person shall be accompanied by an affirmation in substance as follows:

3 Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring  
4 to Vote an Advance Voting Ballot  
5 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

6 I, \_\_\_\_\_  
7 (Please print name)

8 do solemnly affirm under penalty of perjury that I am a qualified elector of the \_\_\_\_\_  
9 precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on \_\_\_\_\_  
10 street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county of \_\_\_\_\_,  
11 and state of Kansas. My date of birth is \_\_\_\_\_ (month/day/year).

12 I understand that if I have not previously voted in any election in this county and I have  
13 not previously submitted valid identification, I must provide one of the following forms of  
14 identification with this application in order to receive a ballot: a current and valid Kansas  
15 driver's license or nondriver's identification card, utility bill, bank statement, paycheck, gov-  
16 ernment check or other government document that shows my name and address.

17 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise  
18 vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_  
19 (to be filled in only when requesting primary election ballots).

20 \_\_\_\_\_  
21 \_\_\_\_\_ Signature of voter.

22 Note: False statement on this affirmation is a severity level 9, nonperson felony.

23 (c) An application for permanent advance voting status shall be on a  
24 form prescribed by the secretary of state for this purpose. Such applica-  
25 tion shall contain an affirmation concerning substantially the same infor-  
26 mation required in subsection (a) and in addition thereto a statement  
27 regarding the permanent character of such illness or disability.

28 (d) Any application by a former precinct resident shall state both the  
29 former and present residence, address, precinct and county of such for-  
30 mer precinct resident and the date of change of residence.

31 Sec. 2. K.S.A. 2004 Supp. 25-1123 is hereby amended to read as  
32 follows: 25-1123. (a) When an application for an advance voting ballot has  
33 been filed in accordance with K.S.A. 25-1122, and amendments thereto,  
34 the county election officer shall transmit to the voter applying therefor  
35 one each of the appropriate ballots. Except as provided by subsection (b),  
36 the county election officer shall transmit the advance voting ballots to the  
37 voter at one of the following addresses as specified by the voter on such  
38 application: (1) The voter's residential address or mailing address as in-  
39 dicated on the registration list; (2) the voter's temporary residential ad-  
40 dress; or (3) a medical care facility as defined in K.S.A. 65-425, and  
41 amendments thereto, psychiatric hospital, hospice or adult care home  
42 where the voter resides. No advance voting ballot shall be transmitted by  
43 the county election officer by any means prior to the 20th day before the

1 election for which an application for an advance voting ballot has been  
2 received by such county election officer. If the advance voting ballot is  
3 transmitted by mail, such ballot shall be transmitted with printed instruc-  
4 tions prescribed by the secretary of state and a ballot envelope bearing  
5 upon the outside a printed form as described in K.S.A. 25-1120, and  
6 amendments thereto, and the same number as the number of the ballot.  
7 If the advance voting ballot is transmitted to the applicant in person in  
8 the office of the county election officer or at a satellite advance voting  
9 site, such advance voting ballot and printed instructions shall be trans-  
10 mitted in an advance voting ballot envelope bearing upon the outside a  
11 printed form as described in K.S.A. 25-1120, and amendments thereto,  
12 and the same number as the number of the ballot unless the voter elects  
13 to deposit the advance voting ballot into a locked ballot box without an  
14 envelope. All ballots shall be transmitted to the advance voting voter not  
15 more than 20 days before the election but within two business days of  
16 the receipt of such voter's application by the election officer or the com-  
17 mencement of such 20-day period. In primary elections required to be  
18 conducted on a partisan basis, the election officer shall deliver to such  
19 voter the ballot of the political party *of requested by* the applicant.

20 (b) The restrictions in subsection (a) relating to where a county elec-  
21 tion officer may transmit an advance voting ballot shall not apply to an  
22 advance voting ballot requested pursuant to an application for an advance  
23 voting ballot filed by a voter who has a temporary illness or disability or  
24 who is not proficient in reading the English language.

25 (c) The county election officer shall compare the driver's license  
26 number, nondriver's identification card number, social security number  
27 or copy of other valid identification provided by a first-time voter to the  
28 voter registration list verified by the division of motor vehicles in accord-  
29 ance with federal law. If no identification information was provided by  
30 the first-time voter, or if such information does not match the information  
31 on the voter registration list, the county election officer shall not transmit  
32 an advance voting ballot.

33 Sec. 3. K.S.A. 25-3301 is hereby amended to read as follows: 25-  
34 3301. (a) ~~Each registered voter of this state who has declared a party~~  
35 ~~affiliation as provided in this section or in K.S.A. 25-3304, and amend-~~  
36 ~~ments thereto, shall be entitled to vote at every partisan primary election~~  
37 *Each political party authorized to participate in the primary election as*  
38 *determined by subsection (b) of K.S.A. 25-202, and amendments thereto,*  
39 *shall determine which registered voters may receive such party's ballot in*  
40 *every partisan primary election. Each such political party shall notify the*  
41 *secretary of state in writing not later than 12:00 noon, April 1, prior to*  
42 *the primary election on the first Tuesday of August in even-numbered*  
43 *years, or if such date falls on a Saturday, Sunday or holiday, then before*

1 12:00 noon of the next following day that is not a Saturday, Sunday or  
2 holiday. Such notice shall specify whether registered voters who are not  
3 affiliated with such political party may receive such political party's pri-  
4 mary election ballot. No person entitled to vote in the primary election  
5 shall be permitted to vote more than once.

6 (b) The county election officer shall prepare for each voting place at  
7 each partisan primary election a party affiliation list, duly certified by such  
8 officer, which clearly indicates the party affiliation of each registered voter  
9 in the voting area who has declared a party affiliation. The registration  
10 book prepared for a voting place pursuant to K.S.A. 25-2318, and amend-  
11 ments thereto, may be used as such list, but no registration book prepared  
12 for use at a voting place in an election other than a partisan primary  
13 election or an election held at the same time as a partisan primary election  
14 shall indicate in any manner the party affiliation of any voter. Such list  
15 shall be delivered by the supervising judge to the voting place before the  
16 opening of the polls.

17 (c) The party affiliation list provided for by subsection (b) shall be  
18 used to determine the party affiliation of a voter offering to vote at a  
19 partisan primary election and of a voter applying for an advance voting  
20 ballot pursuant to K.S.A. 25-1122, and amendments thereto. ~~If a voter's~~  
21 ~~party affiliation is not indicated on the party affiliation list, such voter~~  
22 ~~shall state the voter's party affiliation in writing on a form prescribed by~~  
23 ~~the secretary of state. A judge at the precinct polling place, or the county~~  
24 ~~election officer or such officer's designee, shall give such voter a primary~~  
25 ~~ballot of the voter's party affiliation, and such person thereupon shall be~~  
26 ~~entitled to vote. Such a~~ *If a voter's party affiliation is not indicated on*  
27 *the party affiliation list or if such voter has not declared affiliation with*  
28 *a political party, such voter may state the voter's party affiliation in writ-*  
29 *ing on a form prescribed by the secretary of state, or if permitted by rules*  
30 *specified by a political party pursuant to subsection (a) of this section,*  
31 *such voter may request the ballot of the political party of such voter's*  
32 *choice. Any statement of party affiliation completed by a registered voter*  
33 *pursuant to this subsection shall constitute a declaration of party affilia-*  
34 *tion, and all such signed statements shall be returned to the county elec-*  
35 *tion officer, who shall cause them to be recorded on the party affiliation*  
36 *list.*

37 (d) ~~No voter shall be allowed to receive the ballot of any political~~  
38 ~~party except that with which such voter is affiliated.~~

39 ~~(e)~~ Party affiliation statements shall be preserved for five years. The  
40 county election officer may dispose of the statements in the manner ap-  
41 proved for destruction of ballots as provided in K.S.A. 25-2708, and  
42 amendments thereto.

43 ~~(f)~~ (e) The county election officer shall update party affiliation lists as

1 provided by rules and regulations of the secretary of state.

2 Sec. 4. K.S.A. 25-3304 is hereby amended to read as follows: 25-  
3 3304. (a) Any person who has declared such person's party or voter affil-  
4 iation in the manner provided by law shall be listed on a voter affiliation  
5 list as a member of a registered political organization, or on a party affil-  
6 iation list if a member of a recognized political party, unless the person's  
7 name is purged or removed therefrom as provided by K.S.A. 25-3303,  
8 and amendments thereto, or unless the person changes party or voter  
9 affiliation as provided in this section.

10 (b) Any person, who, having declared a party or voter affiliation, de-  
11 sires to change the same, may file a written declaration with the county  
12 election officer, stating the change of party or voter affiliation. Such dec-  
13 laration shall be filed not less than ~~14~~ 15 days prior to the date of any  
14 national, state, county or township primary election. The county election  
15 officer shall enter a record of such change on the party or voter affiliation  
16 list of such preceding primary election in the proper column opposite the  
17 voter's name.

18 (c) Any person who has never declared a party or voter affiliation in  
19 the county in which such person resides may file a written declaration  
20 with the county election officer, stating the person's party or voter affil-  
21 iation. Such declaration shall be filed not less than ~~14~~ 15 days prior to the  
22 date of any national, state, county or township primary election. The  
23 county election officer shall enter a record of such declaration on the  
24 party or voter affiliation list of the preceding primary election in the  
25 proper column opposite the voter's name.

26 Sec. 5. K.S.A. 25-4502 is hereby amended to read as follows: 25-  
27 4502. (a) ~~Every registered elector who has declared such elector's party~~  
28 ~~affiliation with a political party eligible to participate in a state primary~~  
29 ~~election shall have the opportunity to vote one vote at a presidential pref-~~  
30 ~~erence primary election for such elector's preference for one person to~~  
31 ~~be the candidate for nomination by such candidate's party for president~~  
32 ~~of the United States or for "none of the names shown." Any registered~~  
33 ~~elector who has not declared such candidate's party affiliation prior to the~~  
34 ~~election may make such a declaration at the polling place, and thereupon~~  
35 ~~shall be permitted likewise the opportunity to vote one vote at the pres-~~  
36 ~~idential preference primary. Each political party authorized to participate~~  
37 ~~in the primary election as determined by K.S.A. 25-202(b), and amend-~~  
38 ~~ments thereto, shall determine which registered voters may receive such~~  
39 ~~party's ballot in the presidential primary election. Each such political~~  
40 ~~party shall notify the secretary of state in writing not later than 12:00~~  
41 ~~noon, December 1, prior to the presidential primary election, or if such~~  
42 ~~date falls on a Saturday, Sunday or a holiday, then before 12:00 noon of~~  
43 ~~the next following day that is not a Saturday, Sunday or holiday. Such~~

1 *notice shall specify whether registered voters who are not affiliated with*  
2 *such political party may receive such party's presidential primary election*  
3 *ballot. Each person entitled to vote in the presidential primary election*  
4 *shall be permitted to vote one vote for such elector's preference for one*  
5 *person to be the candidate for nomination by such candidate's party for*  
6 *president of the United States or for "none of the names shown."*

7 A vote for "none of the names shown" shall express the preference for  
8 an uncommitted delegation from Kansas to the national convention of  
9 that elector's party. Preference shall be indicated by marking with a cross  
10 or check mark inside a voting square on the ballot at the left of the voter's  
11 choice, or by voting by using a voting machine.

12 (b) The name of any candidate for a political party nomination for  
13 president of the United States shall be printed on the ballots only if, not  
14 later than twelve o'clock noon, February 12 prior to the presidential pref-  
15 erence primary or, if such date falls on Saturday, Sunday or a holiday, not  
16 later than twelve o'clock noon the following day that is not a Saturday,  
17 Sunday or holiday:

18 (1) The candidate files with the secretary of state a declaration of  
19 intent to become a candidate accompanied by a fee of \$100; or

20 (2) there is filed in the office of secretary of state a petition in the  
21 form prescribed by K.S.A. 25-205, and amendments thereto, signed by  
22 not less than 1,000 registered electors, who are affiliated with the political  
23 party of such candidate as shown by the party affiliation list. The secretary  
24 of state shall determine the sufficiency of each such petition, and such  
25 determination shall be final.

26 Sec. 6. K.S.A. 25-3301, 25-3304 and 25-4502 and K.S.A. 2004 Supp.  
27 25-1122d and 25-1123 are hereby repealed.

28 Sec. 7. This act shall take effect and be in force from and after its  
29 publication in the statute book.