

*[As Amended by Senate Committee of the Whole]*

---

---

*As Amended by Senate Committee*

---

---

*Session of 2009*

## **SENATE BILL No. 56**

By Committee on Ways and Means

1-21

---

12 AN ACT concerning elections; pertaining to advance voting ballots;  
13 amending K.S.A. 2008 Supp. 25-1124 and 25-1128 and repealing the  
14 existing sections.  
15

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

17 Section 1. K.S.A. 2008 Supp. 25-1124 is hereby amended to read as  
18 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter  
19 shall cast such voter's vote as follows: The voter shall make a cross or  
20 check mark in the square or parentheses opposite the name of each can-  
21 didate or question for whom the voter desires to vote. The voter shall  
22 make no other mark, and shall allow no other person to make any mark,  
23 upon such ballot. If the advance voting ballot was transmitted by mail,  
24 the voter personally shall place the ballot in the ballot envelope bearing  
25 the same number as the ballot and seal the envelope. The voter shall  
26 complete the form on the ballot envelope and shall sign the same. Except  
27 as provided by K.S.A. 25-2908, and amendments thereto, the ballot en-  
28 velope shall be mailed or otherwise transmitted to the county election  
29 officer. If the advance voting ballot was transmitted to the voter in person  
30 in the office of the county election officer or at a satellite advance voting  
31 site, the voter may deposit such ballot into a locked ballot box without an  
32 envelope.

33 (b) Any sick, physically disabled or illiterate voter who is unable to  
34 apply for or mark or transmit an advance voting ballot, may request as-  
35 sistance by a person who has signed a statement required by subsection  
36 (d) in applying for or marking an advance voting ballot.

37 (c) Any voted ballot may be transmitted to the county election officer  
38 by the voter or by another person ~~upon request of~~ *designated in writing*  
39 *by* the voter. Any such voted ballot shall be transmitted to the county  
40 election officer before the close of the polls on election day.

41 (d) The county election officer shall allow a person to assist a sick,  
42 physically disabled or illiterate voter in applying for or marking an appli-  
43 cation or advance voting ballot, provided a written statement is signed by

1 the person who renders assistance to the sick, physically disabled or illit-  
2 erate voter and submitted to the county election officer with the appli-  
3 cation or ballot. The statement shall be on a form prescribed by the  
4 secretary of state and shall contain a statement from the person providing  
5 assistance that the person has not exercised undue influence on the voting  
6 decision of the sick, physically disabled or illiterate voter and that the  
7 person providing assistance has completed the application or marked the  
8 ballot as instructed by the sick, physically disabled or illiterate voter.

9 (e) Any person assisting a sick, physically disabled or illiterate voter  
10 in applying for or marking an advance voting ballot who knowingly and  
11 willfully fails to sign and submit the statement required by this section or  
12 who exercises undue influence on the voting decision of such voter shall  
13 be guilty of a severity level 9 nonperson felony.

14 Sec. 2. K.S.A. 2008 Supp. 25-1128 is hereby amended to read as  
15 follows: 25-1128. (a) No voter shall mark or transmit to the county elec-  
16 tion officer more than one advance voting ballot, or set of one of each  
17 kind of ballot, if the voter is entitled to vote more than one such ballot  
18 at a particular election.

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

28 (c) *Except as otherwise provided by law, no person other than the*  
29 *voter shall sign an application for an advance voting ballot for such voter.*

30 ~~(d)~~ (d) Except as otherwise provided by law, no person other than the  
31 voter, shall mark, sign or transmit to the county election officer any ad-  
32 vance voting ballot or advance voting ballot envelope.

33 ~~(e)~~ (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-  
34 1124, and amendments thereto, shall intercept, interfere with, or delay  
35 the transmission of advance voting ballots from the county election officer  
36 to the voter.

37 ~~(f)~~ (f) No person shall willfully and falsely affirm, declare or subscribe  
38 to any material fact in an affirmation form for an advance voting ballot,  
39 or set of advance voting ballots if the voter is entitled to vote more than  
40 one kind of advance voting ballot at a particular election, or in a decla-  
41 ration form on an advance voting ballot envelope.

42 ~~(f) Nothing in this section shall be construed to prohibit any person~~  
43 ~~from mailing, carrying or otherwise conveying advance voting ballots or~~

1 sets of advance voting ballots to the county election officer upon request  
2 of advance voting voters.

3 (g) A voter may return such voter's advance voting ballot to the  
4 county election office by personal delivery or by mail. Upon written des-  
5 ignation [**showing the date and signature**] by the voter **on the ballot**  
6 **envelope**, a person other than the voter may [**be designated to**] return  
7 the advance voting ballot by personal delivery or mail. Any such person  
8 designated by the voter shall sign a statement [**and date such statement**]  
9 **at the time the ballot is taken from the voter and which statement**  
10 **appears on the ballot envelope** that such person has not exercised un-  
11 due influence on the voting decisions of the voter and agrees to deliver  
12 the ballot as directed by the voter. Any person designated by a voter to  
13 deliver such voter's advance voting ballot shall mail or deliver the ballot  
14 and the designation and statement required by this section to the county  
15 election office. Such delivery shall occur within two business days after  
16 receiving the ballot from the voter but not later than the close of polls on  
17 election day.

18 ~~(g)~~ (h) Violation of any provision of this section is a ~~class C misde-~~  
19 ~~meanor~~ severity level 9 nonperson felony. [**No person may be found to**  
20 **have violated subsection (g) unless there is evidence the violation**  
21 **was knowingly and willfully done.**]

22 Sec. 3. K.S.A. 2008 Supp. 25-1124 and 25-1128 are hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its  
24 publication in the statute book.