

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 56

As Amended by Senate Committee of the Whole

Brief*

SB 56 would make changes related to the security of advance voting ballots. The bill would allow another person to transmit a voter's advance ballot only if the voter made the designation in writing, both signed and dated, on the ballot envelope. Current law states another person may transmit the advance ballot upon request of the voter. The bill also would prohibit, expressly, any person other than the voter to sign an application for an advance voting ballot, except as otherwise provided by law.

Finally, the bill would restrict the ways in which an advance ballot may be returned to the county election office. The voter him- or herself may return the ballot by personal delivery or by mail. If the voter designates another person in writing to deliver the ballot, the designated person must either mail or deliver the ballot, along with the ballot envelope, that must contain the written designation and a statement signed and dated by the designated deliverer at the time the ballot is taken from the voter, that the deliverer has not exercised undue influence on the voter's voting decisions. The ballot delivery must occur within two business days after receiving the ballot from the voter but not later than the close of polls on election day.

Background

The Deputy Assistant Secretary of State and the Shawnee County Election Commissioner testified in favor of the bill. A representative of the Disability Rights Center of Kansas testified in opposition.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee on Ethics and Elections amended the bill to require the written designation and signed statement of the designated ballot deliverer appear on the ballot envelope.

The Senate Committee of the Whole amended the bill to:

- Require that the voter's designation of a ballot deliverer be signed and dated;
- Require that the deliverer's signed statement be dated; and
- Specify that an advance ballot deliverer may be found in violation of the ballot delivery subsection only if there is evidence the violation was done knowingly and willfully.

According to the fiscal note, passage of the original bill would have no fiscal effect on the Secretary of State's Office or the county election offices.