

## HOUSE BILL No. 2122

By Committee on Elections

1-20

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1 AN ACT concerning elections; regarding advance voting; requiring a  
2 witness for each signature on an advance voting ballot envelope;  
3 limiting such witness to not more than 10 such envelopes; amending  
4 K.S.A. 25-1121 and K.S.A. 2022 Supp. 25-1124 and repealing the  
5 existing sections.  
6

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

8 Section 1. K.S.A. 25-1121 is hereby amended to read as follows: 25-  
9 1121. (a) The secretary of state shall prescribe the general forms of  
10 advance voting ballots to be used in all primary and general elections and  
11 the form of the printed instructions to voters containing a statement of all  
12 the requirements of this act, to enable voters to comply with the  
13 requirements of this act. The prescribed forms shall be transmitted to the  
14 county election officers 35 days before each primary and general election.

15 (b) (1) The secretary of state shall prescribe the general format of  
16 advance voting ballot envelopes. The envelopes shall include signature  
17 blocks for the advance voter; a signature block for the person, if any,  
18 assisting the advance voter; ~~and~~ a signature block for a person, if any, who  
19 signs the advance voting ballot envelope on behalf of the advance voter in  
20 situations when the advance voter is physically unable to sign the  
21 envelope; *and a signature block for a person who acts as a witness to the*  
22 *advance voter signature or the signature of any person assisting the*  
23 *advance voter or any person who signs the advance voting ballot envelope*  
24 *in situations when the advance voter is physically unable to sign the*  
25 *envelope.*

26 (2) *Any person who signs as a witness under this section may witness*  
27 *not to exceed 10 advance voting ballot envelopes.*

28 (c) The advance ballot envelope shall contain the following statement  
29 after the signature block provided for the person who signs the advance  
30 ballot envelope on behalf of a person physically unable to sign such  
31 envelope:

32 "My signature constitutes an affidavit that the person for whom I  
33 signed the envelope is a person who is physically unable to sign such  
34 envelope. By signing this envelope, I swear this information is true and  
35 correct, and that signing an advance ballot envelope under false pretenses  
36 shall constitute the crime of perjury."

1       Sec. 2. K.S.A. 2022 Supp. 25-1124 is hereby amended to read as  
2 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter  
3 shall cast such voter's vote as follows: The voter shall make a cross or  
4 check mark in the square or parentheses opposite the name of each  
5 candidate or question for whom the voter desires to vote. The voter shall  
6 make no other mark, and shall allow no other person to make any mark,  
7 upon such ballot. If the advance voting ballot was transmitted by mail, the  
8 voter personally shall place the ballot in the ballot envelope bearing the  
9 same number as the ballot and seal the envelope. The voter shall complete  
10 the form on the ballot envelope and shall sign the same. Except as  
11 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope  
12 shall be mailed or otherwise transmitted to the county election officer. If  
13 the advance voting ballot was transmitted to the voter in person in the  
14 office of the county election officer or at a satellite advance voting site, the  
15 voter may deposit such ballot into a locked ballot box without an envelope.

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

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

29       (d) Any voted ballot may be transmitted to the county election officer  
30 by the voter. Subject to the provisions of K.S.A. 25-2437, and amendments  
31 thereto, a voted ballot may be transmitted by another person designated in  
32 writing by the voter as provided in K.S.A. 25-2437, and amendments  
33 thereto, except if the voter has a disability preventing the voter from  
34 writing and signing a statement, the written and signed statement required  
35 by subsection (e) shall be sufficient. Any such voted ballot shall be  
36 transmitted to the county election officer before the close of the polls on  
37 election day.

38       (e) The county election officer shall allow a person to assist a voter  
39 who has an illness or physical disability or who is not proficient in reading  
40 the English language in applying for or marking an application or advance  
41 voting ballot, or to sign for a voter who has a disability preventing the  
42 voter from signing an application or advance voting ballot form, provided  
43 a written statement is signed by the person who renders assistance to the

1 voter who has an illness or physical disability or who is not proficient in  
2 reading the English language and such statement is submitted to the county  
3 election officer with the application or ballot. The statement shall be on a  
4 form prescribed by the secretary of state and shall contain a statement  
5 from the person providing assistance that the person has not exercised  
6 undue influence on the voting decision of the voter who has an illness or  
7 physical disability or who is not proficient in reading the English language  
8 and that the person providing assistance has completed the application,  
9 marked the ballot, or signed the application or ballot form as instructed by  
10 the voter.

11 (f) Any person assisting a voter who has an illness or physical  
12 disability or who is not proficient in reading the English language in  
13 applying for or marking an advance voting ballot, or in signing an  
14 application or advance voting ballot form for a voter who has a disability  
15 preventing the voter from signing the application or advance voting ballot  
16 form, who knowingly fails to sign and submit the statement required by  
17 this section or who exercises undue influence on the voting decision of  
18 such voter shall be guilty of a severity level 9, nonperson felony.

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

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

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

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

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

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

37 (h) (1) Subject to the provisions of subsection (b), no county election  
38 officer shall accept an advance voting ballot transmitted by mail unless the  
39 county election officer verifies that the signature of the person on the  
40 advance voting ballot envelope matches the signature on file in the county  
41 voter registration records, except that verification of the voter's signature  
42 shall not be required if a voter has a disability preventing the voter from  
43 signing the ballot or preventing the voter from having a signature

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

6 *(2) No county election officer shall accept an advance voting ballot*  
7 *that does not contain the signature of a witness on the advance voting*  
8 *ballot envelope as required by K.S.A. 25-1121, and amendments thereto.*

9 Sec. 3. K.S.A. 25-1121 and K.S.A. 2022 Supp. 25-1124 are hereby  
10 repealed.

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