

HOUSE BILL No. 2513

By Committee on Elections

Requested by Representative Waggoner

1-17

1 AN ACT concerning elections; relating to advance voting ballots;
2 extending the time for transmittal of such ballots to 22 days prior to an
3 election; requiring the return of such ballots by 7:00 p.m. on the day of
4 the election; amending K.S.A. 25-1123 and 25-1132 and K.S.A. 2023
5 Supp. 25-1122 and 25-2311 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. 25-1122 is hereby amended to read as
9 follows: 25-1122. (a) Any registered voter may file with the county
10 election officer where such person is a resident, or where such person is
11 authorized by law to vote as a former precinct resident, an application for
12 an advance voting ballot. The signed application shall be transmitted only
13 to the county election officer by personal delivery, mail, facsimile or as
14 otherwise provided by law.

15 (b) If the registered voter is applying for an advance voting ballot to
16 be transmitted in person, the voter shall provide identification pursuant to
17 K.S.A. 25-2908, and amendments thereto.

18 (c) If the registered voter is applying for an advance voting ballot to
19 be transmitted by mail, the voter shall provide with the application for an
20 advance voting ballot the voter's current and valid Kansas driver's license
21 number, nondriver's identification card number or a photocopy of any
22 other identification provided by K.S.A. 25-2908, and amendments thereto.

23 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
24 and amendments thereto, if:

25 (1) The voter is unable or refuses to provide current and valid
26 identification; or

27 (2) the name and address of the voter provided on the application for
28 an advance voting ballot do not match the voter's name and address on the
29 registration book. The voter shall provide a valid form of identification as
30 defined in K.S.A. 25-2908, and amendments thereto, to the county election
31 officer in person or provide a copy by mail or electronic means before the
32 meeting of the county board of canvassers. At the meeting of the county
33 board of canvassers the county election officer shall present copies of
34 identification received from provisional voters and the corresponding
35 provisional ballots. If the county board of canvassers determines that a

1 voter's identification is valid and the provisional ballot was properly cast,
2 the ballot shall be counted.

3 (e) No county election officer shall provide an advance voting ballot
4 to a person who is requesting an advance voting ballot to be transmitted by
5 mail unless:

6 (1) The county election official verifies that the signature of the
7 person matches that on file in the county voter registration records, except
8 that verification of the voter's signature shall not be required if a voter has
9 a disability preventing the voter from signing. Signature verification may
10 occur by electronic device or by human inspection. In the event that the
11 signature of a person who is requesting an advance voting ballot does not
12 match that on file, the county election officer shall attempt to contact the
13 person and shall offer the person another opportunity to provide the
14 person's signature for the purposes of verifying the person's identity. If the
15 county election officer is unable to reach the person, the county election
16 officer may transmit a provisional ballot, however, such provisional ballot
17 may not be counted unless a signature is included therewith that can be
18 verified; and

19 (2) the person provides such person's full Kansas driver's license
20 number, Kansas nondriver's identification card number issued by the
21 division of vehicles, or submits such person's application for an advance
22 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
23 amendments thereto, to the county election officer for verification. If a
24 person applies for an advance voting ballot to be transmitted by mail but
25 fails to provide identification pursuant to this subsection or the
26 identification of the person cannot be verified by the county election
27 officer, the county election officer shall provide information to the person
28 regarding the voter rights provisions of subsection (d) and shall provide
29 the person an opportunity to provide identification pursuant to this
30 subsection. For the purposes of this act, Kansas state offices and offices of
31 any subdivision of the state will allow any person seeking to vote by an
32 advance voting ballot the use of a photocopying device to make one
33 photocopy of an identification document at no cost.

34 (f) (1) Applications for advance voting ballots to be transmitted to the
35 voter by mail shall be filed only at the following times:

36 (A) For the primary election occurring on the first Tuesday in August
37 in both even-numbered and odd-numbered years, between April 1 of such
38 year and the Tuesday of the week preceding such primary election;

39 (B) for the general election occurring on the Tuesday following the
40 first Monday in November in both even-numbered and odd-numbered
41 years, between 90 days prior to such election and the Tuesday of the week
42 preceding such general election;

43 (C) for the presidential preference primary election held pursuant to

1 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year
2 in which such election is held and 30 days prior to the day of such
3 election;

4 (D) for question submitted elections occurring on the date of a
5 primary or general election, the same as is provided for ballots for election
6 of officers at such election;

7 (E) for question submitted elections not occurring on the date of a
8 primary or general election, between the time of the first published notice
9 thereof and the Tuesday of the week preceding such question submitted
10 election, except that if the question submitted election is held on a day
11 other than a Tuesday, the final date for mailing of advance voting ballots
12 shall be one week before such election; and

13 (F) for any special election of officers, at such time as is specified by
14 the secretary of state.

15 (2) The county election officer of any county may receive
16 applications prior to the time specified in this subsection and hold such
17 applications until the beginning of the prescribed application period. Such
18 applications shall be treated as filed on that date.

19 (g) (1) Unless an earlier date is designated by the county election
20 office, applications for advance voting ballots transmitted to the voter in
21 person shall be filed ~~on the Tuesday next preceding the election and on~~
22 ~~each subsequent business day until no later than 12 noon~~ *between 10 days*
23 *prior to such election and 12:00 p.m.* on the day preceding such election.
24 If the county election officer so provides, applications for advance voting
25 ballots transmitted to the voter in person in the office of the county
26 election officer also may be filed on the Saturday preceding the election.
27 Upon receipt of any such properly executed application, the county
28 election officer shall deliver to the voter such ballots and instructions as
29 are provided for in this act.

30 (2) An application for an advance voting ballot filed by a voter who
31 has a temporary illness or disability or who is not proficient in reading the
32 English language or by a person rendering assistance to such voter may be
33 filed during the regular advance ballot application periods until the close
34 of the polls on election day.

35 (3) The county election officer may designate places other than the
36 central county election office as satellite advance voting sites. At any
37 satellite advance voting site, a registered voter may obtain an application
38 for advance voting ballots. Ballots and instructions shall be delivered to
39 the voter in the same manner and subject to the same limitations as
40 otherwise provided by this subsection.

41 (h) Any person having a permanent disability or an illness that has
42 been diagnosed as a permanent illness is hereby authorized to make an
43 application for permanent advance voting status. Applications for

1 permanent advance voting status shall be in the form and contain such
2 information as is required for application for advance voting ballots and
3 also shall contain information that establishes the voter's right to
4 permanent advance voting status.

5 (i) On receipt of any application filed under the provisions of this
6 section, the county election officer shall prepare and maintain in such
7 officer's office a list of the names of all persons who have filed such
8 applications, together with their correct post office address and the
9 precinct, ward, township or voting area in which the persons claim to be
10 registered voters or to be authorized by law to vote as former precinct
11 residents and the present resident address of each applicant. Names and
12 addresses shall remain so listed until the day of such election. The county
13 election officer shall maintain a separate listing of the names and addresses
14 of persons qualifying for permanent advance voting status. All such lists
15 shall be available for inspection upon request in compliance with this
16 subsection by any registered voter during regular business hours. The
17 county election officer upon receipt of the applications shall enter upon a
18 record kept by such officer the name and address of each applicant, which
19 record shall conform to the list above required. Before inspection of any
20 advance voting ballot application list, the person desiring to make the
21 inspection shall provide to the county election officer identification in the
22 form of driver's license or other reliable identification and shall sign a log
23 book or application form maintained by the officer stating the person's
24 name and address and showing the date and time of inspection. All records
25 made by the county election officer shall be subject to public inspection,
26 except that the voter identification information required by subsections (b)
27 and (c) and the identifying number on ballots and ballot envelopes and
28 records of such numbers shall not be made public.

29 (j) If a person on the permanent advance voting list fails to vote in
30 four consecutive general elections, the county election officer may mail a
31 notice to such voter. The notice shall inform the voter that the voter's name
32 will be removed from the permanent advance voting list unless the voter
33 renews the application for permanent advance voting status within 30 days
34 after the notice is mailed. If the voter fails to renew such application, the
35 county election officer shall remove the voter's name from the permanent
36 advance voting list. Failure to renew the application for permanent
37 advance voting status shall not result in removal of the voter's name from
38 the voter registration list.

39 (k) (1) Any person who solicits by mail a registered voter to file an
40 application for an advance voting ballot and includes an application for an
41 advance voting ballot in such mailing shall include on the exterior of such
42 mailing, and on each page contained therein, except the application, a clear
43 and conspicuous label in 14-point font or larger that includes:

1 (A) The name of the individual or organization that caused such
2 solicitation to be mailed;

3 (B) if an organization, the name of the president, chief executive
4 officer or executive director of such organization;

5 (C) the address of such individual or organization; and

6 (D) the following statement: "Disclosure: This is not a government
7 mailing. It is from a private individual or organization."

8 (2) The application for an advance voting ballot included in such
9 mailing shall be the official application for advance ballot by mail
10 provided by the secretary of state. No portion of such application shall be
11 completed prior to mailing such application to the registered voter.

12 (3) An application for an advance voting ballot shall include an
13 envelope addressed to the appropriate county election office for the
14 mailing of such application. In no case shall the person who mails the
15 application to the voter direct that the completed application be returned to
16 such person.

17 (4) The provisions of this subsection shall not apply to:

18 (A) The secretary of state or any election official or county election
19 office; or

20 (B) the official protection and advocacy for voting access agency for
21 this state as designated pursuant to the federal help America vote act of
22 2002, public law 107-252, or any other entity required to provide
23 information concerning elections and voting procedures by federal law.

24 (5) A violation of this subsection is a class C nonperson
25 misdemeanor.

26 (1) (1) No person shall mail or cause to be mailed an application for
27 an advance voting ballot, unless such person is a resident of this state or is
28 otherwise domiciled in this state.

29 (2) Any individual may file a complaint in writing with the attorney
30 general alleging a violation of this subsection. Such complaint shall
31 include the name of the person alleged to have violated this subsection and
32 any other information as required by the attorney general. Upon receipt of
33 a complaint, the attorney general shall investigate and may file an action
34 against any person found to have violated this subsection.

35 (3) Any person who violates the provisions of this subsection is
36 subject to a civil penalty of \$20. Each instance in which a person mails an
37 application for an advance voting ballot in violation of this section shall
38 constitute a separate violation.

39 (m) A county election officer shall not mail a ballot to a voter unless
40 such voter has submitted an application for an advance voting ballot,
41 except that a ballot may be mailed to a voter if such voter has permanent
42 advance voting ballot status pursuant to subsection (h) or if the election is
43 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,

1 and amendments thereto.

2 (n) The secretary of state may adopt rules and regulations in order to
3 implement the provisions of this section and to define valid forms of
4 identification.

5 Sec. 2. K.S.A. 25-1123 is hereby amended to read as follows: 25-
6 1123. (a) When an application for an advance voting ballot has been filed
7 in accordance with K.S.A. 25-1122, and amendments thereto, the county
8 election officer shall transmit to the voter applying therefor one each of the
9 appropriate ballots. Unless an advance voting ballot is transmitted in
10 person pursuant to this subsection, the county election officer shall
11 transmit the advance voting ballots to the voter at one of the following
12 addresses as specified by the voter on such application: (1) The voter's
13 residential address or mailing address as indicated on the registration list;
14 (2) the voter's temporary residential address; or (3) a medical care facility
15 as defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,
16 hospice or adult care home where the voter resides. No advance voting
17 ballot shall be transmitted by the county election officer by any means
18 prior to the ~~20th~~ 22nd day before the election for which an application for an
19 advance voting ballot has been received by such county election officer. If
20 the advance voting ballot is transmitted by mail, such ballot shall be
21 transmitted with printed instructions prescribed by the secretary of state
22 and a ballot envelope bearing upon the outside a printed form as described
23 in K.S.A. 25-1120, and amendments thereto, and the same number as the
24 number of the ballot. If the advance voting ballot is transmitted to the
25 applicant in person in the office of the county election officer or at a
26 satellite advance voting site, such advance voting ballot and printed
27 instructions shall be transmitted in an advance voting ballot envelope
28 bearing upon the outside a printed form as described in K.S.A. 25-1120,
29 and amendments thereto, and the same number as the number of the ballot
30 unless the voter elects to deposit the advance voting ballot into a locked
31 ballot box without an envelope. All ballots shall be transmitted to the
32 advance voting voter not more than ~~20~~ 22 days before the election but
33 within two business days of the receipt of such voter's application by the
34 election officer or the commencement of such ~~20-day~~ 22-day period. In
35 primary elections required to be conducted on a partisan basis, the election
36 officer shall deliver to such voter the ballot of the political party of the
37 applicant.

38 (b) The restrictions in subsection (a) relating to where a county
39 election officer may transmit an advance voting ballot shall not apply to an
40 advance voting ballot requested pursuant to an application for an advance
41 voting ballot filed by a voter who has a temporary illness or disability or
42 who is not proficient in reading the English language.

43 (c) The county election officer shall compare the driver's license

1 number, nondriver's identification card number or copy of other valid
2 identification provided by a voter to the voter registration list verified by
3 the division of vehicles in accordance with federal law. If no identification
4 information was provided by the voter or if such information does not
5 match the information on the voter registration list, the county election
6 officer shall transmit a provisional advance voting ballot.

7 Sec. 3. K.S.A. 25-1132 is hereby amended to read as follows: 25-
8 1132. (a) All advance voting ballots that are received in the office of the
9 county election officer or any polling place within the county not later than
10 the hour for closing of the polls on the date of any election specified in
11 K.S.A. 25-1122(f), and amendments thereto, shall be delivered by the
12 county election officer to the appropriate special election board provided
13 for in K.S.A. 25-1133, and amendments thereto.

14 ~~(b) Subject to the deadline for receipt by the office of the county~~
15 ~~election officer as set forth in this subsection, all advance voting ballots~~
16 ~~received by mail by the office of the county election officer after the~~
17 ~~closing of the polls on the date of any election specified in K.S.A. 25-~~
18 ~~1122(f), and amendments thereto, and which are postmarked or are~~
19 ~~otherwise indicated by the United States postal service to have been~~
20 ~~mailed on or before the close of the polls on the date of the election, shall~~
21 ~~be delivered by the county election officer to a special election board or~~
22 ~~the county board of canvassers, as determined by the secretary of state, for~~
23 ~~canvassing in a manner consistent, as nearly as may be, with other advance~~
24 ~~voting ballots. The deadline for the receipt by mail of the advance voting~~
25 ~~ballots by the office of the county election officer shall be the last delivery~~
26 ~~of mail by the United States postal service 7:00 p.m. on the third day~~
27 ~~following the date of the election.~~

28 (c) The secretary of state shall adopt rules and regulations to
29 implement this ~~subsection~~ section.

30 Sec. 4. K.S.A. 2023 Supp. 25-2311 is hereby amended to read as
31 follows: 25-2311. (a) County election officers shall provide for the
32 registration of voters at one or more places on all days except the
33 following:

34 (1) Days when the main offices of the county government are closed
35 for business, except as is otherwise provided by any county election officer
36 under the provisions of K.S.A. 25-2312, and amendments thereto;

37 (2) days when the main offices of the city government are closed for
38 business, in the case of deputy county election officers who are city clerks
39 except as is otherwise provided by any county election officer under the
40 provisions of K.S.A. 25-2312, and amendments thereto;

41 (3) the ~~20~~ 22 days preceding the day of primary and general
42 elections;

43 (4) the 30 days preceding the day of any presidential preference

1 primary election held pursuant to K.S.A. 25-4501a, and amendments
2 thereto;

3 (5) the ~~20~~ 22 days preceding the day of any election other than one
4 specified in this subsection; and

5 (6) the day of any primary or general election or any question
6 submitted election.

7 (b) For the purposes of this section in counting days that registration
8 books are to be closed, all of the days including Sunday and legal holidays
9 shall be counted.

10 (c) The secretary of state shall notify every county election officer of
11 the dates when registration shall be closed preceding primary and general
12 elections. The days so specified by the secretary of state shall be
13 conclusive. Such notice shall be given by the secretary of state by mail at
14 least 60 days preceding every primary and general election.

15 (d) The last days before closing of registration books as directed by
16 the secretary of state under subsection (c), county election officers shall
17 provide for registration of voters during regular business hours, during the
18 noon hours and at other than regular business hours upon such days as the
19 county election officers deem necessary. The last three business days
20 before closing of registration books prior to primary and general elections,
21 county election officers may provide for registration of voters until 9 p.m.
22 in any city.

23 (e) (1) Except as provided in paragraph (2), county election officers
24 shall accept and process applications received by voter registration
25 agencies and the division of motor vehicles not later than the ~~21st~~ 23rd day
26 preceding the date of any election or mailed voter registration applications
27 that are postmarked not later than the ~~21st~~ 23rd day preceding the date of
28 any election except, if the postmark is illegible or missing, mailed voter
29 registration applications received in the mail not later than the ninth day
30 preceding the day of any election.

31 (2) For any presidential preference primary election held pursuant to
32 K.S.A. 25-4501a, and amendments thereto, county election officers shall
33 accept and process applications received by voter registration agencies and
34 the division of motor vehicles not later than the 31st day preceding the date
35 of such election or mailed voter registration applications that are
36 postmarked not later than the 31st day preceding such election except, if
37 the postmark is illegible or missing, mailed voter registration applications
38 received in the mail not later than the 19th day preceding the day of such
39 election.

40 (f) The secretary of state may adopt rules and regulations interpreting
41 the provisions of this section and specifying the days when registration
42 shall be open, days when registration shall be closed, and days when it is
43 optional with the county election officer for registration to be open or

1 closed.

2 (g) Before each primary and general election held in even-numbered
3 and odd-numbered years, and at times and in a form prescribed by the
4 secretary of state, each county election officer shall certify to the secretary
5 of state the number of registered voters in each precinct of the county as
6 shown by the registration books in the office of such county election
7 officer.

8 Sec. 5. K.S.A. 25-1123 and 25-1132 and K.S.A. 2023 Supp. 25-1122
9 and 25-2311 are hereby repealed.

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