

**SENATE BILL No. 366**

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning elections; relating to advance voting ballots;  
2 requiring that county election officers receive a request for an  
3 application for an advance voting ballot prior to mailing such  
4 application to such voter; amending K.S.A. 2023 Supp. 25-1122 and  
5 repealing the existing section.  
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  
36 voter's identification is valid and the provisional ballot was properly cast,

1 the ballot shall be counted.

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

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

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

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

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

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

42 (C) for the presidential preference primary election held pursuant to  
43 K.S.A. 25-4501a, and amendments thereto, between January 1 of the year

1 in which such election is held and 30 days prior to the day of such  
2 election;

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

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

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

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

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

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

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

39 (h) Any person having a permanent disability or an illness that has  
40 been diagnosed as a permanent illness is hereby authorized to make an  
41 application for permanent advance voting status. Applications for  
42 permanent advance voting status shall be in the form and contain such  
43 information as is required for application for advance voting ballots and

1 also shall contain information that establishes the voter's right to  
2 permanent advance voting status.

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

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

37 (k) (1) Any person who solicits by mail a registered voter to file an  
38 application for an advance voting ballot and includes an application for an  
39 advance voting ballot in such mailing shall include ~~on the exterior of such~~  
40 ~~mailing, and on each page contained therein, except the application,~~ a clear  
41 and conspicuous label in ~~14-point~~ *12-point* font or larger *on the exterior of*  
42 *the mailing or on at least one page contained in such mailing* that  
43 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 *an official*  
7 government 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 county election officer or employee of a county~~  
27 ~~election office shall mail or cause to be mailed an application for an~~  
28 ~~advance voting ballot, unless such person is a resident of this state or is~~  
29 ~~otherwise domiciled in this state the registered voter to whom such~~  
30 ~~application is to be mailed has requested such application. No portion of~~  
31 ~~such application shall be completed prior to mailing such application to~~  
32 ~~the registered voter.~~

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

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

43 (m) A county election officer shall not mail a ballot to a voter unless

1 such voter has submitted an application for an advance voting ballot,  
2 except that a ballot may be mailed to a voter if such voter has permanent  
3 advance voting ballot status pursuant to subsection (h) or if the election is  
4 conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq.,  
5 and amendments thereto.

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

9 Sec. 2. K.S.A. 2023 Supp. 25-1122 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its  
11 publication in the statute book.