

SENATE BILL No. 351

By Committee on Ethics, Elections and Local Government

1-30

Proposed Amendments for SB 351
Senate Committee on Ethics,
Elections and Local Government
Senator Braun
February 19, 2020
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Office of Revisor of Statutes

1 AN ACT concerning elections; relating to counting provisional ballots;
2 amending K.S.A. 2019 Supp. 25-2316c and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 2019 Supp. 25-2316c is hereby amended to read as
7 follows: 25-2316c. (a) When a registered voter changes name by marriage,
8 divorce or legal proceeding, if such voter is otherwise qualified to vote at
9 such voting place such voter shall be allowed to vote a provisional ballot at
10 any election, or apply for an advance voting ballot, on the condition that
11 such voter first completes the application for registration prescribed by
12 K.S.A. 25-2309, and amendments thereto. Completion of the application
13 shall authorize the county election officer to update the registration
14 records, if appropriate, for voting in future elections. The county election
15 officer shall send, by nonforwardable mail, a notice of disposition to any
16 voter completing such application.

17 (b) When a registered voter changes residence, such voter shall
18 reregister in order to be eligible to vote, except that when a registrant has
19 moved from an address on the registration book to another address within
20 the county and has not reregistered, such registrant shall be allowed to vote
21 a provisional ballot at any election, or to apply for an advance voting
22 ballot, on the condition that such registrant first completes the application
23 for registration prescribed by K.S.A. 25-2309, and amendments thereto.
24 Completion of the application shall authorize the county election officer to
25 update the registration record, if appropriate, for voting in future elections.
26 The county election officer shall send, by nonforwardable mail, a notice of
27 disposition to any such voter. Whenever the county election officer
28 receives from any other election officer a notice of registration of a voter
29 in a different place than that shown in the records of the county election
30 officer, such officer shall remove the name of such voter from the
31 registration book and party affiliation list.

32 (c) *When any person's name does not appear in the registration or*
33 *poll book, but the person is ~~otherwise qualified to vote at such voting~~*
34 *place, the person shall be allowed to vote a provisional ballot at any*
35 *election on the condition that the person first completes the application for*
36 *registration prescribed by K.S.A. 25-2309, and amendments thereto. The*

a registered voter in another Kansas county

1 voter's provisional ballot shall be counted, unless the county board of
2 canvassers determines that the provisional ballot was not properly cast or
3 that the voter has otherwise voted at the election.

4 (d) Every application for registration completed under this section
5 shall be returned to the county election officer with the registration books.

6 ~~(d)~~(e) A registrant shall not be removed from the registration list on
7 the ground that the registrant has changed residence unless the registrant:

8 (1) Confirms in writing that the registrant has moved outside the
9 county in which the registrant is registered, or registers to vote in any other
10 jurisdiction; or

11 (2) has failed to respond to the notice described in subsection ~~(e)~~ (f)

12 (4) and has not appeared to vote in an election during the period beginning
13 on the date of the notice and ending on the day after the date of the second
14 federal general election that occurs after the date of the notice.

15 ~~(e)~~(f) A county election officer shall send a confirmation notice upon
16 which a registrant may state such registrant's current address, within 45
17 days of the following events:

18 (1) A notice of disposition of an application for voter registration is
19 returned as undeliverable;

20 (2) change of address information supplied by the national change of
21 address program identifies a registrant whose address may have changed;

22 (3) if it appears from information provided by the postal service that a
23 registrant has moved to a different residence address in the county in
24 which the registrant is currently registered; or

25 (4) if it appears from information provided by the postal service that a
26 registrant has moved to a different residence address outside the county in
27 which the registrant is currently registered.

28 The confirmation notice shall be sent by forwardable mail and shall
29 include a postage prepaid and preaddressed return card in a form
30 prescribed by the chief state election official.

31 ~~(f)~~(g) Except as otherwise provided by law, when a voter dies or is
32 disqualified for voting, the registration of the voter shall be void, and the
33 county election officer shall remove such voter's name from the
34 registration books and the party affiliation lists. Whenever: (1) An obituary
35 notice appears in a newspaper having general circulation in the county
36 reports the death of a registered voter; ~~or~~; (2) a registered voter requests in
37 writing that such voter's name be removed from registration; ~~or~~; (3) a court
38 of competent jurisdiction orders removal of the name of a registered voter
39 from registration lists; or (4) the name of a registered voter appears on a
40 list of deceased residents compiled by the secretary of health and
41 environment as provided in K.S.A. 65-2422, and amendments thereto, or
42 appears on a copy of a death certificate provided by the secretary of health
43 and environment, or appears in information provided by the social security

1 administration, the county election officer shall remove from the
2 registration books and the party affiliation lists in such officer's office the
3 name of any person shown by such list or death certificate to be deceased.
4 The county election officer shall not use or permit the use of such lists of
5 deceased residents or copies for any other purpose than provided in this
6 section.

7 ~~(g)~~(h) When the chief state election official receives written notice of
8 a felony conviction in a United States district court, such official shall
9 notify within five days the county election officer of the jurisdiction in
10 which the offender resides. Upon notification of a felony conviction from
11 the chief state election official, or from a county or district attorney or a
12 Kansas district court, the county election officer shall remove the name of
13 the offender from the registration records.

14 ~~(h)~~(i) Except as otherwise provided in this section, no person whose
15 name has been removed from the registration books shall be entitled to
16 vote until such person has registered again.

17 Sec. 2. K.S.A. 2019 Supp. 25-2316c is hereby repealed.

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