

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2013

SENATE BILL No. 63

By Committee on Ethics, Elections and Local Government

1-22

1 AN ACT concerning elections; relating to voting; regarding penalties for
2 voting crimes; concerning prosecution of election crimes; amending
3 K.S.A. 25-2409, 25-2416, 25-2423~~and~~, 25-2431 **and 25-4153b** and
4 K.S.A. 2012 Supp. 25-1128 and 25-2507 and repealing the existing
5 sections.
6

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

8 ~~*{New Section 1. (a) Except as provided in subsection (b), the*~~
9 ~~*secretary of state shall not establish any political committee, a major*~~
10 ~~*purpose of which is to expressly advocate the nomination, election or*~~
11 ~~*defeat of a clearly identified candidate for the legislature or statewide*~~
12 ~~*office or make contributions or expenditures for the nomination,*~~
13 ~~*election or defeat of a clearly identified candidate for the legislature or a*~~
14 ~~*statewide office.*~~

15 ~~*(b) The provisions of this section shall not apply to any political*~~
16 ~~*committee which is established to expressly advocate for the election of a*~~
17 ~~*candidate for the office of secretary of state or to make contributions or*~~
18 ~~*expenditures for the election of a candidate for the office of secretary of*~~
19 ~~*state.*~~

20 ~~*(c) Any political committee currently in existence, which is in*~~
21 ~~*violation of subsection (a), is hereby abolished.*~~

22 ~~*(d) The provisions of this section shall be part of and supplemental*~~
23 ~~*to the campaign finance act.*~~

24 New Section 1. ~~*{Sec. 2.}*~~ **New Section 1.** (a) Voting more than once is
25 knowingly *intentionally*:

26 (1) Voting or offering *attempting* to vote more than once in the same
27 jurisdiction or voting in more than one jurisdiction in the United States in
28 an election held on a particular date.

29 (2) Inducing or aiding any person to vote more than once in the same
30 jurisdiction or voting in more than one jurisdiction in the United States in
31 an election held on a particular date.

32 (b) Voting more than once is a severity level ~~7~~ **9**, nonperson felony.

1 (c) *This section shall be part of and supplemental to article 24 of*
2 *chapter 25 of the Kansas Statutes Annotated, and amendments thereto.*

3 New Sec. ~~2-131~~ 2. (a) Independent authority to prosecute any person
4 who has violated or attempted to violate any act that constitutes a Kansas
5 elections crime defined in K.S.A. ~~25-2401 through 25-2433, and~~
6 ~~amendments thereto, and including this act~~ *25-1128 or article 24 of*
7 *chapter 25 of the Kansas Statutes Annotated, and amendments thereto,*
8 shall be vested in:

9 (1) The district attorney or county attorney of the county where such
10 violations occurred;

11 (2) the Kansas attorney general; or

12 (3) the Kansas secretary of state.

13 (b) If one of the officers listed in section (a) has commenced the
14 prosecution of a person who has violated or attempted to violate any act
15 that constitutes a Kansas election crime, the other officers listed in section
16 (a) may provide assistance to the prosecuting officer but may not
17 commence a separate prosecution.

18 Sec. ~~3-141~~ 3. K.S.A. 2012 Supp. 25-1128 is hereby amended to read
19 as follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
20 county election officer more than one advance voting ballot, or set of one
21 of each kind of ballot, if the voter is entitled to vote more than one such
22 ballot at a particular election.

23 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
24 no person shall knowingly interfere with or delay the transmission of any
25 advance voting ballot application from a voter to the county election
26 officer, nor shall any person mail, fax or otherwise cause the application to
27 be sent to a place other than the county election office. Any person or
28 group engaged in the distribution of advance voting ballot applications
29 shall mail, fax or otherwise deliver any application signed by a voter to the
30 county election office within two days after such application is signed by
31 the applicant.

32 (c) Except as otherwise provided by law, no person other than the
33 voter, shall knowingly mark, sign or transmit to the county election officer
34 any advance voting ballot or advance voting ballot envelope.

35 (d) Except as otherwise provided by law, no person shall knowingly
36 sign an application for an advance voting ballot for another person. This
37 provision shall not apply if a voter has a disability preventing the voter
38 from signing an application or if an immediate family member signs an
39 application on behalf of another immediate family member with proper
40 authorization being given.

41 (e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-
42 1124, and amendments thereto, shall knowingly intercept, interfere with,
43 or delay the transmission of advance voting ballots from the county

1 election officer to the voter.

2 (f) No person shall knowingly and falsely affirm, declare or subscribe
3 to any material fact in an affirmation form for an advance voting ballot or
4 set of advance voting ballots.

5 (g) A voter may return such voter's advance voting ballot to the
6 county election officer by personal delivery or by mail. Upon written
7 designation by the voter, a person other than the voter may return the
8 advance voting ballot by personal delivery or mail. Any such person
9 designated by the voter shall sign a statement that such person has not
10 exercised undue influence on the voting decisions of the voter and agrees
11 to deliver the ballot as directed by the voter.

12 (h) Violation of any provision of this section is a ~~class C~~
13 ~~misdemeanor~~ **severity level 9, nonperson felony class A misdemeanor.**

14 Sec. ~~4-5.1~~ **4.** K.S.A. 25-2409 is hereby amended to read as follows:
15 25-2409. (a) Election bribery is conferring, offering or agreeing to confer,
16 or soliciting, accepting or agreeing to accept any benefit as consideration
17 to or from any person either to vote or withhold any person's vote, or to
18 vote for or against any candidate or question submitted at any public
19 election.

20 (b) *This section shall not apply to a business or organization that*
21 *provides a product of a value less than \$3.00 to any person who asserts*
22 *that such person has voted, without regard to the voter's vote for or*
23 *against any candidate or issue.*

24 (c) Election bribery is a severity level 7, nonperson felony.

25 Sec. ~~5-16.1~~ **5.** K.S.A. 25-2416 is hereby amended to read as follows:
26 25-2416. (a) Voting without being qualified is knowingly ~~and willfully~~
27 ~~(a):~~ (1) Voting or attempting to vote ~~at~~ in any election *district* when not a
28 lawfully registered voter: *in such election district; or*

29 ~~(b)(2) Voting or offering to vote more than once at the same~~
30 ~~election~~ *voting or attempting to vote at any election by a person who is not*
31 *a citizen of the United States or who does not otherwise meet the*
32 *qualification of an elector.*

33 ~~(e)(b) Inducing or aiding any person to vote more than once at the~~
34 ~~same election.~~ Voting without being qualified is a ~~class A misdemeanor~~
35 **severity level 7 9, nonperson felony.**

36 Sec. ~~6-17.1~~ **6.** K.S.A. 25-2423 is hereby amended to read as follows:
37 25-2423. (a) Election tampering is, while being charged with no election
38 duty, making or changing any election record.

39 (b) Election tampering is a severity level ~~8-7~~ **8**, nonperson felony.

40 Sec. ~~7-18.1~~ **7.** K.S.A. 25-2431 is hereby amended to read as follows:
41 25-2431. (a) False impersonation of a voter is representing oneself as
42 another *person whether real or fictitious* and ~~thereas~~ *thereby* voting or
43 attempting to vote.

1 **(b)** False impersonation of a voter is a severity level 98 9, nonperson
2 felony.

3 **New Sec. 8. In addition to any sentence that may be imposed for a**
4 **violation of article 24 of chapter 25 of the Kansas Statutes Annotated,**
5 **and amendments thereto, the court shall order the right of the**
6 **convicted person to vote be disenfranchised for a period of four years.**
7 **The court shall direct that a copy of the order disenfranchising the**
8 **right to vote be delivered to the election officer of the county of**
9 **residence of the convicted person and the secretary of state for the**
10 **purpose of removing the defendant from the official records for voter**
11 **registration.**

12 Sec. ~~8.~~ **{9.}** K.S.A. 2012 Supp. 25-2507 is hereby amended to read as
13 follows: 25-2507. (a) "Poll book" means a book in which each voter may
14 sign the voter's signature and a number is assigned by one of the clerks of
15 the election board when the voter is given a ballot or set of ballots. If the
16 county election officer determines that voters shall sign the poll book, such
17 book shall also contain on each page the declaration prescribed by
18 subsection (d).

19 (b) "Registration book" means: (1) A book or list containing the
20 names and other information relating to registered voters. Registration
21 books shall have the names entered therein before the same or copies
22 thereof are delivered to the supervising judges. Registration books may
23 also contain blank lines on which each voter shall sign the voter's
24 signature. If the county election officer determines that voters shall sign
25 the registration book, such book shall also contain on each page the
26 declaration prescribed by subsection (d); or

27 (2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and
28 amendments thereto; containing blank lines on which each voter shall sign
29 the voter's signature; containing on each page the declaration prescribed
30 by subsection (d); and containing the numbers assigned by one of the
31 clerks of the election board when voters are given ballots or sets of ballots.

32 (c) "Party affiliation lists" means a list containing the names of all
33 registered voters of a county who have lawfully designated a party
34 affiliation.

35 (d) "Declaration" means the following: "I, the undersigned, declare
36 under penalty of perjury that I am a registered voter in the state of Kansas,
37 county of _____, that I have not signed a name other than my own in
38 order to represent myself as any other registered voter, and that I am
39 qualified to vote and have not previously voted and will not vote again ~~at~~
40 ~~this election~~ *in the election held on this date, in this or any other*
41 *jurisdiction in the United States, for any offices or ballot issues."*

42 **Sec. 10. K.S.A. 25-4153b is hereby amended to read as follows:**
43 **25-4153b. (a) No political committee, a major purpose of which is to**

1 **expressly advocate the nomination, election or defeat of a clearly**
2 **identified candidate for the legislature or to make contributions or**
3 **expenditures for the nomination, election or defeat of a clearly**
4 **identified candidate for the legislature, shall be established by a**
5 **member of the legislature.**

6 *(b) Any such political committee existing prior to the effective date of*
7 *this act is hereby abolished.*

8 Sec. ~~9-110,~~ **11.** K.S.A. 25-2409, 25-2416, 25-2423 ~~and,~~ 25-2431 **and**
9 **25-4153b** and K.S.A. 2012 Supp. 25-1128 and 25-2507 are hereby
10 repealed.

11 Sec. ~~10-111,~~ **12.** This act shall take effect and be in force from and
12 after its publication in the statute book.