

HOUSE BILL No. 2012

By Representative Carmichael

12-22

1 AN ACT concerning elections; relating to voting; penalties for voting
2 crimes; elements of voting crimes; amending K.S.A. 2020 Supp. 25-
3 1128, 25-2409, 25-2416, 25-2423, 25-2431 and 25-2507 and repealing
4 the existing sections; also repealing K.S.A. 2020 Supp. 25-2434.
5

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

7 Section 1. K.S.A. 2020 Supp. 25-1128 is hereby amended to read as
8 follows: 25-1128. (a) No voter shall knowingly mark or transmit to the
9 county election officer more than one advance voting ballot, or set of one
10 of each kind of ballot, if the voter is entitled to vote more than one such
11 ballot at a particular election.

12 (b) Except as provided in K.S.A. 25-1124, and amendments thereto,
13 no person shall knowingly interfere with or delay the transmission of any
14 advance voting ballot application from a voter to the county election
15 officer, nor shall any person mail, fax or otherwise cause the application to
16 be sent to a place other than the county election office. Any person or
17 group engaged in the distribution of advance voting ballot applications
18 shall mail, fax or otherwise deliver any application signed by a voter to the
19 county election office within two days after such application is signed by
20 the applicant.

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

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

30 (e) No person, unless authorized by K.S.A. 25-1122 or 25-1124, and
31 amendments thereto, shall knowingly intercept, interfere with, or delay the
32 transmission of advance voting ballots from the county election officer to
33 the voter.

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

1 (g) A voter may return such voter's advance voting ballot to the
 2 county election officer by personal delivery or by mail. Upon written
 3 designation by the voter, a person other than the voter may return the
 4 advance voting ballot by personal delivery or mail, except that a written
 5 designation shall not be required from a voter who has a disability
 6 preventing the voter from writing or signing a written designation. Any
 7 such person designated by the voter shall sign a statement that such person
 8 has not exercised undue influence on the voting decisions of the voter and
 9 agrees to deliver the ballot as directed by the voter.

10 (h) Violation of any provision of this section is a ~~severity level 9,~~
 11 ~~nonperson felony class C misdemeanor.~~

12 Sec. 2. K.S.A. 2020 Supp. 25-2409 is hereby amended to read as
 13 follows: 25-2409. (a) Election bribery is conferring, offering or agreeing to
 14 confer, or soliciting, accepting or agreeing to accept any benefit as
 15 consideration to or from any person either to vote or withhold any person's
 16 vote, or to vote for or against any candidate or question submitted at any
 17 public election.

18 ~~(b) This section shall not apply to a business or organization that~~
 19 ~~provides a product of value less than \$3 to any person who asserts that~~
 20 ~~such person has voted, without regard to such voter's vote for or against~~
 21 ~~any candidate or issue.~~

22 ~~(e)~~—Election bribery is a severity level 7, nonperson felony.

23 Sec. 3. K.S.A. 2020 Supp. 25-2416 is hereby amended to read as
 24 follows: 25-2416. (a) Voting without being qualified is knowingly:

25 (1) ~~Voting or attempting to vote without being qualified;~~

26 ~~(1) In at any election district when not a lawfully registered voter in~~
 27 ~~such election district; or;~~

28 ~~(2) at any election by a person who is not a citizen of the United~~
 29 ~~States or who does not otherwise meet the qualifications of an elector~~
 30 ~~voting or offering to vote more than once at the same election; or~~

31 ~~(3) inducing or aiding any person to vote more than once at the same~~
 32 ~~election.~~

33 (b) Voting without being qualified ~~or attempting to vote without being~~
 34 ~~qualified~~ is a severity level 7, nonperson felony class A misdemeanor.

35 ~~(e) The provisions of K.S.A. 2020 Supp. 21-5301(e), and~~
 36 ~~amendments thereto, shall not apply to a violation of attempting to vote~~
 37 ~~without being qualified pursuant to this section.~~

38 Sec. 4. K.S.A. 2020 Supp. 25-2423 is hereby amended to read as
 39 follows: 25-2423. (a) Election tampering is, while being charged with no
 40 election duty, making or changing any election record.

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

42 Sec. 5. K.S.A. 2020 Supp. 25-2431 is hereby amended to read as
 43 follows: 25-2431. (a) False impersonation of a voter is representing

1 oneself as another person, ~~whether real or fictitious~~, and thereby voting or
 2 attempting to vote.

3 (b) False impersonation of a voter is a severity level-8 9, nonperson
 4 felony.

5 Sec. 6. K.S.A. 2020 Supp. 25-2507 is hereby amended to read as
 6 follows: 25-2507. (a) "Poll book" means a book in which each voter may
 7 sign the voter's signature and a number is assigned by one of the clerks of
 8 the election board when the voter is given a ballot or set of ballots. If the
 9 county election officer determines that voters shall sign the poll book, such
 10 book shall also contain on each page the declaration prescribed by
 11 subsection (d).

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

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

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

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

36 Sec. 7. K.S.A. 2020 Supp. 25-1128, 25-2409, 25-2416, 25-2423, 25-
 37 2431, 25-2434 and 25-2507 are hereby repealed.

38 Sec. 8. This act shall take effect and be in force from and after its
 39 publication in the statute book.