

# Election Statute Navigator: Kansas

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/kansas/covid/#tracker>.

## *Voter Registration*

- Voters (other than above) register prior to Election Day
  - Primary Deadline: May 26<sup>th</sup>, 2020 no later than 4:00 p.m. local time
- Online registration available
  - [Kansas registration website](#)
- Registration via mail available **25-2309(a)**
- In-Person registration available **25-2309(a)**
- Preregistration allowed **25-2306**
  - Must reach the age of eighteen (18) years before the next statewide general election. No person may vote at any election until he has reached the age of eighteen (18) years.
- Residency requirement **25-2309(a)(2)-(8), 25-2309(h)-(u)**
- Prior conviction eligibility **K.S.A. 22-3722**
- Voter list maintenance guidelines
  - **25-2304** - Books, database, requirements, rules
  - **25-2305** - Items to be included
  - **25-2316c** - Removal of names from lists, basis for removal
- Other:
  - **25-2360** - Secretary of state shall issue a press release and post a notice on the secretary of state's website notifying the public whenever the online voter registration website is unavailable for a period of 24 hours or more.

## *State Absentee, Early, and Mail Voting*

- Advance voting allowed **25-1120**
  - Schedule - [Kansas voting website](#)
- No-excuse absentee voting **25-1119(a)**



- Advance ballot application is verified **25-1122(e)**
- Permanent advance voting options **25-1122(h)**
  - Any person having a permanent disability or an illness that has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status.
- Copy of Voter ID required with advance ballot application
  - **25-1122(c)**: If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.
- Advance ballot verification details **25-1120, 25-1122**
- Someone other than the voter can send/return application or ballot on behalf of the voter
  - **25-1128(b)**: Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.
  - **25-1128(c)**: Except as otherwise provided by law, no person other than the voter, shall knowingly mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.
  - **25-1128(g)**: A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail, except that a written designation shall not be required from a voter who has a disability preventing the voter from writing or signing a written designation. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.
- Deadline by which election official must receive advance ballots **25-1132**
  - Schedule - [Kansas voting website](#)
- State accepts postmarked ballots that arrive after election day **25-2311(e)**
- Advance and Absentee ballot processing and counting procedures
  - **25-1134**: Advance
  - **25-1222**: Federal Absentee
- Spoiling/Replacement ballot restrictions



- **25-1122f**: Advance ballot spoiling/replacement
- Other:
  - **25-432**: Small elections may be conducted by mail

## *In-Person Voter ID*

- Photo ID requirements **25-2908(h)**
- Exceptions to Voter ID Requirements **25-2908(i)**
  - **(1)** Persons with a permanent physical disability that makes it impossible for such persons to travel to a county or state office to obtain a qualifying form of identification and have qualified for permanent advance voting status under K.S.A. 25-1124, and amendments thereto;
  - **(2)** members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day;
  - **(3)** members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day;
  - **(4)** the spouse or dependent of a member referred to in paragraph (2) or (3), who, by reason of the active duty or service of the member, is absent from the county on election day; and
  - **(5)** any voter whose religious beliefs prohibit photographic identification. Any person seeking an exemption under this provision must complete and transmit a declaration concerning such religious beliefs to the county election officer or the Kansas secretary of state. The declaration form shall be available on the official website of the Kansas secretary of state.
- Options for voters without ID **25-2908(h)(2)**
  - If the person fails to furnish the identification required by this subsection, the person shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to K.S.A. 25-3002, and amendments thereto.

## *Provisional Voting*

- Provisional ballot availability
  - **25-1122(d)**: Voter is unable or refuses to provide current and invalid identification
  - **25-1122(e)**: Advance ballot signature does not match, and voter cannot be contacted



- **25-1122f:** Advance voting ballot is destroyed, spoiled, lost or not received by the voter
- **25-2316c(a):** When a registered voter changes name by marriage, divorce or legal proceeding, if such voter is otherwise qualified to vote at such voting place such voter shall be allowed to vote a provisional ballot at any election, or apply for an advance voting ballot, on the condition that such voter first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto
- **25-2316c(b):** When a registered voter changes residence, such voter shall reregister in order to be eligible to vote, except that when a registrant has moved from an address on the registration book to another address within the county and has not reregistered
- **25-2353:** A registrant who has moved to a new address in the same county shall be permitted to update the voter's registration record and vote a provisional ballot at the registrant's new polling place, or at a central location determined by the county election officer.
- **25-2908(f):** A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot was properly cast and the voter has not otherwise voted at such election.
- Time allotted to determine the status of provisional ballot **25-3104**
- Provisional ballot rejection reasons **see Kan. Admin. Regs. § 7-36-7**
- Other:
  - **25-3002(b)(3):** When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues which are identical in both precincts. The canvassers shall not count the votes for those offices or issues which differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.

## *Polling Place*

- Polling Place availability and requirements



- **25-2703a(a):** All unified school districts shall make suitable school buildings available for polling places at the request of a county election officer for the county in which all or any portion of the school district is located.
- **25-2710:** On any day upon which an election is held, all polling places shall be accessible by either permanent or temporary means to any voter having a disability.
- Electioneering must not be closer than **250** feet to the entrance of the polling place
  - **25-2430(a)**
- Rules governing poll observers
  - **25-3004:** During original canvass
  - **25-3005:** At all elections authorized poll agents shall be allowed to be present and observe the proceedings at all original, intermediate and final canvasses of elections and at the time and place of casting ballots, subject to such limitations as are prescribed by law or rules and regulations of the secretary of state.
  - **25-3005a:** Definitions, qualifications

### *State Emergency Rules and How Elections are Affected*

- **25-622:** The secretary of state may designate temporary alternative methods for the distribution of ballots in cases of war, natural or man-made disasters, equipment failures or other emergency conditions or circumstances which make it impossible for voters in a voting area to obtain ballots as provided by law.
- Listed triggers for Emergency Rules
  - **25-622:** The secretary of state may designate temporary alternative methods for the distribution of ballots in cases of war, natural or man-made disasters, equipment failures or other emergency conditions or circumstances which make it impossible for voters in a voting area to obtain ballots as provided by law.
- Explicit remedies in election statute
  - **25-2701(d)(1):** The county election officer may not change a voting place prior to an election without providing mailed notice to the voters affected at least 30 days prior to the election. If an emergency is declared by the county election officer, the mailed notice requirement shall be waived.

### *Counting Rules*

- Voting system requirements **K.S.A. Chapter 25, Article 44**



- Counting procedures
  - **K.S.A. Chapter 25, Articles 30, 31, and 32:** Canvassers
  - **K.S.A. Chapter 25, Article 46:** Optical Scanning Systems to Count

### *Contest/Protest, Recount Rules*

- Voter contest **25-1435**
- Contest filing guidelines **K.S.A. Chapter 25, Article 14**
- Challenging a voter
  - **25-216:** Challenging right to vote; affidavit
  - **25-409:** Procedure
  - **25-414:** Duty of judge to challenge
  - **25-434:** Challenge of mail votes
  - **25-1130 and 25-1136:** Challenge of advance votes
  - **25-1809:** Challenge of votes cast by new residents, former residents, or relocated residents
  - **25-2812(e):** Special election board challenges
- Contest/Protest recount **25-3107**
- Other:
  - **25-3107(d)(2):** Whenever the election returns reflect that a candidate for office was defeated by ½ of 1% or less of the total number of votes cast and if such candidate requests a recount in one or more counties of the ballots, the state shall bear the cost of any recount performed using the method by which such ballots were counted originally.

