

Office of the Kansas Secretary of State

SAFE Act Regulations

January 3, 2012

Revised Regulation

KAR 7-23-4 Publication of notice of places and dates of registration and close of registration
Change voter registration deadline from the 15th day before the election to the 21st day.

Proof of Citizenship Regulation

KAR 7-23-14 Assessing citizenship documents

Consider the applicant's first name, middle name or initial, last name, date of birth, place of birth, and sex. Hyphenated names are allowed if not inconsistent with the name on the voter registration application. If the name is consistent with the name on voter registration application, add the applicant's name to the registration list.

If the name is inconsistent, (1) ask the applicant for another government document confirming the name, or (2) ask the applicant to sign an affidavit, or (3) inform the applicant of his/her right to appeal to the state election board.

If the date of birth on the citizenship document does not match the voter registration application, inform the applicant of his/her right to appeal to the state election board.

If the place of birth is indicated on citizenship document, this may be used in assessing citizenship. If it is not indicated, this shall not result in an unsatisfactory assessment of citizenship.

If the sex on the citizenship document does not match the sex indicated on the voter registration application, (1) ask the applicant for another government document confirming the applicant's sex, or (2) ask the applicant to sign an affidavit, or (3) inform the applicant of his/her right to appeal to the state election board.

Documents submitted as evidence of citizenship may be expired documents.

If an applicant fails to submit a citizenship document before the voter registration deadline before an election, he/she may mail or deliver it to the CEO by the close of business on the day before the election, or may submit it electronically (fax, email or other electronic means approved by the SOS) before midnight the day before the election.

In such cases, the CEO must (1) accept and process the document, (2) add the applicant's name to the voter registration list, and (3) if practicable, include the name on the poll book. If poll books have been printed, send the name to the election board with instructions to allow the voter to vote a regular ballot. If not practicable, the voter shall be allowed to vote a provisional ballot.

If a voter fails to meet these requirements, the provisional ballot shall not count.

If a voter's registration is canceled and the person re-registers, the person's citizenship document shall be reassessed by the CEO if the CEO has access to the document.

If a registrant was registered before the effective date of the citizenship requirement (January 1, 2013) and his/her registration is canceled, the person must submit a citizenship document when re-registering.

Advance Ballot Applications

KAR 7-36-7 Processing applications for advance ballots by mail

If the information on the ballot application is insufficient, incomplete or illegible, contact the voter before the election, if possible, to obtain a signature, driver's license number or copy of photo ID document.

Information may be collected by any means, including by phone.

If unable to contact the voter, issue a provisional ballot.

Present provisional ballots to canvassing board. If the information is sufficient, count the ballot unless the ballot is invalid for another reason. If the information is insufficient or not provided, do not count the ballot.

UOCAVA ballots in local mail ballot elections

This regulation affects ballot distribution to military and overseas voters who qualify to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act. It clarifies that the distribution deadline applies in local mail ballot elections.

KAR 7-36-8 Transmit ballots to UOCAVA voters 45 days before the date of the election rather than the regular distribution period of between 20 and 10 days before the election. If UOCAVA voters submit applications later than 45 days before the mail ballot election, transmit ballots within two days of receipt of applications.

Photographic Identification Regulations

KAR 7-46-1 Policy on submitting photo IDs after voting

If a voter does not provide photo ID when voting and casts a provisional ballot, the voter may submit ID after the election to ensure that his/her provisional ballot will count.

The ID must be received in the county election office before the time the county canvass begins.

KAR 7-46-2 Guidelines for election board workers to determine validity of photo IDs

Election board workers use the photo ID only to verify the voter's name and image. Address is verified using the poll book.

First, verify that the name on the ID is consistent with the poll book. Allow for abbreviations and nicknames. If consistent, assess the photograph as explained below. If the name is not consistent with the poll book or with the name stated by the voter, issue a provisional ballot.

Second, compare the photograph on the ID to the voter. Take into account possible changes in the voter's appearance due to hair color, glasses, facial hair, cosmetics, weight, age, and injury. If satisfied that the voter is the person depicted in the ID document, issue a regular ballot. If unable to determine whether the voter is the person depicted in the ID document due to degradation or poor photo quality, issue a regular ballot if one of the following conditions is met: (1) the date of birth on the ID matches the poll book, or (2) the voter submits a second ID document with a photo that appears to be the voter, or (3) one of the election board workers has knowledge that the voter is the person in the photo.

If the election board worker determines that the voter is not the person in the ID, issue a provisional ballot.

If there is a dispute as to whether the voter is the person depicted in the ID, the supervising judge shall decide whether the ballot should be regular or provisional.

Provisional ballots are presented to the canvassing board for determination of validity. The ballots shall count if the voter has provided sufficient photographic identification to the CEO before the start of the canvass, unless one or more ballots are determined to be invalid for other reasons.

The election board worker is not required to issue a regular ballot if he/she suspects that a voter is attempting to circumvent the photo ID requirement.

Nothing in the regulation exempts the voter from providing photo ID.

KAR 7-46-3 Declarations of religious objection

Voters whose religious beliefs prohibit photographic identification may submit declarations in lieu of providing photo ID. Declarations may be submitted to the SOS or CEO before the election, to the CEO when applying for an advance ballot, or to the election board at the time of voting. No declarations of religious objection may be submitted in lieu of a photo ID after voting. Declarations must be submitted each election; filing them does not create a permanent "ID exempt" status.

KAR 7-46-4 Photo ID for permanent advance voters

Voters on the permanent advance voting list before January 1, 2012 are exempt from photo ID. Voters who apply for permanent status after January 1, 2012 must submit photo ID one time. They may submit it when applying for permanent status, at a later time before the next election, or when returning their ballots at the next election.

Office of the Kansas Secretary of State
SAFE Act County Election Officer Task Force

May 19, 2011

Rhonda Beets	County Clerk, Osage County
Rebecca Bossemeyer	County Clerk, Geary County
Linda Buttron	County Clerk, Jefferson County
Crystal Clemens	Deputy County Clerk, Seward County
John Copple	Deputy County Clerk, Linn County
Heather Dill	Assistant Election Deputy, Lyon County
Bill Gale	Election Commissioner, Sedgwick County
Jolene Keck	Elections Supervisor, Riley County
Janet Klasinski	County Clerk, Leavenworth County
Inge Luntsford	County Clerk, Kingman County
Don Merriman	County Clerk, Saline County
Brian Newby	Election Commissioner, Johnson County
Sherrie Riebel	County Clerk, Allen County
Janet Rumpel	President of KCCEOA, County Clerk, Sherman County
Jamie Shew	County Clerk, Douglas County
Sonya Stohs	County Clerk, Marshall County
Rich Vargo	County Clerk, Riley County
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Robert Wyatt	County Clerk, Norton County

