

HOUSE BILL No. 2850

By Committee on Federal and State Affairs

2-7

9 AN ACT concerning elections; pertaining to eligibility of certain voters;
10 amending K.S.A. 2005 Supp. 25-2309 and 25-2908 and repealing the
11 existing sections.
12

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

14 Section 1. K.S.A. 2005 Supp. 25-2309 is hereby amended to read as
15 follows: 25-2309. (a) Any person may apply in person, by mail, through a
16 voter registration agency, or by other delivery to a county election officer
17 to be registered. Such application shall be made on: (1) A form approved
18 by the secretary of state, which shall be provided by a county election
19 officer or chief state election official upon request in person, by telephone
20 or in writing; or (2) the mail voter registration application prescribed by
21 the federal election commission. Such application shall be signed by the
22 applicant under penalty of perjury and shall contain the original signature
23 of the applicant or the computerized, electronic or digitized transmitted
24 signature of the applicant. A signature may be made by mark, initials,
25 typewriter, print, stamp, symbol or any other manner if by placing the
26 signature on the document the person intends the signature to be binding.
27 A signature may be made by another person at the voter's direction if the
28 signature reflects such voter's intention.

29 (b) Applications made under this section shall give voter eligibility
30 requirements and such information as is necessary to identify the appli-
31 cant and to determine the qualifications of the applicant as an elector and
32 the facts authorizing such person to be registered, including, but not
33 limited to, the following data:

- 34 (1) Name;
35 (2) place of residence, including specific address or location, and
36 mailing address if the residence address is not a permissible postal
37 address;
38 (3) date of birth;
39 (4) sex;
40 (5) the last four digits of the person's social security number or the
41 person's full driver's license or nondriver's identification card number;
42 (6) telephone number, if available;
43 (7) ~~naturalization data (if applicable);~~

- 1 —~~(8)~~ if applicant has previously registered or voted elsewhere, resi-
2 dence at time of last registration or voting;
3 ~~(9)~~ (8) when present residence established;
4 ~~(10)~~ (9) name under which applicant last registered or voted, if dif-
5 ferent from present name;
6 ~~(11)~~ (10) an attestation that the applicant meets each eligibility
7 requirement;
8 ~~(12)~~ (11) a statement that the penalty for submission of a false voter
9 registration application is a maximum presumptive sentence of 17 months
10 in prison;
11 ~~(13)~~ (12) a statement that, if an applicant declines to register to vote,
12 the fact that the applicant has declined to register will remain confidential
13 and will be used only for voter registration purposes;
14 ~~(14)~~ (13) a statement that if an applicant does register to vote, the
15 office to which a voter registration application is submitted will remain
16 confidential and will be used only for voter registration purposes;
17 ~~(15)~~ boxes for the applicant to check to indicate whether the applicant
18 is or is not a citizen of the United States, together with the question “Are
19 you a citizen of the United States of America?”
20 (14) A statement that the applicant shall submit evidence of United
21 States citizenship with the application and that the county election officer
22 shall reject the application if no evidence of citizenship is attached. Evi-
23 dence of United States citizenship shall include any of the following:
24 (A) The number of the applicant’s driver’s license or nondriver’s iden-
25 tification card issued after October 1, 1996, by the division of motor ve-
26 hicles of the department of revenue or the equivalent governmental agency
27 of another state within the United States if the agency indicates on the
28 applicant’s driver’s license or nonoperating identification license that the
29 person has provided satisfactory proof of United States citizenship;
30 (B) a legible photocopy of the applicant’s birth certificate that verifies
31 citizenship to the satisfaction of the county election officer;
32 (C) a legible photocopy of pertinent pages of the applicant’s United
33 States passport identifying the applicant and the applicant’s passport
34 number or presentation to the county election officer of the applicant’s
35 United States passport;
36 (D) a presentation to the county election officer of the applicant’s
37 United States naturalization documents or the number of the certificate
38 of naturalization. If only the number of the certificate of naturalization is
39 provided, the applicant shall not be included in the registration rolls until
40 the number of the certificate of naturalization is verified with the United
41 States immigration and naturalization service by the county election
42 officer;
43 (E) other documents or methods of proof that are established pur-

1 *suant to the immigration reform and control act of 1986; or*
2 *(F) the applicant's bureau of indian affairs card number, tribal treaty*
3 *card number or tribal enrollment number;*
4 ~~(16)~~ (15) boxes for the applicant to check to indicate whether or not
5 the applicant will be 18 years of age or older on election day, together
6 with the question "Will you be 18 years of age on or before election day?";
7 ~~(17)~~ (16) in reference to paragraphs ~~(15) and (16)~~ (14) and (15) the
8 statement "If you ~~checked no~~ *responded no* in response to either of these
9 questions, do not complete this form.";
10 ~~(18)~~ (17) a statement that the applicant ~~may~~ *will* be required to provide
11 identification when voting; and
12 ~~(19)~~ (18) political party affiliation declaration, if any. An applicant's
13 failure to make a declaration will result in the applicant being registered
14 as an unaffiliated voter.

15 If the application discloses any previous registration in any other county
16 or state, as indicated by paragraph (8) or (10), or otherwise, the county
17 election officer shall upon the registration of the applicant, give notice to
18 the election official of the place of former registration, notifying such
19 official of applicant's present residence and registration, and authorizing
20 cancellation of such former registration.

21 (c) Any person who applies for registration through a voter registra-
22 tion agency shall be provided with, in addition to the application under
23 subsection (b), a form which includes:

24 (1) The question "If you are not registered to vote where you live
25 now, would you like to apply to register to vote here today?";
26 (2) a statement that if the applicant declines to register to vote, this
27 decision will remain confidential and be used only for voter registration
28 purposes *unless the applicant is in violation of federal immigration law*;
29 (3) a statement that if the applicant does register to vote, information
30 regarding the office to which the application was submitted will remain
31 confidential and be used only for voter registration purposes *unless the*
32 *applicant is in violation of federal immigration law*; and
33 (4) if the agency provides public assistance, (i) the statement "Apply-
34 ing to register or declining to register to vote will not affect the amount
35 of assistance that you will be provided by this agency *unless you are in*
36 *violation of federal immigration law*.";

37 (ii) boxes for the applicant to check to indicate whether the applicant
38 would like to register or declines to register to vote, together with the
39 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
40 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO
41 VOTE AT THIS TIME.";

42 (iii) the statement "If you would like help in filling out the voter
43 registration application form, we will help you. The decision whether to

1 seek or accept help is yours. You may fill out the application form in
2 private.”; and

3 (iv) the statement “If you believe that someone has interfered with
4 your right to register or to decline to register to vote, your right to privacy
5 in deciding whether to register or in applying to register to vote, or your
6 right to choose your own political party or other political preference, you
7 may file a complaint with the Kansas Secretary of State.”

8 (d) If any person, in writing, declines to register to vote, the voter
9 registration agency shall maintain the form prescribed by subsection (c).

10 (e) A voter registration agency shall transmit the completed registra-
11 tion application to the county election officer not later than five days after
12 the date of acceptance. Upon receipt of an application for registration,
13 the county election officer shall send, by nonforwardable mail, a notice
14 of disposition of the application to the applicant at the postal delivery
15 address shown on the application. If a notice of disposition is returned as
16 undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and
17 amendments thereto, shall occur.

18 (f) If an application is received while registration is closed, such ap-
19 plication shall be considered to have been received on the next following
20 day during which registration is open.

21 (g) A person who completes an application for voter registration shall
22 be considered a registered voter when the county election officer adds
23 the applicant’s name to the county voter registration list.

24 (h) Any registered voter whose residence address is not a permissible
25 postal delivery address shall designate a postal address for registration
26 records. When a county election officer has reason to believe that a voter’s
27 registration residence is not a permissible postal delivery address, the
28 county election officer shall attempt to determine a proper mailing ad-
29 dress for the voter.

30 (i) Any registered voter may request that such person’s residence ad-
31 dress be concealed from public inspection on the voter registration list
32 and on the original voter registration application form. Such request shall
33 be made in writing to the county election officer, and shall specify a clearly
34 unwarranted invasion of personal privacy or a threat to the voter’s safety.
35 Upon receipt of such a request, the county election officer shall take
36 appropriate steps to ensure that such person’s residence address is not
37 publicly disclosed. Nothing in this subsection shall be construed as re-
38 quiring or authorizing the secretary of state to include on the voter reg-
39 istration application form a space or other provision on the form that
40 would allow the applicant to request that such applicant’s residence ad-
41 dress be concealed from public inspection.

42 (j) No application for voter registration shall be made available for
43 public inspection or copying unless the information required by para-

1 graph (5) of subsection (b) has been removed or otherwise rendered
2 unreadable.

3 (k) If an applicant fails to ~~answer the question prescribed~~ *provide the*
4 *information specified* in paragraph (15) of subsection (b), the county elec-
5 tion officer shall send the application to the applicant at the postal delivery
6 address given on the application, by nonforwardable mail, with a notice
7 of incompleteness. The notice shall specify a period of time during which
8 the applicant may complete the application in accordance with K.S.A. 25-
9 2311, and amendments thereto, and be eligible to vote in the next
10 election.

11 (l) *Notwithstanding paragraph (15) of subsection (b), any person who*
12 *is registered in this state on July 1, 2006, is deemed to have provided*
13 *satisfactory evidence of citizenship unless the person is changing voter*
14 *registration from one county to another.*

15 (m) *For the purposes of this section, proof of voter registration from*
16 *another state or county is not satisfactory evidence of citizenship.*

17 (n) *A person who modifies voter registration records with a new res-*
18 *idence ballot shall not be required to submit evidence of citizenship after*
19 *citizenship has been demonstrated to the county election officer. The per-*
20 *son is not required to resubmit satisfactory evidence of citizenship in that*
21 *county.*

22 (o) *After a person has submitted satisfactory evidence of citizenship,*
23 *the county election officer shall indicate this information in the person's*
24 *permanent voter file. After two years the county election officer may de-*
25 *stroy all documents that were submitted as evidence of citizenship.*

26 (p) *For the purposes of this section:*

27 (1) *"Identification card" means any identification card issued by this*
28 *state or any political subdivision of this state, including a driver's license*
29 *or nonoperating identification license, to establish identity or determine*
30 *eligibility for assistance.*

31 (2) *"Evidence of United States citizenship" means identification cards*
32 *if the issuing agency indicates on the card that the person has provided*
33 *satisfactory proof of United States citizenship, a legible copy of the ap-*
34 *plicant's birth certificate, a United States passport or legible photocopies*
35 *of the pertinent pages identifying the applicant and the applicant's pass-*
36 *port number, the applicant's naturalization documents or naturalization*
37 *number provided the number is verified by the United States immigration*
38 *and naturalization service, other documents or methods of proof estab-*
39 *lished pursuant to the immigration reform and control act of 1986, or the*
40 *applicant's bureau of indian affairs card number, tribal treaty card num-*
41 *ber or tribal enrollment number.*

42 Sec. 2. K.S.A. 2005 Supp. 25-2908 is hereby amended to read as
43 follows: 25-2908. (a) Each polling place shall use either: (1) A registration

1 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
2 2507(b)(1), and amendments thereto; or (2) a registration book, as de-
3 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-
4 tion officer shall determine which books are used in each county, and
5 which book voters shall sign.

6 (b) A person desiring to vote shall provide to the election board: (1)
7 ~~the voter's name; (2) if required, the voter's address; and (3) one form of~~
8 *identification that bears the name, address and photograph of the elector;*
9 *and (2) the voter's signature on the registration or poll book. A signature*
10 *may be made by mark, initials, typewriter, print, stamp, symbol or any*
11 *other manner if by placing the signature on the document the person*
12 *intends the signature to be binding. A signature may be made by another*
13 *person at the voter's direction if the signature reflects such voter's*
14 *intention.*

15 (c) A member of the election board shall:

16 (1) Announce the voter's name in a loud and distinct tone of voice,
17 and, if the name is in the registration books, the member of the election
18 board having the registration record shall repeat the name;

19 (2) request the voter's signature on the registration or poll book;

20 (3) provide the required signature at the request of and on behalf of
21 any voter who is unable to personally affix a signature by reason of tem-
22 porary illness or disability, or lack of proficiency in reading the English
23 language;

24 (4) if the voter is a first-time voter as described in subsection (h) of
25 this section, request valid identification from the voter unless such voter
26 has previously submitted current and valid identification in the county
27 where registered;

28 (5) give the voter one ballot, on the upper right-hand corner of which
29 shall be written the number corresponding to the voter's number in the
30 registration book or poll book; and

31 (6) mark the voter's name in the registration book and party affiliation
32 list.

33 (d) A first-time voter shall provide to the election board a form of
34 valid identification such as a current and valid Kansas driver's license,
35 nondriver's identification card, utility bill, bank statement, paycheck, gov-
36 ernment check or other government document unless such voter has
37 previously submitted current and valid identification in the county where
38 registered. The document provided in accordance with this section shall
39 contain the voter's current name and address as indicated on the regis-
40 tration book or poll book.

41 (e) If a first-time voter is unable or refuses to provide current and
42 valid identification at the polling place, or if the name and address do not
43 match the voter's name and address on the registration book or poll book,

1 the voter may vote a provisional ballot according to K.S.A. 25-409, and
2 amendments thereto. The voter shall provide a valid form of identification
3 as defined in subsection (d) of this section to the county election officer
4 in person or provide a copy by mail or electronic means before the meet-
5 ing of the county board of canvassers. At the meeting of the county board
6 of canvassers the county election officer shall present copies of identifi-
7 cation received from provisional voters and the corresponding provisional
8 ballots. If the county board of canvassers determines that a voter's iden-
9 tification is valid and the provisional ballot was properly cast, the ballot
10 shall be counted.

11 (f) If the name of any person desiring to vote at an election is not in
12 the registration books, an election board member shall print the name
13 and address of the person appearing to vote in the registration book or
14 poll book. The person appearing to vote shall add such person's signature
15 to the registration book or poll book beside such person's printed name,
16 as listed in the registration book or poll book, and the election board
17 judge shall challenge such person's vote pursuant to K.S.A. 25-414, and
18 amendments thereto. During the pendency of a challenge other voters
19 shall be given ballots and be permitted to vote.

20 (g) A voter who has received an advance voting ballot may vote a
21 provisional ballot on election day at the precinct polling place where the
22 voter resides. If the voter returns the advance voting ballot to a judge or
23 clerk at the precinct polling place, the judge or clerk shall void such
24 advance voting ballot. Any such provisional ballot shall be counted only
25 if the county board of canvassers determines that the provisional ballot
26 was properly cast and the voter has not otherwise voted at such election.

27 (h) For the purposes of this section, "first-time voter" means a reg-
28 istered voter who has not previously voted in any election in the county
29 in which the voter desires to vote. First-time voter includes a person
30 whose name was removed from the county registration list in accordance
31 with K.S.A. 25-2316c, and amendments thereto, and has re-registered.

32 (i) The secretary of state may adopt rules and regulations defining
33 valid forms of identification.

34 Sec. 3. K.S.A. 2005 Supp. 25-2309 and 25-2908 are hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.