

HOUSE BILL No. 2981

By Committee on Appropriations

3-20

9 AN ACT concerning elections; concerning presentation of photographic
10 identification at time of voting; amending K.S.A. 2007 Supp. 25-1122,
11 25-1123, 25-2908 and 25-3002 and repealing the existing sections.
12

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

14 Section 1. From and after January 1, 2010, K.S.A. 2007 Supp. 25-
15 1122 is hereby amended to read as follows: 25-1122. (a) Any registered
16 voter may file with the county election officer where such person is a
17 resident, or where such person is authorized by law to vote as a former
18 precinct resident, an application for an advance voting ballot. The signed
19 application shall be transmitted only to the county election officer by
20 personal delivery, mail, facsimile or as otherwise provided by law.

21 (b) If the registered voter is applying for an advance voting ballot to
22 be transmitted in person, ~~and such voter is a first-time voter,~~ such voter
23 shall provide ~~a form of valid identification such as a current and valid~~
24 ~~Kansas driver's license, nondriver's identification card, utility bill, bank~~
25 ~~statement, paycheck, government check or other government document~~
26 ~~containing the voter's current name and address as indicated on the reg-~~
27 ~~istration book. Such voter shall not be required to provide identification~~
28 ~~if such voter has previously provided current and valid identification in~~
29 ~~the county where registered. to the election officer: (1) the voter's name;~~
30 ~~(2) if required, the voter's address; (3) the voter's signature on the regis-~~
31 ~~tration book; and (4) a current and valid form of identification listed in~~
32 ~~subsection (i) of section 3 and amendments thereto. A current and valid~~
33 ~~form of identification listed in subsection (j) of section 3, and amendments~~
34 ~~thereto, shall be presented in addition to any other form of identification~~
35 ~~required pursuant to this section. A signature may be made by mark,~~
36 ~~initials, typewriter, print, stamp, symbol or any other manner if by plac-~~
37 ~~ing the signature on the document the person intends the signature to be~~
38 ~~binding. A signature may be made by another person at the voter's di-~~
39 ~~rection if the signature reflects such voter's intention.~~

40 *The election officer shall compare the voter's signature on the registra-*
41 *tion book with the signature on the photographic identification provided*
42 *by the voter. If the election official is satisfied as to the identity of the*
43 *voter, the election official shall provide to the voter an advance voting*

1 *ballot. If the photographic identification does not contain the signature*
2 *of the voter, an additional form of identification that provides the voter's*
3 *signature shall be required from the voter. The additional form of iden-*
4 *tification shall comply with the provisions of subsection (j) of section 3*
5 *and amendments thereto.*

6 (c) If the registered voter is applying for an advance voting ballot to
7 be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter
8 shall provide on the application for an advance voting ballot the voter's
9 current and valid Kansas driver's license number, nondriver's identifica-
10 tion card number or the last four digits of the voter's social security num-
11 ber, or shall provide with the application a copy of the voter's current and
12 valid Kansas driver's license, nondriver's identification card, ~~utility bill,~~
13 ~~bank statement, paycheck, government check~~ or other government doc-
14 ument containing the voter's current name and address as indicated on
15 the registration book. ~~Such voter shall not be required to provide iden-~~
16 ~~tification if such voter has previously provided current and valid identi-~~
17 ~~fication in the county where registered.~~

18 (d) If a ~~first-time~~ voter is unable or refuses to provide current and
19 valid identification, or if the name and address do not match the voter's
20 name and address on the registration book, the voter may vote a provi-
21 sional ballot according to K.S.A. 25-409, and amendments thereto. The
22 voter shall provide a valid form of identification as defined in subsection
23 (c) of this section to the county election officer in person or provide a
24 copy by mail or electronic means before the meeting of the county board
25 of canvassers. At the meeting of the county board of canvassers the county
26 election officer shall present copies of identification received from provi-
27 sional voters and the corresponding provisional ballots. If the county
28 board of canvassers determines that a voter's identification is valid and
29 the provisional ballot was properly cast, the ballot shall be counted.

30 (e) Applications for advance voting ballots to be transmitted to the
31 voter by mail shall be filed only at the following times:

32 (1) For the primary election occurring on the first Tuesday in August
33 in even-numbered years, between April 1 of such year and the last busi-
34 ness day of the week preceding such primary election.

35 (2) For the general election occurring on the Tuesday succeeding the
36 first Monday in November in even-numbered years, between 90 days
37 prior to such election and the last business day of the week preceding
38 such general election.

39 (3) For the primary election held five weeks preceding the first Tues-
40 day in April, between January 1 of the year of such election and the last
41 business day of the week preceding such primary election.

42 (4) For the general election occurring on the first Tuesday in April,
43 between January 1 of the year of such election and the last business day

1 of the week preceding such general election.

2 (5) For question submitted elections occurring on the date of a pri-
3 mary or general election, the same as is provided for ballots for election
4 of officers at such election.

5 (6) For question submitted elections not occurring on the date of a
6 primary or general election, between the time of the first published notice
7 thereof and the last business day of the week preceding such question
8 submitted election, except that if the question submitted election is held
9 on a day other than a Tuesday, the county election officer shall determine
10 the final date for mailing of advance voting ballots, but such date shall
11 not be more than three business days before such election.

12 (7) For any special election of officers, at such time as is specified by
13 the secretary of state.

14 (8) For the presidential preference primary, between January 1 of
15 the year in which such primary is held and the last business day of the
16 week preceding such primary election.

17 The county election officer of any county may receive applications prior
18 to the time specified in this subsection (e) and hold such applications
19 until the beginning of the prescribed application period. Such applications
20 shall be treated as filed on that date.

21 (f) Unless an earlier date is designated by the county election office,
22 applications for advance voting ballots transmitted to the voter in person
23 in the office of the county election officer shall be filed on the Tuesday
24 next preceding the election and on each subsequent business day until
25 no later than 12:00 noon on the day preceding such election. If the county
26 election officer so provides, applications for advance voting ballots trans-
27 mitted to the voter in person in the office of the county election officer
28 also may be filed on the Saturday preceding the election. Upon receipt
29 of any such properly executed application, the county election officer shall
30 deliver to the voter such ballots and instructions as are provided for in
31 this act.

32 An application for an advance voting ballot filed by a voter who has a
33 temporary illness or disability or who is not proficient in reading the
34 English language or by a person rendering assistance to such voter may
35 be filed during the regular advance ballot application periods until the
36 close of the polls on election day.

37 In any county having a population exceeding 250,000, the county elec-
38 tion officer may designate places other than the central county election
39 office as satellite advance voting sites. At any satellite advance voting site,
40 a registered voter may obtain an application for advance voting ballots,
41 such ballots and instructions shall be delivered to the voter in the same
42 manner and subject to the same limitations as otherwise provided by this
43 subsection.

1 (g) Any person having a permanent disability or an illness which has
2 been diagnosed as a permanent illness is hereby authorized to make an
3 application for permanent advance voting status. Applications for per-
4 manent advance voting status shall be in the form and contain such in-
5 formation as is required for application for advance voting ballots and also
6 shall contain information which establishes the voter's right to permanent
7 advance voting status.

8 (h) On receipt of any application filed under the provisions of this
9 section, the county election officer shall prepare and maintain in such
10 officer's office a list of the names of all persons who have filed such
11 applications, together with their correct post office address and the pre-
12 cinct, ward, township or voting area in which such persons claim to be
13 registered voters or to be authorized by law to vote as former precinct
14 residents and the present resident address of each applicant. Such names
15 and addresses shall remain so listed until the day of such election. The
16 county election officer shall maintain a separate listing of the names and
17 addresses of persons qualifying for permanent advance voting status. All
18 such lists shall be available for inspection upon request in compliance
19 with this subsection by any registered voter during regular business hours.
20 The county election officer upon receipt of such applications shall enter
21 upon a record kept by such officer the name and address of each appli-
22 cant, which record shall conform to the list above required. Before in-
23 spection of any advance voting ballot application list, the person desiring
24 to make such inspection shall provide to the county election officer iden-
25 tification in the form of driver's license or other reliable identification and
26 shall sign a log book or application form maintained by such officer stating
27 such person's name and address and showing the date and time of in-
28 spection. All records made by the county election officer shall be subject
29 to public inspection, except that the voter identification information re-
30 quired by subsections (b) and (c) and the identifying number on ballots
31 and ballot envelopes and records of such numbers shall not be made
32 public.

33 (i) If a person on the permanent advance voting list fails to vote in
34 two consecutive general elections held on the Tuesday succeeding the
35 first Monday in November of each even-numbered year, the county elec-
36 tion officer may mail a notice to such voter. Such notice shall inform the
37 voter that the voter's name will be removed from the permanent advance
38 voting list unless the voter renews the application for permanent advance
39 voting status within 30 days after the notice is mailed. If the voter fails to
40 renew such application, the county election officer shall remove the
41 voter's name from the permanent advance voting list. Failure to renew
42 the application for permanent advance voting status shall not result in
43 removal of the voter's name from the voter registration list.

1 (j) ~~For the purposes of this section, “first-time voter” means a reg-~~
2 ~~istered voter who has not previously voted in any election in the county~~
3 ~~in which the voter desires to vote. First-time voter includes a person~~
4 ~~whose name was removed from the county registration list in accordance~~
5 ~~with K.S.A. 25-2316c, and amendments thereto, and who has re-~~
6 ~~registered.~~

7 ~~(k) The secretary of state may adopt rules and regulations defining~~
8 ~~valid forms of identification.~~

9 (k) *The following persons are exempt from the identification require-*
10 *ments of this section:*

- 11 (1) *Persons 65 years of age or older;*
- 12 (2) *persons with a temporary or permanent physical disability;*
- 13 (3) *members of the uniformed service on active duty who, by reason*
14 *of such active duty, are absent from the county on election day;*
- 15 (4) *members of the merchant marine who, by reason of service in the*
16 *merchant marine, are absent from the county on election day;*
- 17 (5) *the spouse or dependent of a member referred to in paragraph (3)*
18 *or (4) who, by reason of the active duty or service of the member, is absent*
19 *from the county on election day; and*
- 20 (6) *persons currently residing outside the United States who are eli-*
21 *gible to vote in Kansas.*

22 Sec. 2. From and after January 1, 2010, K.S.A. 2007 Supp. 25-1123
23 is hereby amended to read as follows: 25-1123. (a) When an application
24 for an advance voting ballot has been filed in accordance with K.S.A. 25-
25 1122, and amendments thereto, the county election officer shall transmit
26 to the voter applying therefor one each of the appropriate ballots. Except
27 as provided by subsection (b), the county election officer shall transmit
28 the advance voting ballots to the voter at one of the following addresses
29 as specified by the voter on such application: (1) The voter’s residential
30 address or mailing address as indicated on the registration list; (2) the
31 voter’s temporary residential address; or (3) a medical care facility as
32 defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital,
33 hospice or adult care home where the voter resides. No advance voting
34 ballot shall be transmitted by the county election officer by any means
35 prior to the 20th day before the election for which an application for an
36 advance voting ballot has been received by such county election officer.
37 If the advance voting ballot is transmitted by mail, such ballot shall be
38 transmitted with printed instructions prescribed by the secretary of state
39 and a ballot envelope bearing upon the outside a printed form as de-
40 scribed in K.S.A. 25-1120, and amendments thereto, and the same num-
41 ber as the number of the ballot. If the advance voting ballot is transmitted
42 to the applicant in person in the office of the county election officer or
43 at a satellite advance voting site, such advance voting ballot and printed

1 instructions shall be transmitted in an advance voting ballot envelope
2 bearing upon the outside a printed form as described in K.S.A. 25-1120,
3 and amendments thereto, and the same number as the number of the
4 ballot unless the voter elects to deposit the advance voting ballot into a
5 locked ballot box without an envelope. All ballots shall be transmitted to
6 the advance voting voter not more than 20 days before the election but
7 within two business days of the receipt of such voter's application by the
8 election officer or the commencement of such 20-day period. In primary
9 elections required to be conducted on a partisan basis, the election officer
10 shall deliver to such voter the ballot of the political party of the applicant.

11 (b) The restrictions in subsection (a) relating to where a county elec-
12 tion officer may transmit an advance voting ballot shall not apply to an
13 advance voting ballot requested pursuant to an application for an advance
14 voting ballot filed by a voter who has a temporary illness or disability or
15 who is not proficient in reading the English language.

16 (c) The county election officer shall compare the driver's license
17 number, nondriver's identification card number, ~~social security number~~
18 ~~or copy of other valid identification provided by a first-time voter to the~~
19 ~~voter registration list verified by the division of motor vehicles in accord-~~
20 ~~ance with federal law or other government document containing the~~
21 ~~voter's current name and address as indicated on the registration book.~~
22 If no identification information was provided by the ~~first-time~~ voter, or if
23 such information does not match the information on the voter registration
24 list, the county election officer shall not transmit an advance voting ballot.

25 (d) *The following persons are exempt from the identification require-*
26 *ments of this section:*

- 27 (1) *Persons 65 years of age or older;*
- 28 (2) *persons with a temporary or permanent physical disability;*
- 29 (3) *members of the uniformed service on active duty who, by reason*
30 *of such active duty, are absent from the county on election day;*
- 31 (4) *members of the merchant marine who, by reason of service in the*
32 *merchant marine, are absent from the county on election day;*
- 33 (5) *the spouse or dependent of a member referred to in paragraph (3)*
34 *or (4) who, by reason of the active duty or service of the member, is absent*
35 *from the county on election day; and*
- 36 (6) *persons currently residing outside the United States who are eli-*
37 *gible to vote in Kansas.*

38 Sec. 3. From and after January 1, 2010, K.S.A. 2007 Supp. 25-2908
39 is hereby amended to read as follows: 25-2908. (a) Each polling place
40 shall use either: (1) A registration book and a poll book, as defined in
41 K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or
42 (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amend-
43 ments thereto. The county election officer shall determine which books

1 are used in each county, and which book voters shall sign.

2 (b) A person desiring to vote shall provide to the election board: (1)
3 the voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's
4 signature on the registration or poll book; *and (4) a current and valid*
5 *form of identification listed in subsection (j). A current and valid form of*
6 *identification listed in subsection (j) shall be presented in addition to any*
7 *other form of identification required pursuant to this section.* A signature
8 may be made by mark, initials, typewriter, print, stamp, symbol or any
9 other manner if by placing the signature on the document the person
10 intends the signature to be binding. A signature may be made by another
11 person at the voter's direction if the signature reflects such voter's
12 intention.

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

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

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

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

22 (4) ~~if the voter is a first-time voter as described in subsection (h) of~~
23 ~~this section, request valid identification from the voter unless such voter~~
24 ~~has previously submitted current and valid identification in the county~~
25 ~~where registered; verify whether the photographic identification provided~~
26 ~~by the voter bears a signature. If the member of the election board is~~
27 ~~satisfied as to the identity of the voter, the member of the election board~~
28 ~~shall place such member's initials in the space provided and allow the~~
29 ~~voter to vote. If the photographic identification does not contain the sig-~~
30 ~~nature of the voter, an additional form of identification that provides the~~
31 ~~voter's signature shall be required from the voter;~~

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

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

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

1 tration book or poll book.

2 (e) If a ~~first-time~~ voter is unable or refuses to provide current and
3 valid identification at the polling place, or if the name and address do not
4 match the voter's name and address on the registration book or poll book,
5 the voter may vote a provisional ballot according to K.S.A. 25-409, and
6 amendments thereto. The voter shall provide a valid form of identification
7 as defined in subsection (d) of this section to the county election officer
8 in person or provide a copy by mail or electronic means before the meet-
9 ing of the county board of canvassers. At the meeting of the county board
10 of canvassers the county election officer shall present copies of identifi-
11 cation received from provisional voters and the corresponding provisional
12 ballots. If the county board of canvassers determines that a voter's iden-
13 tification is valid and the provisional ballot was properly cast, the ballot
14 shall be counted.

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

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

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

36 ~~(i)~~ (h) The secretary of state may adopt rules and regulations defining
37 valid forms of identification.

38 (i) (1) *The following forms of identification shall be considered cur-*
39 *rent and valid if such form of identification contains the name and pho-*
40 *tograph of the applicant and an expiration date which has not expired:*

41 (A) A Kansas driver's license;

42 (B) a Kansas identification card issued by the Kansas department of
43 revenue;

- 1 (C) a United States passport;
- 2 (D) an employee badge or identification;
- 3 (E) a debit or credit card;
- 4 (F) a military identification;
- 5 (G) a student identification; or
- 6 (H) a public assistance identification.
- 7 (2) If the voter fails to furnish the identification required by this sub-
- 8 section, the voter shall be allowed to vote a provisional ballot. The can-
- 9 vassing board shall determine the validity of the ballot pursuant to K.S.A.
- 10 25-3002 and amendments thereto.
- 11 (j) The following persons are exempt from the identification require-
- 12 ments of this section:
- 13 (1) Persons 65 years of age or older;
- 14 (2) persons with a temporary or permanent physical disability;
- 15 (3) members of the uniformed service on active duty who, by reason
- 16 of such active duty, are absent from the county on election day;
- 17 (4) members of the merchant marine who, by reason of service in the
- 18 merchant marine, are absent from the county on election day;
- 19 (5) the spouse or dependent of a member referred to in paragraph (3)
- 20 or (4) who, by reason of the active duty or service of the member, is absent
- 21 from the county on election day; and
- 22 (6) persons currently residing outside the United States who are eli-
- 23 gible to vote in Kansas.
- 24 Sec. 4. From and after January 1, 2010, K.S.A. 2007 Supp. 25-3002
- 25 is hereby amended to read as follows: 25-3002. (a) The rules prescribed
- 26 in this section shall apply to:
- 27 (1) The original canvass by election boards.
- 28 (2) Intermediate and final canvasses by county boards of canvassers.
- 29 (3) Final canvass by the state board of canvassers.
- 30 (4) All election contests.
- 31 (5) All other officers canvassing or having a part in the canvass of any
- 32 election.
- 33 (b) Rules for canvassers:
- 34 (1) No ballot, or any portion thereof, shall be invalidated by any tech-
- 35 nical error unless it is impossible to determine the voter's intention. De-
- 36 termination of the voter's intention shall rest in the discretion of the board
- 37 canvassing in the case of a canvass and in the election court in the case
- 38 of an election contest.
- 39 (2) The occurrences listed in this subpart (2) shall not invalidate the
- 40 whole ballot but shall invalidate that portion, and that portion only, in
- 41 which the occurrence appears. The votes on such portion of the ballot
- 42 shall not be counted for any candidate listed or written in such portion,
- 43 but the remainder of the votes in other portions of the ballot shall be

- 1 counted. The occurrences to which this subpart (2) shall apply are:
- 2 (A) Whenever a voting mark shall be made in the square *or oval* at
3 the left of the name of more than one candidate for the same office,
4 except when the ballot instructs that more than one candidate is to be
5 voted.
- 6 (B) Whenever a voting mark is placed in the square *or oval* at the
7 left of a space where no candidate is listed.
- 8 (3) When a registered voter has cast a provisional ballot intended for
9 a precinct other than the precinct in which the voter resides but located
10 within the same county, the canvassers shall count the votes for those
11 offices or issues which are identical in both precincts. The canvassers shall
12 not count the votes for those offices or issues which differ from the offices
13 or issues appearing on the ballot used in the precinct in which the voter
14 resides.
- 15 (4) A write-in vote for those candidates for the offices of governor
16 and lieutenant governor shall not be counted unless the pair of candidates
17 have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amend-
18 ments thereto, and:
- 19 (A) Both candidates' names are written on the ballot; or
20 (B) only the name of the candidate for governor is written on the
21 ballot.
- 22 (5) A write-in vote for those candidates for the offices of president
23 and vice-president shall not be counted unless the pair of candidates have
24 filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments
25 thereto, and:
- 26 (A) Both candidates' names are written on the ballot; or
27 (B) only the name of the candidate for president is written on the
28 ballot.
- 29 (6) A write-in vote for candidates for state offices elected on a state-
30 wide basis other than offices subject to paragraph (4) shall not be counted
31 unless the candidate has filed an affidavit of candidacy pursuant to K.S.A.
32 25-305, and amendments thereto.
- 33 (7) Any advance voting or mail ballot whose envelope containing the
34 voter's written declaration is unsigned, shall be wholly void and no vote
35 thereon shall be counted.
- 36 (8) No ballot cast by a ~~first-time voter as defined by K.S.A. 25-1122,~~
37 ~~and amendments thereto, or K.S.A. 25-2908, and amendments thereto,~~
38 ~~voter~~ shall be counted if the voter fails to provide valid identification.
- 39 Sec. 5. K.S.A. 2007 Supp. 25-1122, 25-1123, 25-2908 and 25-3002
40 are hereby repealed.
- 41 Sec. 6. This act shall take effect and be in force from and after its
42 publication in the statute book.