

SENATE BILL No. 267

By Committee on Ways and Means

2-12

10 AN ACT concerning elections; relating to voter identification; amending
11 K.S.A. 25-2354 and K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123,
12 25-2908 and 25-3002 and repealing the existing sections.
13

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

15 Section 1. K.S.A. 2008 Supp. 25-1122 is hereby amended to read as
16 follows: 25-1122. (a) Any registered voter may file with the county elec-
17 tion officer where such person is a resident, or where such person is
18 authorized by law to vote as a former precinct resident, an application for
19 an advance voting ballot. The signed application shall be transmitted only
20 to the county election officer by personal delivery, mail, facsimile or as
21 otherwise provided by law.

22 ***(b) If a person submits an application for voter registration and***
23 ***also submits an application for an advance voting ballot during the***
24 ***period beginning the 20th day before the election and ending the***
25 ***15th day before the election, such voter's advance voting ballot***
26 ***shall be provisional.***

27 ~~(b) (c)~~ (c) If the registered voter is applying for an advance voting ballot
28 to be transmitted in person, ~~and such voter is a first-time voter,~~ such voter
29 shall provide a form of valid identification such as a current and valid
30 Kansas driver's license, nondriver's identification card, utility bill, bank
31 statement, paycheck, government check or other government document
32 containing the voter's current name and address as indicated on the reg-
33 istration book. ~~Such voter shall not be required to provide identification~~
34 ~~if such voter has previously provided current and valid identification in~~
35 ~~the county where registered.~~

36 ~~(c) (d)~~ (d) If the registered voter is applying for an advance voting ballot
37 to be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter
38 shall provide on the application for an advance voting ballot the voter's
39 current and valid Kansas driver's license number, nondriver's identifica-
40 tion card number or the last four digits of the voter's social security num-
41 ber, or shall provide with the application a copy of the voter's current and
42 valid Kansas driver's license, nondriver's identification card, utility bill,
43 bank statement, paycheck, government check or other government doc-

1 ument containing the voter's current name and address as indicated on
 2 the registration book. ~~Such voter shall not be required to provide identi-~~
 3 ~~fication if such voter has previously provided current and valid identi-~~
 4 ~~fication in the county where registered.~~

5 ~~(d)~~ (e) *The identification document provided in accordance with sub-*
 6 *section (b) and (c) of this section shall contain, at a minimum, the voter's*
 7 *current name and either the voter's photograph or the voter's current*
 8 *residential address as indicated on the registration book.*

9 ~~(d)~~ (e) (f) If a ~~first-time~~ voter is unable or refuses to provide current
 10 and valid identification, or if the name and address do not match the
 11 voter's name and address on the registration book, the voter may vote a
 12 provisional ballot according to K.S.A. 25-409, and amendments thereto.
 13 The voter shall provide a valid form of identification as defined in sub-
 14 section (c) of this section to the county election officer in person or pro-
 15 vide a copy by mail or electronic means before the meeting of the county
 16 board of canvassers. At the meeting of the county board of canvassers the
 17 county election officer shall present copies of identification received from
 18 provisional voters and the corresponding provisional ballots. If the county
 19 board of canvassers determines that a voter's identification is valid and
 20 the provisional ballot was properly cast, the ballot shall be counted.

21 ~~(e)~~ (f) (g) Applications for advance voting ballots to be transmitted
 22 to the voter by mail shall be filed only at the following times:

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

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

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

33 (4) For the general election occurring on the first Tuesday in April,
 34 between January 1 of the year of such election and the last business day
 35 of the week preceding such general election.

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

39 (6) For question submitted elections not occurring on the date of a
 40 primary or general election, between the time of the first published notice
 41 thereof and the last business day of the week preceding such question
 42 submitted election, except that if the question submitted election is held
 43 on a day other than a Tuesday, the county election officer shall determine

1 the final date for mailing of advance voting ballots, but such date shall
2 not be more than three business days before such election.

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

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

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

12 ~~(f)~~ ~~(g)~~ **(h)** Unless an earlier date is designated by the county election
13 office, applications for advance voting ballots transmitted to the voter in
14 person in the office of the county election officer shall be filed on the
15 Tuesday next preceding the election and on each subsequent business
16 day until no later than 12:00 noon on the day preceding such election. If
17 the county election officer so provides, applications for advance voting
18 ballots transmitted to the voter in person in the office of the county elec-
19 tion officer also may be filed on the Saturday preceding the election.
20 Upon receipt of any such properly executed application, the county elec-
21 tion officer shall deliver to the voter such ballots and instructions as are
22 provided for in this act.

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

28 The county election officer may designate places other than the central
29 county election office as satellite advance voting sites. At any satellite
30 advance voting site, a registered voter may obtain an application for ad-
31 vance voting ballots. Such ballots and instructions shall be delivered to
32 the voter in the same manner and subject to the same limitations as
33 otherwise provided by this subsection.

34 ~~(g)~~ ~~(h)~~ **(i)** Any person having a permanent disability or an illness
35 which has been diagnosed as a permanent illness is hereby authorized to
36 make an application for permanent advance voting status. Applications
37 for permanent advance voting status shall be in the form and contain such
38 information as is required for application for advance voting ballots and
39 also shall contain information which establishes the voter's right to per-
40 manent advance voting status. *Any person applying for permanent ad-
41 vance voter status shall submit valid identification as provided in subsec-
42 tion (b) or (c) of this section. Once a permanent advance voter has
43 provided valid identification, or if such voter's registration has been*

1 *verified pursuant to K.S.A. 25-2354, and amendments thereto, such*
 2 *voter shall not be required to provide identification in subsequent*
 3 *elections unless the voter:*

- 4 (1) *Changes the voter's name or residential address;*
 5 (2) *moves out of the county or state; or*
 6 (3) *is removed from the registration list and re-registers.*
 7 ~~(h)~~ ~~(i)~~ (j) On receipt of any application filed under the provisions of
 8 this section, the county election officer shall prepare and maintain in such
 9 officer's office a list of the names of all persons who have filed such
 10 applications, together with their correct post office address and the pre-
 11 cinct, ward, township or voting area in which such persons claim to be
 12 registered voters or to be authorized by law to vote as former precinct
 13 residents and the present resident address of each applicant. Such names
 14 and addresses shall remain so listed until the day of such election. The
 15 county election officer shall maintain a separate listing of the names and
 16 addresses of persons qualifying for permanent advance voting status. All
 17 such lists shall be available for inspection upon request in compliance
 18 with this subsection by any registered voter during regular business hours.
 19 The county election officer upon receipt of such applications shall enter
 20 upon a record kept by such officer the name and address of each appli-
 21 cant, which record shall conform to the list above required. Before in-
 22 spection of any advance voting ballot application list, the person desiring
 23 to make such inspection shall provide to the county election officer iden-
 24 tification in the form of driver's license or other reliable identification and
 25 shall sign a log book or application form maintained by such officer stating
 26 such person's name and address and showing the date and time of in-
 27 spection. All records made by the county election officer shall be subject
 28 to public inspection, except that the voter identification information re-
 29 quired by subsections (b) and (c) and the identifying number on ballots
 30 and ballot envelopes and records of such numbers shall not be made
 31 public.
 32 ~~(i)~~ ~~(j)~~ (k) If a person on the permanent advance voting list fails to
 33 vote in two consecutive general elections held on the Tuesday succeeding
 34 the first Monday in November of each even-numbered year, the county
 35 election officer may mail a notice to such voter. Such notice shall inform
 36 the voter that the voter's name will be removed from the permanent
 37 advance voting list unless the voter renews the application for permanent
 38 advance voting status within 30 days after the notice is mailed. If the voter
 39 fails to renew such application, the county election officer shall remove
 40 the voter's name from the permanent advance voting list. Failure to renew
 41 the application for permanent advance voting status shall not result in
 42 removal of the voter's name from the voter registration list.
 43 ~~(j)~~ For the purposes of this section, "first-time voter" means a reg-

1 ~~istered voter who has not previously voted in any election in the county~~
 2 ~~in which the voter desires to vote. First-time voter includes a person~~
 3 ~~whose name was removed from the county registration list in accordance~~
 4 ~~with K.S.A. 25-2316c, and amendments thereto, and who has re-regis-~~
 5 ~~tered.~~

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

8 Sec. 2. K.S.A. 2008 Supp. 25-1122d is hereby amended to read as
 9 follows: 25-1122d. (a) The application for an advance voting ballot to be
 10 transmitted by mail shall be accompanied by an affirmation in substance
 11 as follows:

12 Affirmation of an Elector of the County of _____ and State of Kansas Desiring
 13 to Vote an Advance Voting Ballot

14 State of _____, County of _____, ss:

15 I, _____,
 16 (Please print name)

17 do solemnly affirm under penalty of perjury that I am a qualified elector of the
 18 _____ precinct of the _____ ward, residing at number _____ on
 19 _____ street, city of _____, or in the township of _____, county of
 20 _____, and state of Kansas. My date of birth is _____ (month/day/
 21 year).

22 I understand that ~~if I have not previously voted in any election in this county and I have~~
 23 ~~not previously submitted valid identification,~~ I must provide one of the following forms of
 24 identification with this application in order to receive a ballot:

- 25 (1) A current and valid Kansas driver’s license number or nondriver’s identification card
- 26 number; or
- 27 (2) the last four digits of my social security number; or
- 28 (3) a copy of a current and valid Kansas driver’s license or nondriver’s identification
- 29 card, utility bill, bank statement, paycheck, government check, or other government docu-
- 30 ment that shows ~~my name and address,~~ *at a minimum, my current name and either my*
- 31 *photograph or my current residential address as indicated on the registration book.*

32 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise
 33 vote at the election to be held on _____ (date). My political party is
 34 _____ (to be filled in only when requesting primary election ballots). I desire my
 35 ballots to be sent to the following address

36 _____
 37 _____ Signature of voter.

38 Note: False statement on this affirmation is a severity level 9, nonperson felony.

39 (b) The application for an advance voting ballot to be transmitted in
 40 person shall be accompanied by an affirmation in substance as follows:

41 Affirmation of an Elector of the County of _____ and State of Kansas Desiring
 42 to Vote an Advance Voting Ballot

43 State of _____, County of _____, ss:

1 I, _____
 2 (Please print name)
 3 do solemnly affirm under penalty of perjury that I am a qualified elector of the
 4 _____ precinct of the _____ ward, residing at number _____ on _____
 5 street, city of _____, or in the township of _____, county of _____,
 6 and state of Kansas. My date of birth is _____ (month/day/year).

7 I understand that ~~if I have not previously voted in any election in this county and I have~~
 8 ~~not previously submitted valid identification~~, I must provide one of the following forms of
 9 identification with this application in order to receive a ballot: a current and valid Kansas
 10 driver's license or nondriver's identification card, utility bill, bank statement, paycheck, gov-
 11 ernment check or other government document that shows ~~my name and address~~, *at a*
 12 *minimum, my current name and either my photograph or my current residential address as*
 13 *indicated on the registration book.*

14 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise
 15 vote at the election to be held on _____ (date). My political party is _____
 16 (to be filled in only when requesting primary election ballots).

17 _____
 18 _____ Signature of voter.

19 Note: False statement on this affirmation is a severity level 9, nonperson felony.

20 (c) An application for permanent advance voting status shall be on a
 21 form prescribed by the secretary of state for this purpose. Such applica-
 22 tion shall contain an affirmation concerning substantially the same infor-
 23 mation required in subsection (a) and in addition thereto a statement
 24 regarding the permanent character of such illness or disability.

25 ***Any person applying for permanent advance voter status shall***
 26 ***submit valid identification as provided in subsection (b) or (c) of***
 27 ***this section. Once such permanent advance voter has provided valid***
 28 ***identification, or if such voter's registration has been verified pur-***
 29 ***suant to K.S.A. 25-2354, and amendments thereto, such voter shall***
 30 ***not be required to provide identification in subsequent elections***
 31 ***unless the voter:***

- 32 (1) ***Changes the voter's name or residential address;***
- 33 (2) ***moves out of the county or state; or***
- 34 (3) ***is removed from the registration list and re-registers.***

35 (d) Any application by a former precinct resident shall state both the
 36 former and present residence, address, precinct and county of such for-
 37 mer precinct resident and the date of change of residence. *Such appli-*
 38 *cation shall include an affirmation containing substantially the same in-*
 39 *formation required in subsection (a) and shall be accompanied by valid*
 40 *identification as provided in subsection (a).*

41 Sec. 3. K.S.A. 2008 Supp. 25-1123 is hereby amended to read as
 42 follows: 25-1123. (a) When an application for an advance voting ballot has
 43 been filed in accordance with K.S.A. 25-1122, and amendments thereto,

1 the county election officer shall transmit to the voter applying therefor
2 one each of the appropriate ballots. Except as provided by subsection (b),
3 the county election officer shall transmit the advance voting ballots to the
4 voter at one of the following addresses as specified by the voter on such
5 application: (1) The voter's residential address or mailing address as in-
6 dicated on the registration list; (2) the voter's temporary residential ad-
7 dress; or (3) a medical care facility as defined in K.S.A. 65-425, and
8 amendments thereto, psychiatric hospital, hospice or adult care home
9 where the voter resides. No advance voting ballot shall be transmitted by
10 the county election officer by any means prior to the 20th day before the
11 election for which an application for an advance voting ballot has been
12 received by such county election officer. If the advance voting ballot is
13 transmitted by mail, such ballot shall be transmitted with printed instruc-
14 tions prescribed by the secretary of state and a ballot envelope bearing
15 upon the outside a printed form as described in K.S.A. 25-1120, and
16 amendments thereto, and the same number as the number of the ballot.
17 If the advance voting ballot is transmitted to the applicant in person in
18 the office of the county election officer or at a satellite advance voting
19 site, such advance voting ballot and printed instructions shall be trans-
20 mitted in an advance voting ballot envelope bearing upon the outside a
21 printed form as described in K.S.A. 25-1120, and amendments thereto,
22 and the same number as the number of the ballot unless the voter elects
23 to deposit the advance voting ballot into a locked ballot box without an
24 envelope. All ballots shall be transmitted to the advance voting voter not
25 more than 20 days before the election but within two business days of
26 the receipt of such voter's application by the election officer or the com-
27 mencement of such 20-day period. In primary elections required to be
28 conducted on a partisan basis, the election officer shall deliver to such
29 voter the ballot of the political party of the applicant.

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

35 (c) The *secretary of state or the* county election officer shall compare
36 the driver's license number, nondriver's identification card number, social
37 security number or copy of other valid identification provided by ~~a first-~~
38 ~~time voter~~ *each applicant for an advance voting ballot to be transmitted*
39 *by mail* to the voter registration list verified by the division of motor
40 vehicles in accordance with ~~federal law~~ K.S.A. 25-2354, *and amendments*
41 *thereto*. If no identification information was provided by the ~~first-time~~
42 voter, or if such information does not match the information on the *ver-*
43 *ified* voter registration list, the county election officer shall ~~not transmit~~

1 ~~an advance voting ballot~~ issue a provisional ballot to such voter in ac-
 2 cordance with K.S.A. 25-409, and amendments thereto. The voter shall
 3 provide a valid form of identification as defined in subsection (c) of K.S.A.
 4 25-1122, and amendments thereto, to the county election officer in person
 5 or provide a copy by mail or electronic means before the meeting of the
 6 county board of canvassers. If the county board of canvassers determines
 7 that the provisional ballot was properly cast, the ballot shall be counted.

8 Sec. 4. K.S.A. 25-2354 is hereby amended to read as follows: 25-
 9 2354. (a) Once each calendar year a check of the registration records of
 10 voters in the state of Kansas shall be commenced by the chief state elec-
 11 tion official or the county election officer by comparing such records to
 12 the National Change of Address files. A county election officer may com-
 13 plete one or more checks each calendar year. If the chief state election
 14 official performs the check, any discrepancies discovered in the check
 15 shall be reported to the appropriate county election officer, who shall
 16 initiate the confirmation process prescribed by K.S.A. 25-2316c, and
 17 amendments thereto, within 45 days. As an alternative to participation in
 18 the national change of address program, the county election officer may
 19 conduct mass or targeted mailings to registered voters to obtain infor-
 20 mation upon which to base the confirmation mailings.

21 (b) The chief state election official shall, in a manner determined by
 22 the chief state election official and the director of the division of motor
 23 vehicles, compare information derived from the voter registration records
 24 of voters in the state of Kansas to driver's license records for the purpose
 25 of verifying the accuracy of the information provided on applications for
 26 voter registration in compliance with section 303 of the Help America
 27 Vote Act of 2002. Such comparison shall include each voter's driver's
 28 license number or nondriver's identification number or the last four digits
 29 of the voter's social security number as provided by the voter on the voter's
 30 application for registration.

31 (c) The chief state election official shall compare information derived
 32 from the voter registration records of voters in the state of Kansas to state
 33 felony conviction records for the purpose of removing the names of inel-
 34 igible voters from the registration list in compliance with section 303 of
 35 the Help America Vote Act of 2002.

36 (d) The chief state election official shall compare information derived
 37 from the voter registration records of voters in the state of Kansas to state
 38 records on death for the purpose of removing the names of ineligible voters
 39 from the registration list in compliance with section 303 of the Help Amer-
 40 ica Vote Act of 2002.

41 ~~(b)~~(e) The chief state election official may adopt rules and regulations
 42 to carry out the provisions of this section.

43 Sec. 5. K.S.A. 2008 Supp. 25-2908 is hereby amended to read as

1 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
 2 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
 3 2507(b)(1), and amendments thereto; or (2) a registration book, as de-
 4 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-
 5 tion officer shall determine which books are used in each county, and
 6 which book voters shall sign.

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

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

15 (1) *Request from the voter valid identification as defined in subsection*
 16 *(d) of this section;*

17 ~~(1)~~ (2) announce the voter's name in a loud and distinct tone of voice,
 18 and, if the name is in the registration books, the member of the election
 19 board having the registration record shall repeat the name;

20 ~~(2)~~ (3) request the voter's signature on the registration or poll book;

21 (4) **request the voter's valid identification as defined in subsection**
 22 *(c);*

23 ~~(3)~~ (5) provide the required signature at the request of and on behalf
 24 of any voter who is unable to personally affix a signature by reason of
 25 temporary illness or disability, or lack of proficiency in reading the English
 26 language;

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

31 ~~(5)~~ (6) give the voter one ballot, on the upper right-hand corner of
 32 which shall be written the number corresponding to the voter's number
 33 in the registration book or poll book; and

34 ~~(6)~~ (7) mark the voter's name in the registration book and party af-
 35 filiation list.

36 (d) ~~A first-time voter shall provide to the election board a form of~~
 37 ~~Valid identification such as shall include a current and valid Kansas~~
 38 ~~driver's license, nondriver's identification card, utility bill, bank state-~~
 39 ~~ment, paycheck, government check or other government document ~~un-~~~~
 40 ~~less such voter has previously submitted current and valid identification~~
 41 ~~in the county where registered. The document provided in accordance~~
 42 ~~with this section shall contain the voter's current name and address as~~
 43 ~~indicated on the registration book or poll book containing, at a minimum,~~

1 *the voter's current name and either the voter's photograph or the voter's*
 2 *current residential address as indicated on the registration book.*

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

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

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

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

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

40 Sec. 6. K.S.A. 2008 Supp. 25-3002 is hereby amended to read as
 41 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- 42 (1) The original canvass by election boards.
- 43 (2) Intermediate and final canvasses by county boards of canvassers.

- 1 (3) Final canvass by the state board of canvassers.
2 (4) All election contests.
3 (5) All other officers canvassing or having a part in the canvass of any
4 election.
5 (b) Rules for canvassers:
6 (1) No ballot, or any portion thereof, shall be invalidated by any tech-
7 nical error unless it is impossible to determine the voter's intention. De-
8 termination of the voter's intention shall rest in the discretion of the board
9 canvassing in the case of a canvass and in the election court in the case
10 of an election contest.
11 (2) The occurrences listed in this subpart (2) shall not invalidate the
12 whole ballot but shall invalidate that portion, and that portion only, in
13 which the occurrence appears. The votes on such portion of the ballot
14 shall not be counted for any candidate listed or written in such portion,
15 but the remainder of the votes in other portions of the ballot shall be
16 counted. The occurrences to which this subpart (2) shall apply are:
17 (A) Whenever a voting mark shall be made in the square at the left
18 of the name of more than one candidate for the same office, except when
19 the ballot instructs that more than one candidate is to be voted.
20 (B) Whenever a voting mark is placed in the square at the left of a
21 space where no candidate is listed.
22 (3) When a registered voter has cast a provisional ballot intended for
23 a precinct other than the precinct in which the voter resides but located
24 within the same county, the canvassers shall count the votes for those
25 offices or issues which are identical in both precincts. The canvassers shall
26 not count the votes for those offices or issues which differ from the offices
27 or issues appearing on the ballot used in the precinct in which the voter
28 resides.
29 (4) A write-in vote for those candidates for the offices of governor
30 and lieutenant governor shall not be counted unless the pair of candidates
31 have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amend-
32 ments thereto, and:
33 (A) Both candidates' names are written on the ballot; or
34 (B) only the name of the candidate for governor is written on the
35 ballot.
36 (5) A write-in vote for those candidates for the offices of president
37 and vice-president shall not be counted unless the pair of candidates have
38 filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments
39 thereto, and:
40 (A) Both candidates' names are written on the ballot; or
41 (B) only the name of the candidate for president is written on the
42 ballot.
43 (6) A write-in vote for candidates for state offices elected on a state-

1 wide basis other than offices subject to paragraph (4) shall not be counted
2 unless the candidate has filed an affidavit of candidacy pursuant to K.S.A.
3 25-305, and amendments thereto.

4 (7) Any advance voting or mail ballot whose envelope containing the
5 voter's written declaration is unsigned, shall be wholly void and no vote
6 thereon shall be counted.

7 (8) No ballot ~~cast by a first-time voter as defined by K.S.A. 25-1122,~~
8 ~~and amendments thereto, or K.S.A. 25-2908, and amendments thereto,~~
9 shall be counted if the voter fails to provide valid identification.

10 (9) ***Any provisional advance voting ballot cast pursuant to***
11 ***K.S.A. 25-1122, and amendments thereto, shall be counted if the***
12 ***application for voter registration is determined by the county elec-***
13 ***tion officer to be valid and if the county board of canvassers deter-***
14 ***mines that the ballot was properly cast and the voter has not oth-***
15 ***erwise voted at such election.***

16 Sec. 7. K.S.A. 25-2354 and K.S.A. 2008 Supp. 25-1122, 25-1122d,
17 25-1123, 25-2908 and 25-3002 are hereby repealed.

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