

SENATE BILL No. 471

By Committee on Federal and State Affairs

2-18

1 AN ACT concerning elections; relating to advance voting; indication of
2 citizenship to be placed on driver's licenses and nondriver identification
3 cards; amending K.S.A. 2015 Supp. 8-243, 8-1328, 25-1122, 25-1124
4 and 25-2352 and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2015 Supp. 8-243 is hereby amended to read as
8 follows: 8-243. (a) Upon payment of the required fee, the division shall
9 issue to every applicant qualifying under the provisions of this act the
10 driver's license as applied for by the applicant. Such license shall bear the
11 class or classes of motor vehicles which the licensee is entitled to drive, a
12 distinguishing number assigned to the licensee, the full legal name, date of
13 birth, gender, address of principal residence and a brief description of the
14 licensee, a colored digital photograph of the licensee, a facsimile of the
15 signature of the licensee and the statement provided for in subsection (b).
16 No driver's license shall be valid until it has been signed by the licensee.
17 All drivers' licenses issued to persons under the age of 21 years shall be
18 readily distinguishable from licenses issued to persons age 21 years or
19 older. In addition, all drivers' licenses issued to persons under the age of 18
20 years shall also be readily distinguishable from licenses issued to persons
21 age 18 years or older. The secretary of revenue shall implement a vertical
22 format to make drivers' licenses issued to persons under the age of 21 more
23 readily distinguishable. Except as otherwise provided, no driver's license
24 issued by the division shall be valid until a colored digital photograph of
25 such licensee has been taken and verified before being placed on the
26 driver's license. The secretary of revenue shall prescribe a fee of not more
27 than \$8 and upon the payment of such fee, the division shall cause a
28 colored digital photograph of such applicant to be placed on the driver's
29 license. Upon payment of such fee prescribed by the secretary of revenue,
30 plus payment of the fee required by K.S.A. 8-246, and amendments
31 thereto, for issuance of a new license, the division shall issue to such
32 licensee a new license containing a colored digital photograph of such
33 licensee. A driver's license which does not contain the principal address as
34 required may be issued to persons who are program participants pursuant
35 to K.S.A. 2015 Supp. 75-455, and amendments thereto, upon payment of
36 the fee required by K.S.A. 8-246, and amendments thereto. All Kansas

1 drivers' licenses and identification cards shall have physical security
2 features designed to prevent tampering, counterfeiting or duplication of the
3 document for fraudulent purposes. The secretary of revenue shall
4 incorporate common machine-readable technology into all Kansas drivers'
5 licenses and identification cards.

6 (b) All Kansas drivers' licenses issued to any person 16 years of age
7 or older shall contain a form which provides a statement for making a gift
8 of all or any part of the body of the licensee in accordance with the revised
9 uniform anatomical gift act, K.S.A. 2015 Supp. 65-3220 through 65-3244,
10 and amendments thereto, except as otherwise provided by this subsection.
11 The statement to be effective shall be signed by the licensee in the
12 presence of two witnesses who shall sign the statement in the presence of
13 the donor. The gift becomes effective upon the death of the donor.
14 Delivery of the license during the donor's lifetime is not necessary to make
15 a valid gift. Any valid gift statement executed prior to July 1, 1994, shall
16 remain effective until invalidated. The word "Donor" shall be placed on
17 the front of a licensee's driver's license, indicating that the statement for
18 making an anatomical gift under this subsection has been executed by such
19 licensee.

20 (c) Any person who is deaf or hard of hearing may request that the
21 division issue to such person a driver's license which is readily
22 distinguishable from drivers' licenses issued to other drivers and upon such
23 request the division shall issue such license. Drivers' licenses issued to
24 persons who are deaf or hard of hearing and under the age of 21 years shall
25 be readily distinguishable from drivers' licenses issued to persons who are
26 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
27 subsection (a), the division shall issue a receipt of application permitting
28 the operation of a vehicle consistent with the requested class, if there are
29 no other restrictions or limitations, pending the division's verification of
30 the information and production of a driver's license.

31 (d) A driver's license issued to a person required to be registered
32 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a
33 distinguishing number by the division which will readily indicate to law
34 enforcement officers that such person is a registered offender. The division
35 shall develop a numbering system to implement the provisions of this
36 subsection.

37 (e) (1) Any person who is a veteran may request that the division
38 issue to such person a driver's license which shall include the designation
39 "VETERAN" displayed on the front of the driver's license at a location to
40 be determined by the secretary of revenue. In order to receive a license
41 described in this subsection, the veteran must provide proof of the
42 veteran's military service and honorable discharge or general discharge
43 under honorable conditions, including a copy of the veteran's DD214 form

1 or equivalent.

2 (2) As used in this subsection, "veteran" means a person who:

3 (A) Has served in: The army, navy, marine corps, air force, coast
4 guard, air or army national guard or any branch of the military reserves of
5 the United States; and

6 (B) has been separated from the branch of service in which the person
7 was honorably discharged or received a general discharge under honorable
8 conditions.

9 (3) The director of vehicles may adopt any rules and regulations
10 necessary to carry out the provisions of this subsection.

11 *(f) All Kansas driver's licenses issued to individuals who have
12 provided documentation to the division that meets the requirements for
13 proof of United States citizenship pursuant to K.S.A. 25-2309, and
14 amendments thereto, shall, whether or not the individual applies for voter
15 registration as provided by K.S.A. 25-2352, and amendments thereto,
16 include an indication displayed on the front of the driver's license that the
17 individual has provided satisfactory proof of United States citizenship.*

18 Sec. 2. K.S.A. 2015 Supp. 8-1328 is hereby amended to read as
19 follows: 8-1328. (a) The identification card shall resemble in appearance,
20 so far as is practicable, a driver's license issued in accordance with K.S.A.
21 8-243, and amendments thereto, and shall adequately describe the
22 registrant. The identification card shall be sealed in transparent plastic or
23 similar substance.

24 (b) All Kansas identification cards issued to any person 16 years of
25 age or older shall contain a form which provides a statement for making a
26 gift of all or any part of the body in accordance with the revised uniform
27 anatomical gift act, K.S.A. 2015 Supp. 65-3220 through 65-3244, and
28 amendments thereto, except as otherwise provided by this subsection. The
29 statement to be effective shall be signed by the applicant in the presence of
30 two witnesses who shall sign the statement in the presence of the donor.
31 The gift becomes effective upon the death of the donor. Delivery of the
32 identification card during the donor's lifetime is not necessary to make a
33 valid gift. Any valid gift statement executed prior to July 1, 2007, shall
34 remain effective until invalidated. The word "Donor" shall be placed on
35 the front of an applicant's identification card, indicating that the statement
36 for making an anatomical gift under this subsection has been executed by
37 such applicant.

38 *(c) All Kansas identification cards issued to individuals who have
39 provided documentation to the division of vehicles that meets the
40 requirements for proof of United States citizenship pursuant to K.S.A. 25-
41 2309, and amendments thereto, shall, whether or not the individual
42 applies for voter registration as provided by K.S.A. 25-2352, and
43 amendments thereto, include an indication displayed on the front of the*

1 *identification card that the individual has provided satisfactory proof of*
2 *United States citizenship.*

3 Sec. 3. K.S.A. 2015 Supp. 25-a1122 is hereby amended to read as
4 follows: 25-1122. (a) Any registered voter may file with the county
5 election officer where the person is a resident, or where the person is
6 authorized by law to vote as a former precinct resident, an application for
7 an advance voting ballot. *At the option of the applicant, the application for*
8 *an advance voting ballot shall also be considered an application for*
9 *permanent advance voting status, as provided in subsection (h).* The
10 signed application shall be transmitted only to the county election officer
11 by personal delivery, mail, facsimile or as otherwise provided by law.

12 (b) If the registered voter is applying for an advance voting ballot to
13 be transmitted in person, the voter shall provide identification pursuant to
14 K.S.A. 25-2908, and amendments thereto.

15 (c) If the registered voter is applying for an advance voting ballot to
16 be transmitted by mail, the voter shall provide with the application for an
17 advance voting ballot the voter's current and valid Kansas driver's license
18 number, nondriver's identification card number or a photocopy of any
19 other identification provided by K.S.A. 25-2908, and amendments thereto.

20 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
21 and amendments thereto, if:

22 (1) The voter is unable or refuses to provide current and valid
23 identification; or

24 (2) the name and address of the voter provided on the application for
25 an advance voting ballot do not match the voter's name and address on the
26 registration book. The voter shall provide a valid form of identification as
27 defined in K.S.A. 25-2908, and amendments thereto, to the county election
28 officer in person or provide a copy by mail or electronic means before the
29 meeting of the county board of canvassers. At the meeting of the county
30 board of canvassers the county election officer shall present copies of
31 identification received from provisional voters and the corresponding
32 provisional ballots. If the county board of canvassers determines that a
33 voter's identification is valid and the provisional ballot was properly cast,
34 the ballot shall be counted.

35 (e) No county election officer shall provide an advance voting ballot
36 to a person who is requesting an advance voting ballot to be transmitted by
37 mail unless:

38 (1) The county election official verifies that the signature of the
39 person matches that on file in the county voter registration records.
40 Signature verification may occur by electronic device or by human
41 inspection. In the event that the signature of a person who is requesting an
42 advance voting ballot does not match that on file, the county election
43 officer shall attempt to contact the person and shall offer the person

1 another opportunity to provide the person's signature for the purposes of
2 verifying the person's identity. If the county election officer is unable to
3 reach the person, the county election officer may transmit a provisional
4 ballot, however, such provisional ballot may not be counted unless a
5 signature is included therewith that can be verified; and

6 (2) the person provides such person's full Kansas driver's license
7 number, Kansas nondriver's identification card number issued by the
8 division of vehicles, or submits such person's application for an advance
9 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
10 amendments thereto, to the county election officer for verification. If a
11 person applies for an advance voting ballot to be transmitted by mail but
12 fails to provide identification pursuant to this subsection or the
13 identification of the person cannot be verified by the county election
14 officer, the county election officer shall provide information to the person
15 regarding the voter rights provisions of subsection (d) and shall provide
16 the person an opportunity to provide identification pursuant to this
17 subsection. For the purposes of this act, Kansas state offices and offices of
18 any subdivision of the state will allow any person seeking to vote by an
19 advance voting ballot the use of a photocopying device to make one
20 photocopy of an identification document at no cost.

21 (f) Applications for advance voting ballots to be transmitted to the
22 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 both even-numbered and odd-numbered years, between April 1 of such
25 year and the last business day of the week preceding such primary
26 election.

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

31 (3) For question submitted elections occurring on the date of a
32 primary or general election, the same as is provided for ballots for election
33 of officers at such election.

34 (4) For question submitted elections not occurring on the date of a
35 primary or general election, between the time of the first published notice
36 thereof and the last business day of the week preceding such question
37 submitted election, except that if the question submitted election is held on
38 a day other than a Tuesday, the county election officer shall determine the
39 final date for mailing of advance voting ballots, but such date shall not be
40 more than three business days before such election.

41 (5) For any special election of officers, at such time as is specified by
42 the secretary of state.

43 (6) For the presidential preference primary, between January 1 of the

1 year in which such primary is held and the last business day of the week
2 preceding such primary election.

3 The county election officer of any county may receive applications
4 prior to the time specified in this subsection and hold such applications
5 until the beginning of the prescribed application period. Such applications
6 shall be treated as filed on that date.

7 (g) Unless an earlier date is designated by the county election office,
8 applications for advance voting ballots transmitted to the voter in person in
9 the office of the county election officer shall be filed on the Tuesday next
10 preceding the election and on each subsequent business day until no later
11 than 12 noon on the day preceding such election. If the county election
12 officer so provides, applications for advance voting ballots transmitted to
13 the voter in person in the office of the county election officer also may be
14 filed on ~~the Saturday~~ *one or more Saturdays or Sundays* preceding the
15 election. Upon receipt of any such properly executed application, the
16 county election officer shall deliver to the voter such ballots and
17 instructions as are provided for in this act.

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

23 The county election officer may designate places other than the central
24 county election office as satellite advance voting sites. At any satellite
25 advance voting site, a registered voter may obtain an application for
26 advance voting ballots. Ballots and instructions shall be delivered to the
27 voter in the same manner and subject to the same limitations as otherwise
28 provided by this subsection.

29 ~~(h) Any person having a permanent disability or an illness which has
30 been diagnosed as a permanent illness is hereby authorized to make an
31 application for permanent advance voting status. Applications for
32 permanent advance voting status shall be in the form and contain such
33 information as is required for application for advance voting ballots and
34 also shall contain information which establishes the voter's right to
35 permanent advance voting status~~ *The application for an advance voting
36 ballot shall constitute the application for permanent advance voting status
37 and the information contained in the application for an advance voting
38 ballot as required by this section and for the application for permanent
39 advance voting status shall be the same. The application shall provide in a
40 type, size and format that is conspicuous in relation to the surrounding
41 material, a means for an applicant to select whether the applicant is
42 requesting an advance voting ballot only or also requesting permanent
43 advance voting status. An application for an advance voting ballot*

1 *submitted under the provisions of this section shall be considered an*
2 *application for permanent advance voting status when the option for*
3 *permanent advance voting status on the application is selected by the*
4 *applicant. If an applicant for permanent advance voting status qualifies*
5 *for an advance voting ballot under this section or qualifies for a*
6 *provisional ballot and subsequently provides a signature that can be*
7 *verified, the applicant shall be granted permanent advance voting status.*

8 (i) 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
12 precinct, ward, township or voting area in which the 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. Names and
15 addresses shall remain so listed until the day of such election. The county
16 election officer shall maintain a separate listing of the names and addresses
17 of persons qualifying for permanent advance voting status. All such lists
18 shall be available for inspection upon request in compliance with this
19 subsection by any registered voter during regular business hours. The
20 county election officer upon receipt of the applications shall enter upon a
21 record kept by such officer the name and address of each applicant, which
22 record shall conform to the list above required. Before inspection of any
23 advance voting ballot application list, the person desiring to make the
24 inspection shall provide to the county election officer identification in the
25 form of driver's license or other reliable identification and shall sign a log
26 book or application form maintained by the officer stating the person's
27 name and address and showing the date and time of inspection. All records
28 made by the county election officer shall be subject to public inspection,
29 except that the voter identification information required by subsections (b)
30 and (c) and the identifying number on ballots and ballot envelopes and
31 records of such numbers shall not be made public.

32 (j) If a person on the permanent advance voting list fails to vote in
33 four consecutive general elections held on the Tuesday succeeding the first
34 Monday in November of each even-numbered and odd-numbered year, the
35 county election officer may mail a notice to such voter. The notice shall
36 inform 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 the
40 voter's name from the permanent advance voting list. Failure to renew the
41 application for permanent advance voting status shall not result in removal
42 of the voter's name from the voter registration list.

43 (k) The secretary of state may adopt rules and regulations in order to

1 implement the provisions of this section and to define valid forms of
2 identification.

3 Sec. 4. K.S.A. 2015 Supp. 25-1124 is hereby amended to read as
4 follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter
5 shall cast such voter's vote as follows: The voter shall make a cross or
6 check mark in the square or parentheses opposite the name of each
7 candidate or question for whom the voter desires to vote. The voter shall
8 make no other mark, and shall allow no other person to make any mark,
9 upon such ballot. If the advance voting ballot was transmitted by mail, the
10 voter personally shall place the ballot in the ballot envelope bearing the
11 same number as the ballot and seal the envelope. The voter shall complete
12 the form on the ballot envelope and shall sign the same. Except as
13 provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope
14 shall be mailed or otherwise transmitted to the county election officer. If
15 the advance voting ballot was transmitted to the voter in person in the
16 office of the county election officer or at a satellite advance voting site, the
17 voter may deposit such ballot into a locked ballot box without an envelope.

18 (b) Any voter who has an illness or physical disability or who is not
19 proficient in reading the English language that is unable to apply for or
20 mark or transmit an advance voting ballot, may request assistance by a
21 person who has signed a statement required by subsection (d) in applying
22 for or marking an advance voting ballot.

23 (c) Any voted ballot may be transmitted to the county election officer
24 by the voter or by another person designated in writing by the voter. Any
25 such voted ballot shall be transmitted to the county election officer before
26 the close of the polls on election day.

27 (d) The county election officer shall allow a person to assist a voter
28 who has an illness or physical disability or who is not proficient in reading
29 the English language in applying for or marking an application or advance
30 voting ballot, provided a written statement is signed by the person who
31 renders assistance to the voter who has an illness or physical disability or
32 who is not proficient in reading the English language and such statement is
33 submitted to the county election officer with the application or ballot. The
34 statement shall be on a form prescribed by the secretary of state and shall
35 contain a statement from the person providing assistance that the person
36 has not exercised undue influence on the voting decision of the voter who
37 has an illness or physical disability or who is not proficient in reading the
38 English language and that the person providing assistance has completed
39 the application or marked the ballot as instructed by the voter.

40 (e) Any person assisting a voter who has an illness or physical
41 disability or who is not proficient in reading the English language in
42 applying for or marking an advance voting ballot who knowingly fails to
43 sign and submit the statement required by this section or who exercises

1 undue influence on the voting decision of such voter shall be guilty of a
2 severity level 9, nonperson felony.

3 *If the county election officer so provides, advance voting ballots may*
4 *be transmitted to the voter in person at the office of the county election*
5 *officer or at a satellite advance voting site and voters may deposit such*
6 *ballots into a locked ballot box, or advance voting ballots may be cast*
7 *upon voting machines as proved in K.S.A. 25-1122a, and amendments*
8 *thereto, on one or more Saturdays or Sundays prior to the election.*

9 Sec. 5. K.S.A. 2015 Supp. 25-2352 is hereby amended to read as
10 follows: 25-2352. (a) (1) Each Kansas division of motor vehicles driver's
11 license application and nondriver identification card application—~~(~~
12 including any renewal application~~)~~, submitted to a division of motor
13 vehicles office in Kansas shall serve as an application for voter registration
14 unless the applicant fails to sign the voter registration application. An
15 individual who completes the application for voter registration and is
16 otherwise eligible shall be registered to vote in accordance with the
17 information supplied by the individual. *The division of motor vehicles*
18 *shall indicate on the individual's driver or nondriver identification card*
19 *that the individual has provided satisfactory proof of United States*
20 *citizenship.*

21 (2) An application for voter registration submitted under subsection
22 (a)(1) shall be considered as updating any previous voter registration by
23 the applicant.

24 (b) The voter registration section of the application:

25 (1) May require a second signature or other information that
26 duplicates, or is in addition to, information in the driver's license or
27 nondriver's identification card section of the application to prevent
28 duplicate voter registrations, and to enable Kansas election officials to
29 assess the eligibility of the applicant and to administer voter registration
30 and other parts of the election process;

31 (2) shall include a statement that specifies each eligibility
32 requirement for voting, contains an attestation that the applicant meets
33 each such requirement, including citizenship, and requires the signature of
34 the applicant, under penalty of perjury;

35 (3) shall include a statement that, if an applicant declines to register
36 to vote, the fact that the applicant has declined to register will remain
37 confidential and will be used only for voter registration purposes;

38 (4) shall include a statement that if an applicant does register to vote,
39 the office at which the applicant submits a voter registration application
40 will remain confidential and will be used only for voter registration
41 purposes;

42 (5) shall be made available by the division of vehicles—~~(~~ as submitted
43 by the applicant, or in machine-readable or other format~~)~~, to the secretary

1 of state and county election officers, as provided by rules and regulations
2 adopted by the secretary of state; and

3 (6) shall be transmitted to the county election officer not later than
4 five days after the date of acceptance.

5 (c) The motor vehicle driver's license and nondriver identification
6 card form used for change of residence address shall also serve as a
7 notification of change of residence address for voter registration for
8 elections, unless the registrant states on the form that the change is not for
9 voter registration purposes.

10 (d) The voter registration portion of the motor vehicle driver's license
11 and nondriver identification card applications and change of address forms
12 used shall be subject to approval by the secretary of state for purposes of
13 voter registration under this section.

14 (e) Following the line fixed for the signature of the applicant on the
15 application for voter registration, a statement shall be printed stating that
16 the penalty for submission of a false voter registration application is a
17 maximum presumptive sentence of 17 months in prison.

18 (f) The department of revenue or an employee of the department of
19 revenue acting within the scope of the employee's employment shall not be
20 liable for any damages resulting from any claim based on the department
21 of revenue's transfer of any motor vehicle record information to the
22 secretary of state that is required or permitted by law.

23 (g) The secretary of state is hereby authorized to adopt such rules and
24 regulations in the manner prescribed by law as may be necessary for the
25 administration of the provisions of this section.

26 Sec. 6. K.S.A. 2015 Supp. 8-243, 8-1328, 25-1122, 25-1124 and 25-
27 2352 are hereby repealed.

28 Sec. 7. This act shall take effect and be in force from and after its
29 publication in the statute book.