

## HOUSE BILL No. 2079

By Representative F. Miller

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AN ACT concerning elections; establishing identification requirements for voters; amending K.S.A. 25-2908 and K.S.A. 2002 Supp. 25-1124 and repealing the existing sections.

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

Section 1. K.S.A. 2002 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot *and an acceptable form of identification* in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any sick, physically disabled or illiterate voter who is unable to apply for or mark or transmit an advance voting ballot, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person upon request of the voter. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a sick, physically disabled or illiterate voter in applying for or marking an application or advance voting ballot, provided a written statement is signed by the person who renders assistance to the sick, physically disabled or illiterate voter and submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the

1 secretary of state and shall contain a statement from the person providing  
2 assistance that the person has not exercised undue influence on the voting  
3 decision of the sick, physically disabled or illiterate voter and that the  
4 person providing assistance has completed the application or marked the  
5 ballot as instructed by the sick, physically disabled or illiterate voter.

6 (e) Any person assisting a sick, physically disabled or illiterate voter  
7 in applying for or marking an advance voting ballot who knowingly and  
8 willfully fails to sign and submit the statement required by this section or  
9 who exercises undue influence on the voting decision of such voter shall  
10 be guilty of a severity level 9 nonperson felony.

11 (f) *For the purposes of this section, acceptable form of identification*  
12 *shall include a copy of a:*

13 (1) *Current driver's license;*

14 (2) *current and valid photo identification;*

15 (3) *current utility bill, bank statement, government check, paycheck*  
16 *or other government document that shows a name and address of the*  
17 *voter as such voter's name and address appears in the registration book;*  
18 *or*

19 (4) *the voter's social security card with all digits of the social security*  
20 *number except the last four marked out.*

21 Sec. 2. K.S.A. 25-2908 is hereby amended to read as follows: 25-  
22 2908. (a) Each polling place shall use either: (1) A registration book and  
23 a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1),  
24 and amendments thereto; or (2) a registration book, as defined in K.S.A.  
25 25-2507(b)(2), and amendments thereto. The county election officer shall  
26 determine which books are used in each county, and which book voters  
27 shall sign.

28 (b) Persons desiring to vote shall *present an acceptable form of iden-*  
29 *tification and* give their names, and if required their residence, to the  
30 judges of election, one of whom shall announce the name in a loud and  
31 distinct tone of voice, and if the name is in the registration books, the  
32 member of the election board having the registration record shall repeat  
33 the name. For the purpose of identifying voters at the polling place, the  
34 voter shall add the voter's signature, as listed in the registration book, to  
35 the registration book beside the voter's printed name or to the poll book  
36 and the voter shall be allowed to vote. An election board member shall  
37 provide the required signature at the request of and on behalf of any  
38 voter who is unable to personally affix a handwritten signature by reason  
39 of physical disability, visual handicap or lack of proficiency in reading the  
40 English language or any voter 65 or more years of age. The judges shall  
41 give the voter one and only one of each ballot to be cast at the election,  
42 on the upper right-hand corner of each of which shall be written the  
43 number corresponding to the voter's number in the registration book or

1 poll books, and the voter's name shall be marked in the registration books  
2 and the party affiliation list. If the voter refuses to sign the registration  
3 book or poll book, the election board judge shall challenge such person's  
4 vote pursuant to K.S.A. 25-414, and amendments thereto.

5 If the name of any person desiring to vote at an election is not in the  
6 registration books, an election board member shall print the name and  
7 address of the person appearing to vote in the registration book or poll  
8 book. The person appearing to vote shall add such person's signature to  
9 the registration book or poll book beside such person's printed name, as  
10 listed in the registration book or poll book, and the election board judge  
11 shall challenge such person's vote pursuant to K.S.A. 25-414, and amend-  
12 ments thereto. During the pendency of a challenge other voters shall be  
13 given ballots and be permitted to vote.

14 (c) A voter who has received an advance voting ballot may vote a  
15 regular ballot on election day at the precinct polling place where the voter  
16 resides if the voter first returns the advance voting ballot to a judge or  
17 clerk at the precinct polling place. The judge or clerk shall void such  
18 advance voting ballot.

19 (d) *For the purposes of this section, acceptable form of identification*  
20 *shall include a:*

- 21 (1) *Current driver's license;*
- 22 (2) *current and valid photo identification;*
- 23 (3) *copy of a current utility bill, bank statement, government check,*  
24 *paycheck or other government document that shows the name and ad-*  
25 *dress of the voter as such voter's name and address appears in the reg-*  
26 *istration book or poll book; or*
- 27 (4) *copy of the voter's social security card with all digits of the social*  
28 *security number except the last four marked out.*

29 Sec. 3. K.S.A. 25-2908 and K.S.A. 2002 Supp. 25-1124 are hereby  
30 repealed.

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

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