

HOUSE Substitute for SENATE BILL No. 166

By Committee on Ethics and Elections

3-18

9 AN ACT concerning elections; relating to compliance with the help
10 America vote act of 2002; relating to disabled voters; amending K.S.A.
11 25-1122d, 25-1123, 25-2710, 25-2909 and K.S.A. 2003 Supp. 25-1122,
12 25-2309, 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. 2003 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 the registered voter is applying for an advance voting ballot to*
23 *be transmitted in person, and such voter is a first-time voter, such voter*
24 *shall provide a form of valid identification such as a current and valid*
25 *Kansas driver's license, nondriver's identification card, utility bill, bank*
26 *statement, paycheck, government check or other government document*
27 *containing the voter's current name and address as indicated on the reg-*
28 *istration book. Such voter shall not be required to provide identification*
29 *if such voter has previously provided current and valid identification in*
30 *the county where registered.*

31 (c) *If the registered voter is applying for an advance voting ballot to*
32 *be transmitted by mail, and such voter is a first-time voter, such voter*
33 *shall provide on the application for an advance voting ballot the voter's*
34 *current and valid Kansas driver's license number, nondriver's identifi-*
35 *cation card number or the last four digits of the voter's social security*
36 *number, or shall provide with the application a copy of the voter's current*
37 *and valid Kansas driver's license, nondriver's identification card, utility*
38 *bill, bank statement, paycheck, government check or other government*
39 *document containing the voter's current name and address as indicated*
40 *on the registration book. Such voter shall not be required to provide iden-*
41 *tification if such voter has previously provided current and valid identi-*
42 *fication in the county where registered.*

43 (d) *If a first-time voter is unable or refuses to provide current and*

1 *valid identification, or if the name and address do not match the voter's*
2 *name and address on the registration book, the voter may vote a provi-*
3 *sional ballot according to K.S.A. 25-409, and amendments thereto. The*
4 *voter shall provide a valid form of identification as defined in subsection*
5 *(c) of this section to the county election officer in person or provide a*
6 *copy by mail or electronic means before the meeting of the county board*
7 *of canvassers. At the meeting of the county board of canvassers the county*
8 *election officer shall present copies of identification received from provi-*
9 *sional voters and the corresponding provisional ballots. If the county*
10 *board of canvassers determines that a voter's identification is valid and*
11 *the provisional ballot was properly cast, the ballot shall be counted.*

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

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

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

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

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

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

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

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

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

42 The county election officer of any county may receive applications prior
43 to the time specified in this subsection ~~(b)~~ (e) and hold such applications

1 until the beginning of the prescribed application period. Such applications
2 shall be treated as filed on that date.

3 ~~(e)~~ (f) Unless an earlier date is designated by the county election
4 office, applications for advance voting ballots transmitted to the voter in
5 person in the office of the county election officer shall be filed on the
6 Tuesday next preceding the election and on each subsequent business
7 day until no later than 12:00 noon on the day preceding such election. If
8 the county election officer so provides, applications for advance voting
9 ballots transmitted to the voter in person in the office of the county elec-
10 tion officer also may be filed on the Saturday preceding the election.
11 Upon receipt of any such properly executed application, the county elec-
12 tion officer shall deliver to the voter such ballots and instructions as are
13 provided for in this act.

14 An application for an advance voting ballot filed by a ~~sick, physically~~
15 ~~disabled or illiterate~~ voter *who has a temporary illness or disability or*
16 *who is not proficient in reading the English language* or by a person
17 rendering assistance to such voter may be filed during the regular advance
18 ballot application periods until the close of the polls on election day.

19 In any county having a population exceeding 250,000, the county elec-
20 tion officer may designate places other than the central county election
21 office as satellite advance voting sites. At any satellite advance voting site,
22 a registered voter may obtain an application for advance voting ballots,
23 such ballots and instructions shall be delivered to the voter in the same
24 manner and subject to the same limitations as otherwise provided by this
25 subsection.

26 ~~(d)~~ (g) Any person having a permanent ~~physical~~ disability or an illness
27 which has been diagnosed as a permanent illness is hereby authorized to
28 make an application for permanent advance voting status. Applications
29 for permanent advance voting status shall be in the form and contain such
30 information as is required for application for advance voting ballots and
31 also shall contain information which establishes the voter's right to per-
32 manent advance voting status.

33 ~~(e)~~ (h) On receipt of any application filed under the provisions of this
34 section, the county election officer shall prepare and maintain in such
35 officer's office a list of the names of all persons who have filed such
36 applications, together with their correct post office address and the pre-
37 cinct, ward, township or voting area in which such persons claim to be
38 registered voters or to be authorized by law to vote as former precinct
39 residents and the present resident address of each applicant. Such names
40 and addresses shall remain so listed until the day of such election. The
41 county election officer shall maintain a separate listing of the names and
42 addresses of persons qualifying for permanent advance voting status. All
43 such lists shall be available for inspection upon request in compliance

1 with this subsection by any registered voter during regular business hours.
 2 The county election officer upon receipt of such applications shall enter
 3 upon a record kept by such officer the name and address of each appli-
 4 cant, which record shall conform to the list above required. Before in-
 5 spection of any advance voting ballot application list, the person desiring
 6 to make such inspection shall provide to the county election officer iden-
 7 tification in the form of driver’s license or other reliable identification and
 8 shall sign a log book or application form maintained by such officer stating
 9 such person’s name and address and showing the date and time of in-
 10 spection. All records made by the county election officer shall be subject
 11 to public inspection, except that *the voter identification information re-*
 12 *quired by subsections (b) and (c) and the identifying number on ballots*
 13 *and ballot envelopes and records of such ~~number~~ numbers shall not be*
 14 *made public.*

15 (i) If a person on the permanent advance voting list fails to vote
 16 in two consecutive general elections held on the Tuesday succeeding the
 17 first Monday in November of each even-numbered year, the county elec-
 18 tion officer may mail a notice to such voter. Such notice shall inform the
 19 voter that the voter’s name will be removed from the permanent advance
 20 voting list unless the voter renews the application for permanent advance
 21 voting status within 30 days after the notice is mailed. If the voter fails to
 22 renew such application, the county election officer shall remove the
 23 voter’s name from the permanent advance voting list. Failure to renew
 24 the application for permanent advance voting status shall not result in
 25 removal of the voter’s name from the voter registration list.

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

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

33 Sec. 2. K.S.A. 25-1122d is hereby amended to read as follows: 25-
 34 1122d. (a) The application for an advance voting ballot *to be transmitted*
 35 *by mail* shall be accompanied by an affirmation in substance as follows:

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

38 State of _____, County of _____, ss:

39 I, _____,

40 (Please print name)

41 do solemnly affirm *under penalty of perjury* that I am a qualified elector of the _____
 42 precinct of the _____ ward, residing at number _____ on _____
 43 street, city of _____, or in the township of _____, county of _____

1 _____, and state of Kansas. My date of birth is _____(month/day/year).

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

5 (1) *A current and valid Kansas driver's license number or nondriver's identification card*
6 *number; or*

7 (2) *the last four digits of my social security number; or*

8 (3) *a copy of a current and valid Kansas driver's license or nondriver's identification*
9 *card, utility bill, bank statement, paycheck, government check, or other government docu-*
10 *ment that shows my name and address.*

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

15 _____
16 _____
17 Signature of voter.

18 Note: False statement on this affirmation is a ~~class C misdemeanor~~ *severity level 9, non-*
19 *person felony.*

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

22 *Affirmation of an Elector of the County of _____ and State of Kansas Desiring*
23 *to Vote an Advance Voting Ballot*

24 *State of _____, County of _____, ss:*

25 I, _____
26 (Please print name)

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

31 *I understand that if I have not previously voted in any election in this county and I have*
32 *not previously submitted valid identification, I must provide one of the following forms of*
33 *identification with this application in order to receive a ballot: a current and valid Kansas*
34 *driver's license or nondriver's identification card, utility bill, bank statement, paycheck,*
35 *government check or other government document that shows my name and address.*

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

39 _____
40 Signature of voter.

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

43 (c) An application for permanent advance voting status shall be on a

1 form prescribed by the secretary of state for this purpose. Such applica-
2 tion shall contain an affirmation concerning substantially the same infor-
3 mation required in subsection (a) and in addition thereto a statement
4 regarding the permanent character of such illness or disability.

5 ~~(c)~~ (d) Any application by a former precinct resident shall state both
6 the former and present residence, address, precinct and county of such
7 former precinct resident and the date of change of residence.

8 Sec. 3. K.S.A. 25-1123 is hereby amended to read as follows: 25-
9 1123. (a) When an application for an advance voting ballot has been filed
10 in accordance with K.S.A. 25-1122, and amendments thereto, the county
11 election officer shall transmit to the voter applying therefor one each of
12 the appropriate ballots. Except as provided by subsection (b), the county
13 election officer shall transmit the advance voting ballots to the voter at
14 one of the following addresses as specified by the voter on such appli-
15 cation: (1) The voter's residential address or mailing address as indicated
16 on the registration list; (2) the voter's temporary residential address; or
17 (3) a medical care facility as defined in K.S.A. 65-425, and amendments
18 thereto, psychiatric hospital, hospice or adult care home where the voter
19 resides. No advance voting ballot shall be transmitted by the county elec-
20 tion officer by any means prior to the 20th day before the election for
21 which an application for an advance voting ballot has been received by
22 such county election officer. If the advance voting ballot is transmitted
23 by mail, such ballot shall be transmitted with printed instructions pre-
24 scribed by the secretary of state and a ballot envelope bearing upon the
25 outside a printed form as described in K.S.A. 25-1120, and amendments
26 thereto, and the same number as the number of the ballot. If the advance
27 voting ballot is transmitted to the applicant in person in the office of the
28 county election officer or at a satellite advance voting site, such advance
29 voting ballot and printed instructions shall be transmitted in an advance
30 voting ballot envelope bearing upon the outside a printed form as de-
31 scribed in K.S.A. 25-1120, and amendments thereto, and the same num-
32 ber as the number of the ballot unless the voter elects to deposit the
33 advance voting ballot into a locked ballot box without an envelope. All
34 ballots shall be transmitted to the advance voting voter not more than 20
35 days before the election but within two business days of the receipt of
36 such voter's application by the election officer or the commencement of
37 such 20-day period. In primary elections required to be conducted on a
38 partisan basis, the election officer shall deliver to such voter the ballot of
39 the political party of the applicant.

40 (b) The restrictions in subsection (a) relating to where a county elec-
41 tion officer may transmit an advance voting ballot shall not apply to an
42 advance voting ballot requested pursuant to an application for an advance
43 voting ballot filed by a sick, physically disabled or illiterate voter *who has*

1 *a temporary illness or disability or who is not proficient in reading the*
2 *English language.*

3 *(c) The county election officer shall compare the driver's license num-*
4 *ber, nondriver's identification card number, social security number or*
5 *copy of other valid identification provided by a first-time voter to the*
6 *voter registration list verified by the division of motor vehicles in accord-*
7 *ance with federal law. If no identification information was provided by*
8 *the first-time voter, or if such information does not match the information*
9 *on the voter registration list, the county election officer shall not transmit*
10 *an advance voting ballot.*

11 Sec. 4. K.S.A. 2003 Supp. 25-2309 is hereby amended to read as
12 follows: 25-2309. (a) Any person may apply in person, by mail, through a
13 voter registration agency, or by other delivery to a county election officer
14 to be registered. Such application shall be made on: (1) A form approved
15 by the secretary of state, which shall be provided by a county election
16 officer or chief state election official upon request in person, by telephone
17 or in writing; or (2) the mail voter registration application prescribed by
18 the federal election commission. Such application shall be signed by the
19 applicant under penalty of perjury and shall contain the original signature
20 of the applicant or the computerized, electronic or digitized transmitted
21 signature of the applicant. *A signature may be made by mark, initials,*
22 *typewriter, print, stamp, symbol or any other manner if by placing the*
23 *signature on the document the person intends the signature to be binding.*
24 *A signature may be made by another person at the voter's direction if the*
25 *signature reflects such voter's intention.*

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

- 31 (1) Name;
- 32 (2) place of residence, including specific address or location, and
33 mailing address if the residence address is not a permissible postal ad-
34 dress;
- 35 (3) date of birth;
- 36 (4) sex;
- 37 (5) the last four digits of the person's social security number *or the*
38 *person's full driver's license or nondriver's identification card number;*
- 39 (6) telephone number, if available;
- 40 (7) naturalization data (if applicable);
- 41 (8) if applicant has previously registered or voted elsewhere, resi-
42 dence at time of last registration or voting;
- 43 (9) when present residence established;

- 1 (10) name under which applicant last registered or voted, if different
2 from present name;
- 3 (11) an attestation that the applicant meets each eligibility require-
4 ment;
- 5 (12) a statement that the penalty for submission of a false voter reg-
6 istration application is a maximum presumptive sentence of 17 months in
7 prison;
- 8 (13) a statement that, if an applicant declines to register to vote, the
9 fact that the applicant has declined to register will remain confidential
10 and will be used only for voter registration purposes;
- 11 (14) a statement that if an applicant does register to vote, the office
12 to which a voter registration application is submitted will remain confi-
13 dential and will be used only for voter registration purposes; ~~and~~
- 14 (15) *boxes for the applicant to check to indicate whether the applicant*
15 *is or is not a citizen of the United States, together with the question “Are*
16 *you a citizen of the United States of America?”;*
- 17 (16) *boxes for the applicant to check to indicate whether or not the*
18 *applicant will be 18 years of age or older on election day, together with*
19 *the question “Will you be 18 years of age on or before election day?”;*
- 20 (17) *in reference to paragraphs (15) and (16) the statement “If you*
21 *checked ‘no’ in response to either of these questions, do not complete this*
22 *form.”;*
- 23 (18) *a statement that the applicant may be required to provide iden-*
24 *tification when voting; and*
- 25 ~~(15)~~ (19) political party affiliation declaration, if any. An applicant’s
26 failure to make a declaration will result in the applicant being registered
27 as an unaffiliated voter.
- 28 If the application discloses any previous registration in any other county
29 or state, as indicated by paragraph (8) or (10), or otherwise, the county
30 election officer shall upon the registration of the applicant, give notice to
31 the election official of the place of former registration, notifying such
32 official of applicant’s present residence and registration, and authorizing
33 cancellation of such former registration.
- 34 (c) Any person who applies for registration through a voter registra-
35 tion agency shall be provided with, in addition to the application under
36 subsection (b), a form which includes:
- 37 (1) The question “If you are not registered to vote where you live
38 now, would you like to apply to register to vote here today?”;
- 39 (2) a statement that if the applicant declines to register to vote, this
40 decision will remain confidential and be used only for voter registration
41 purposes;
- 42 (3) a statement that if the applicant does register to vote, information
43 regarding the office to which the application was submitted will remain

- 1 confidential and be used only for voter registration purposes; and
- 2 (4) if the agency provides public assistance, (i) the statement “Apply-
- 3 ing to register or declining to register to vote will not affect the amount
- 4 of assistance that you will be provided by this agency.”;
- 5 (ii) boxes for the applicant to check to indicate whether the applicant
- 6 would like to register or declines to register to vote, together with the
- 7 statement “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
- 8 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO
- 9 VOTE AT THIS TIME.”;
- 10 (iii) the statement “If you would like help in filling out the voter
- 11 registration application form, we will help you. The decision whether to
- 12 seek or accept help is yours. You may fill out the application form in
- 13 private.”; and
- 14 (iv) the statement “If you believe that someone has interfered with
- 15 your right to register or to decline to register to vote, your right to privacy
- 16 in deciding whether to register or in applying to register to vote, or your
- 17 right to choose your own political party or other political preference, you
- 18 may file a complaint with the Kansas Secretary of State.”
- 19 (d) If any person, in writing, declines to register to vote, the voter
- 20 registration agency shall maintain the form prescribed by subsection (c).
- 21 (e) A voter registration agency shall transmit the completed registra-
- 22 tion application to the county election officer not later than five days after
- 23 the date of acceptance. Upon receipt of an application for registration,
- 24 the county election officer shall send, by nonforwardable mail, a notice
- 25 of disposition of the application to the applicant at the postal delivery
- 26 address shown on the application. If a notice of disposition is returned as
- 27 undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and
- 28 amendments thereto, shall occur.
- 29 (f) If an application is received while registration is closed, such ap-
- 30 plication shall be considered to have been received on the next following
- 31 day during which registration is open.
- 32 (g) A person who completes an application for voter registration shall
- 33 be considered a registered voter when the county election officer adds
- 34 the applicant’s name to the county voter registration list.
- 35 (h) Any registered voter whose residence address is not a permissible
- 36 postal delivery address shall designate a postal address for registration
- 37 records. When a county election officer has reason to believe that a voter’s
- 38 registration residence is not a permissible postal delivery address, the
- 39 county election officer shall attempt to determine a proper mailing ad-
- 40 dress for the voter.
- 41 (i) Any registered voter may request that such person’s residence ad-
- 42 dress be concealed from public inspection on the voter registration list
- 43 and on the original voter registration application form. Such request shall

1 be made in writing to the county election officer, and shall specify a clearly
2 unwarranted invasion of personal privacy or a threat to the voter's safety.
3 Upon receipt of such a request, the county election officer shall take
4 appropriate steps to ensure that such person's residence address is not
5 publicly disclosed. Nothing in this subsection shall be construed as re-
6 quiring or authorizing the secretary of state to include on the voter reg-
7 istration application form a space or other provision on the form that
8 would allow the applicant to request that such applicant's residence ad-
9 dress be concealed from public inspection.

10 (j) No application for voter registration shall be made available for
11 public inspection or copying unless the information required by para-
12 graph (5) of subsection (b) has been removed or otherwise rendered
13 unreadable.

14 (k) *If an applicant fails to answer the question prescribed in para-*
15 *graph (15) of subsection (b), the county election officer shall send the*
16 *application to the applicant at the postal delivery address given on the*
17 *application, by nonforwardable mail, with a notice of incompleteness. The*
18 *notice shall specify a period of time during which the applicant may com-*
19 *plete the application in accordance with K.S.A. 25-2311, and amendments*
20 *thereto, and be eligible to vote in the next election.*

21 Sec. 5. K.S.A. 25-2710 is hereby amended to read as follows: 25-
22 2710. ~~(a) Except as hereinafter provided, each voting place provided by~~
23 ~~the county election officer, in which is to be held national, state, county,~~
24 ~~township, city and school primary and general elections and question~~
25 ~~submitted elections, shall be accessible to and usable by elderly persons~~
26 ~~and by physically handicapped persons by complying when necessary with~~
27 ~~the following standards of accessibility:~~

28 ~~— (1) Doors, entrances and exits used to gain access to or egress from~~
29 ~~the voting place shall have a minimum width of thirty (30) inches;~~

30 ~~— (2) any curb adjacent to the main entrance to the voting place shall~~
31 ~~have curb cuts or temporary ramps;~~

32 ~~— (3) any stairs necessarily used to enter the voting place shall have a~~
33 ~~temporary handrail and ramp; and~~

34 ~~— (4) at the voting place, no barrier shall impede the path of the phys-~~
35 ~~ically handicapped to the voting booth.~~

36 ~~— (b) The county election officer may select a voting place not meeting~~
37 ~~the standards of accessibility prescribed in subsection (a) if:~~

38 ~~— (1) No acceptable and accessible voting place is available within the~~
39 ~~precinct or other designated voting area; or~~

40 ~~— (2) it is anticipated that the voting place will be brought into com-~~
41 ~~pliance with such standards in the foreseeable future or the voting place~~
42 ~~will be temporarily made to comply with the standards for the time during~~
43 ~~which the polls are open.~~

1 ~~—(c) Any county election officer who selects a voting place which does~~
2 ~~not meet the standards prescribed in subsection (a) shall report such~~
3 ~~selection to the board of county commissioners. *On any day upon which*~~
4 ~~*an election is held, all polling places shall be accessible by either perma-*~~
5 ~~*nent or temporary means to any voter having a disability.*~~

6 Sec. 6. K.S.A. 2003 Supp. 25-2908 is hereby amended to read as
7 follows: 25-2908. (a) Each polling place shall use either: (1) A registration
8 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-
9 2507(b)(1), and amendments thereto; or (2) a registration book, as de-
10 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-
11 tion officer shall determine which books are used in each county, and
12 which book voters shall sign.

13 ~~(b) Persons desiring to vote shall give their names, and if required~~
14 ~~their residence, to the judges of election, one of whom shall announce~~
15 ~~the name in a loud and distinct tone of voice, and if the name is in the~~
16 ~~registration books, the member of the election board having the registra-~~
17 ~~tion record shall repeat the name. For the purpose of identifying voters~~
18 ~~at the polling place, the voter shall add the voter's signature, as listed in~~
19 ~~the registration book, to the registration book beside the voter's printed~~
20 ~~name or to the poll book and the voter shall be allowed to vote. An~~
21 ~~election board member shall provide the required signature at the request~~
22 ~~of and on behalf of any voter who is unable to personally affix a hand-~~
23 ~~written signature by reason of physical disability, visual handicap or lack~~
24 ~~of proficiency in reading the English language or any voter 65 or more~~
25 ~~years of age. The judges shall give the voter one and only one of each~~
26 ~~ballot to be cast at the election, on the upper right hand corner of each~~
27 ~~of which shall be written the number corresponding to the voter's number~~
28 ~~in the registration book or poll books, and the voter's name shall be~~
29 ~~marked in the registration books and the party affiliation list. If the voter~~
30 ~~refuses to sign the registration book or poll book, the election board judge~~
31 ~~shall challenge such person's vote pursuant to K.S.A. 25-414, and amend-~~
32 ~~ments thereto. *A person desiring to vote shall provide to the election*~~
33 ~~*board: (1) the voter's name; (2) if required, the voter's address; and (3)*~~
34 ~~*the voter's signature on the registration or poll book. A signature may be*~~
35 ~~*made by mark, initials, typewriter, print, stamp, symbol or any other*~~
36 ~~*manner if by placing the signature on the document the person intends*~~
37 ~~*the signature to be binding. A signature may be made by another person*~~
38 ~~*at the voter's direction if the signature reflects such voter's intention.*~~

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

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

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

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

5 (4) *if the voter is a first-time voter as described in subsection (h) of*
6 *this section, request valid identification from the voter unless such voter*
7 *has previously submitted current and valid identification in the county*
8 *where registered;*

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

12 (6) *mark the voter's name in the registration book and party affilia-*
13 *tion list.*

14 (d) *A first-time voter shall provide to the election board a form of*
15 *valid identification such as a current and valid Kansas driver's license,*
16 *nondriver's identification card, utility bill, bank statement, paycheck, gov-*
17 *ernment check or other government document unless such voter has pre-*
18 *viously submitted current and valid identification in the county where*
19 *registered. The document provided in accordance with this section shall*
20 *contain the voter's current name and address as indicated on the regis-*
21 *tration book or poll book.*

22 (e) *If a first-time voter is unable or refuses to provide current and*
23 *valid identification at the polling place, or if the name and address do not*
24 *match the voter's name and address on the registration book or poll book,*
25 *the voter may vote a provisional ballot according to K.S.A. 25-409, and*
26 *amendments thereto. The voter shall provide a valid form of identification*
27 *as defined in subsection (d) of this section to the county election officer*
28 *in person or provide a copy by mail or electronic means before the meeting*
29 *of the county board of canvassers. At the meeting of the county board of*
30 *canvassers the county election officer shall present copies of identification*
31 *received from provisional voters and the corresponding provisional bal-*
32 *lots. If the county board of canvassers determines that a voter's identifi-*
33 *cation is valid and the provisional ballot was properly cast, the ballot shall*
34 *be counted.*

35 (f) *If the name of any person desiring to vote at an election is not in*
36 *the registration books, an election board member shall print the name*
37 *and address of the person appearing to vote in the registration book or*
38 *poll book. The person appearing to vote shall add such person's signature*
39 *to the registration book or poll book beside such person's printed name,*
40 *as listed in the registration book or poll book, and the election board*
41 *judge shall challenge such person's vote pursuant to K.S.A. 25-414, and*
42 *amendments thereto. During the pendency of a challenge other voters*
43 *shall be given ballots and be permitted to vote.*

1 ~~(e)~~ (g) A voter who has received an advance voting ballot may vote a
2 provisional ballot on election day at the precinct polling place where the
3 voter resides. If the voter returns the advance voting ballot to a judge or
4 clerk at the precinct polling place, the judge or clerk shall void such
5 advance voting ballot. Any such provisional ballot shall be counted only
6 if the county board of canvassers determines that the provisional ballot
7 was properly cast and the voter has not otherwise voted at such election.

8 (h) *For the purposes of this section, “first-time voter” means a reg-*
9 *istered voter who has not previously voted in any election in the county*
10 *in which the voter desires to vote. First-time voter includes a person whose*
11 *name was removed from the county registration list in accordance with*
12 *K.S.A. 25-2316c, and amendments thereto, and has re-registered.*

13 (i) *The secretary of state may adopt rules and regulations defining*
14 *valid forms of identification.*

15 Sec. 7. K.S.A. 25-2909 is hereby amended to read as follows: 25-
16 2909. (a) Any voter unable to mark such person’s ballot by reason of
17 ~~physical temporary illness, disability, visual handicap~~ or lack of proficiency
18 in reading the English language or any voter 65 or more years of age may
19 request assistance in voting.

20 (b) Upon request as provided in subsection (a), the voter shall be
21 accompanied to the voting booth by a person chosen by the voter or, if
22 no person is chosen, by two members of the election board of different
23 political parties, who shall mark the ballot as such voter directs.

24 ~~(c) If a voter requests assistance but is challenged, such voter~~ *a voter*
25 *with a disability* shall be permitted to vote as provided by law for provi-
26 sional voters.

27 ~~(d) If a voting place is inaccessible to a disabled voter by reason of~~
28 ~~stairs or steps, such voter~~ *A voter with a disability* may request that such
29 person’s ballot be brought to the entrance to such voting place, *or outside*
30 *the voting place at a location within a radius of 250 feet from the entrance*
31 *thereof*, for the purpose of allowing such voter to vote. Two members of
32 the election board of different political parties shall take a ballot to the
33 voter so requesting and shall remain with such voter while such person
34 votes. In voting places where paper ballots are used, such board members
35 shall deposit such voter’s ballot in the ballot box. In voting places where
36 voting machines are used, such voter shall vote on an *electronic voting*
37 *machine* or advance voting ballot, ~~and, if the county election officer so~~
38 ~~directs, the two board members, upon returning to the voting place, shall~~
39 ~~cast the voter’s votes, exactly in the manner shown on such voter’s ballot,~~
40 ~~on a voting machine. If the voter’s votes are cast on a voting machine,~~
41 ~~the advance voting ballots used in this subsection shall be marked~~
42 ~~“VOID” with a notation indicating that the votes thereon have been tab-~~
43 ~~ulated on a voting machine. Any such ballot, together with objected to~~

1 and provisional ballots, shall be packaged in accordance with K.S.A. 25-
2 3008, and amendments thereto.

3 (e) *“Disability”*, with respect to an individual, means:

4 (1) *A physical or mental impairment that substantially limits one or*
5 *more of the major life activities of such individual;*

6 (2) *a record of such an impairment; or*

7 (3) *being regarded as having such an impairment.*

8 Intoxication shall not be regarded as a ~~physical~~ disability.

9 Sec. 8. K.S.A. 2003 Supp. 25-3002 is hereby amended to read as
10 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

11 (1) The original canvass by election boards.

12 (2) Intermediate and final canvasses by county boards of canvassers.

13 (3) Final canvass by the state board of canvassers.

14 (4) All election contests.

15 (5) All other officers canvassing or having a part in the canvass of any
16 election.

17 (b) Rules for canvassers:

18 (1) No ballot, or any portion thereof, shall be invalidated by any tech-
19 nical error unless it is impossible to determine the voter's intention. De-
20 termination of the voter's intention shall rest in the discretion of the board
21 canvassing in the case of a canvass and in the election court in the case
22 of an election contest.

23 (2) The occurrences listed in this subpart (2) shall not invalidate the
24 whole ballot but shall invalidate that portion, and that portion only, in
25 which the occurrence appears. The votes on such portion of the ballot
26 shall not be counted for any candidate listed or written in such portion,
27 but the remainder of the votes in other portions of the ballot shall be
28 counted. The occurrences to which this subpart (2) shall apply are:

29 (A) Whenever a voting mark shall be made in the square at the left
30 of the name of more than one candidate for the same office, except when
31 the ballot instructs that more than one candidate is to be voted.

32 (B) Whenever a voting mark is placed in the square at the left of a
33 space where no candidate is listed.

34 (3) When a registered voter has cast a provisional ballot intended for
35 a precinct other than the precinct in which the voter resides but located
36 within the same county, the canvassers shall count the votes for those
37 offices or issues which are identical in both precincts. The canvassers shall
38 not count the votes for those offices or issues which differ from the offices
39 or issues appearing on the ballot used in the precinct in which the voter
40 resides.

41 ~~(e)~~ (4) A write-in vote for those candidates for the offices of governor
42 and lieutenant governor shall not be counted unless the pair of candidates
43 have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amend-

- 1 ments thereto, and:
- 2 ~~(1)~~ (A) Both candidates' names are written on the ballot; or
- 3 ~~(2)~~ (B) only the name of the candidate for governor is written on the
- 4 ballot.
- 5 ~~(4)~~ (5) A write-in vote for those candidates for the offices of president
- 6 and vice-president shall not be counted unless the pair of candidates have
- 7 filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments
- 8 thereto, and:
- 9 ~~(1)~~ (A) Both candidates' names are written on the ballot; or
- 10 ~~(2)~~ (B) only the name of the candidate for president is written on the
- 11 ballot.
- 12 ~~(e)~~ (6) A write-in vote for candidates for state offices elected on a
- 13 statewide basis other than offices subject to ~~subsection (e) paragraph (4)~~
- 14 shall not be counted unless the candidate has filed an affidavit of candi-
- 15 dacy pursuant to K.S.A. 25-305, and amendments thereto.
- 16 ~~(4)~~ (7) Any advance voting or mail ballot whose envelope containing
- 17 the voter's written declaration is unsigned, shall be wholly void and no
- 18 vote thereon shall be counted.
- 19 (8) *No ballot cast by a first-time voter as defined by K.S.A. 25-1122,*
- 20 *and amendments thereto, or K.S.A. 25-2908, and amendments thereto,*
- 21 *shall be counted if the voter fails to provide valid identification.*
- 22 Sec. 9. K.S.A. 25-1122d, 25-1123, 25-2710 and 25-2909 and K.S.A.
- 23 2003 Supp. 25-1122, 25-2309, 25-2908 and 25-3002 are hereby repealed.
- 24 Sec. 10. This act shall take effect and be in force from and after its
- 25 publication in the statute book.