

## SENATE BILL No. 447

By Committee on Elections and Local Government

1-25

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9 AN ACT concerning elections; relating to full voter identification;  
10 amending K.S.A. 25-2354 and K.S.A. 2005 Supp. 25-1122, 25-1122d,  
11 25-1123, 25-2908 and 25-3002 and repealing the existing sections.  
12

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

14 Section 1. K.S.A. 2005 Supp. 25-1122 is hereby amended to read as  
15 follows: 25-1122. (a) Any registered voter may file with the county elec-  
16 tion officer where such person is a resident, or where such person is  
17 authorized by law to vote as a former precinct resident, an application for  
18 an advance voting ballot. The signed application shall be transmitted only  
19 to the county election officer by personal delivery, mail, facsimile or as  
20 otherwise provided by law.

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

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

- 1     (1) *The voter's current and valid Kansas driver's license number or*  
2 *nondriver's identification card number;*  
3     (2) *the last four digits of the voter's social security number; or*  
4     (3) *a copy of the voter's current and valid Kansas driver's license or*  
5 *nondriver's identification card, utility bill, bank statement, paycheck, gov-*  
6 *ernment check or other government document.*  
7     *Outside the list the document provided in accordance with this subsec-*  
8 *tion shall contain, at minimum, the voter's current name and residential*  
9 *address as indicated on the registration book.*  
10    ~~(c)~~ (c) If a ~~first-time~~ voter is unable or refuses to provide current and  
11 valid identification, or if the name and address do not match the voter's  
12 name and address on the registration book, the voter may vote a provi-  
13 sional ballot according to K.S.A. 25-409, and amendments thereto. The  
14 voter shall provide a valid form of identification as defined in subsection  
15 ~~(a)~~ (b) of this section to the county election officer in person or provide  
16 a copy by mail or electronic means before the meeting of the county board  
17 of canvassers. At the meeting of the county board of canvassers the county  
18 election officer shall present copies of identification received from pro-  
19 visional voters and the corresponding provisional ballots. If the county  
20 board of canvassers determines that a voter's identification is valid and  
21 the provisional ballot was properly cast, the ballot shall be counted.  
22    ~~(d)~~ (d) Applications for advance voting ballots to be transmitted to  
23 the voter by mail shall be filed only at the following times:  
24     (1) For the primary election occurring on the first Tuesday in August  
25 in even-numbered years, between April 1 of such year and the last busi-  
26 ness day of the week preceding such primary election.  
27     (2) For the general election occurring on the Tuesday succeeding the  
28 first Monday in November in even-numbered years, between 90 days  
29 prior to such election and the last business day of the week preceding  
30 such general election.  
31     (3) For the primary election held five weeks preceding the first Tues-  
32 day in April, between January 1 of the year of such election and the last  
33 business day of the week preceding such primary election.  
34     (4) For the general election occurring on the first Tuesday in April,  
35 between January 1 of the year of such election and the last business day  
36 of the week preceding such general election.  
37     (5) For question submitted elections occurring on the date of a pri-  
38 mary or general election, the same as is provided for ballots for election  
39 of officers at such election.  
40     (6) For question submitted elections not occurring on the date of a  
41 primary or general election, between the time of the first published notice  
42 thereof and the last business day of the week preceding such question  
43 submitted election, except that if the question submitted election is held

1 on a day other than a Tuesday, the county election officer shall determine  
2 the final date for mailing of advance voting ballots, but such date shall  
3 not be more than three business days before such election.

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

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

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

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

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

29 In any county having a population exceeding 250,000, the county elec-  
30 tion officer may designate places other than the central county election  
31 office as satellite advance voting sites. At any satellite advance voting site,  
32 a registered voter may obtain an application for advance voting ballots,  
33 such ballots and instructions shall be delivered to the voter in the same  
34 manner and subject to the same limitations as otherwise provided by this  
35 subsection.

36 ~~(g)~~ (f) Any person having a permanent disability or an illness which  
37 has been diagnosed as a permanent illness is hereby authorized to make  
38 an application for permanent advance voting status. Applications for per-  
39 manent advance voting status shall be in the form and contain such in-  
40 formation as is required for application for advance voting ballots and also  
41 shall contain information which establishes the voter's right to permanent  
42 advance voting status.

43 *A person applying for permanent advance voter status shall submit*

1 *valid identification as provided in subsection (b). Once such permanent*  
2 *voter has provided valid identification, or if such voter's registration has*  
3 *been verified pursuant to K.S.A. 25-2354, and amendments thereto, such*  
4 *voter shall not be required to provide identification in subsequent elec-*  
5 *tions unless the voter:*

- 6 (1) *Changes name or residential address;*
- 7 (2) *moves out of the county or state; or*
- 8 (3) *is removed from the registration list and re-registers.*

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

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

1 removal of the voter’s name from the voter registration list.

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

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

10 Sec. 2. K.S.A. 2005 Supp. 25-1122d is hereby amended to read as  
11 follows: 25-1122d. (a) The application for an advance voting ballot ~~to be~~  
12 ~~transmitted by mail~~ shall be accompanied by an affirmation in substance  
13 as follows:

14 Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas  
15 Desiring to Vote an Advance Voting Ballot  
16 State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
17 I, \_\_\_\_\_  
18 (Please print name)

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

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

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

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 ballots to be sent  
35 to the following address  
36 \_\_\_\_\_  
37 \_\_\_\_\_

38 Signature of voter.

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

40 ~~(b) The application for an advance voting ballot to be transmitted in~~  
41 ~~person shall be accompanied by an affirmation in substance as follows:~~  
42 ~~Affirmation of an Elector of the County of \_\_\_\_\_ and State of Kansas Desiring~~  
43 ~~to Vote an Advance Voting Ballot~~

1 State of \_\_\_\_\_, County of \_\_\_\_\_, ss.  
 2 I, \_\_\_\_\_  
 3 (Please print name)  
 4 do solemnly affirm under penalty of perjury that I am a qualified elector of the \_\_\_\_\_  
 5 precinct of the \_\_\_\_\_ ward, residing at number \_\_\_\_\_ on \_\_\_\_\_  
 6 street, city of \_\_\_\_\_, or in the township of \_\_\_\_\_, county of \_\_\_\_\_,  
 7 and state of Kansas. My date of birth is \_\_\_\_\_ (month/day/year).  
 8 I understand that if I have not previously voted in any election in this county and I have  
 9 not previously submitted valid identification, I must provide one of the following forms of  
 10 identification with this application in order to receive a ballot: a current and valid Kansas  
 11 driver's license or nondriver's identification card, utility bill, bank statement, paycheck, gov-  
 12 ernment check or other government document that shows my name and address.  
 13 I am entitled to vote an advance voting ballot and I have not voted and will not otherwise  
 14 vote at the election to be held on \_\_\_\_\_ (date). My political party is \_\_\_\_\_  
 15 (to be filled in only when requesting primary election ballots).

16 \_\_\_\_\_  
 17 \_\_\_\_\_

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. *Once a*  
 25 *permanent advance voter has provided valid identification, or if such*  
 26 *voter's registration has been verified pursuant to K.S.A. 25-2354, and*  
 27 *amendments thereto, such voter shall not be required to provide identi-*  
 28 *fication in subsequent elections unless the voter:*

- 29 (1) *Changes name or residential address;*
- 30 (2) *moves out of the county or state; or*
- 31 (3) *is removed from the registration list and re-registers.*

32 ~~(c)~~ Any application by a former precinct resident shall state both  
 33 the former and present residence, address, precinct and county of such  
 34 former precinct resident and the date of change of residence. *Such ap-*  
 35 *plication shall contain an affirmation concerning substantially the same*  
 36 *information required in subsection (a) and shall be accompanied by valid*  
 37 *identification as provided in subsection (a).*

38 Sec. 3. K.S.A. 2005 Supp. 25-1123 is hereby amended to read as  
 39 follows: 25-1123. (a) (1) When an application for an advance voting ballot  
 40 has been filed in accordance with K.S.A. 25-1122, and amendments  
 41 thereto, the county election officer shall transmit to the voter applying  
 42 therefor one each of the appropriate ballots. Except as provided by sub-  
 43 section (b), the county election officer shall transmit the advance voting

1 ballots to the voter at one of the following addresses as specified by the  
2 voter on such application: ~~(1)~~

3 (A) The voter's residential address or mailing address as indicated on  
4 the registration list; ~~(2)~~

5 (B) the voter's temporary residential address; or ~~(3)~~

6 (C) a medical care facility as defined in K.S.A. 65-425, and amend-  
7 ments thereto, psychiatric hospital, hospice or adult care home where the  
8 voter resides.

9 (2) (A) No advance voting ballot shall be transmitted by the county  
10 election officer by any means prior to the 20th day before the election  
11 for which an application for an advance voting ballot has been received  
12 by such county election officer.

13 (B) If the advance voting ballot is transmitted by mail, such ballot  
14 shall be transmitted with printed instructions prescribed by the secretary  
15 of state and a ballot envelope bearing upon the outside a printed form as  
16 described in K.S.A. 25-1120, and amendments thereto, and the same  
17 number as the number of the ballot.

18 (C) If the advance voting ballot is transmitted to the applicant in  
19 person in the office of the county election officer or at a satellite advance  
20 voting site, such advance voting ballot and printed instructions shall be  
21 transmitted in an advance voting ballot envelope bearing upon the outside  
22 a printed form as described in K.S.A. 25-1120, and amendments thereto,  
23 and the same number as the number of the ballot unless the voter elects  
24 to deposit the advance voting ballot into a locked ballot box without an  
25 envelope.

26 (3) All ballots shall be transmitted to the advance voting voter not  
27 more than 20 days before the election but within two business days of  
28 the receipt of such voter's application by the election officer or the com-  
29 mencement of such 20-day period. In primary elections required to be  
30 conducted on a partisan basis, the election officer shall deliver to such  
31 voter the ballot of the political party of the applicant.

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

37 (c) The *secretary of state or the* county election officer shall compare  
38 the driver's license number, nondriver's identification card number, social  
39 security number or copy of other valid identification provided by ~~a first-~~  
40 ~~time voter~~ *each applicant for an advance voting ballot* to the voter reg-  
41 istration list verified by the division of motor vehicles in accordance with  
42 ~~federal law~~ *K.S.A. 25-2354 and amendments thereto*. If no identification  
43 information was provided by the ~~first-time~~ voter, or if such information

1 does not match the information on the *verified* voter registration list, the  
2 county election officer shall ~~not transmit an advance voting ballot~~ *issue a*  
3 *provisional ballot to such voter in accordance with K.S.A. 25-409 and*  
4 *amendments thereto. The voter shall provide a valid form of identification*  
5 *as defined in subsection (a) of K.S.A. 25-1122, and amendments thereto,*  
6 *to the county election officer in person or provide a copy by mail or*  
7 *electronic means before the meeting of the county board of canvassers. At*  
8 *the meeting of the county board of canvassers the county election officer*  
9 *shall present copies of identification received from provisional voters and*  
10 *the corresponding provisional ballots. If the county board of canvassers*  
11 *determines that a voter's identification is valid and the provisional ballot*  
12 *was properly cast, the ballot shall be counted.*

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

26 (b) *In a manner determined by the chief state election official and the*  
27 *director of the division of motor vehicles, the chief state election official*  
28 *shall compare information derived from the voter registration records of*  
29 *voters in the state of Kansas to driver's license records for the purpose of*  
30 *verifying the accuracy of the information provided on applications for*  
31 *voter registration in compliance with section 303 of the help America vote*  
32 *act of 2002. Such comparison shall include each voter's driver's license*  
33 *number or nondriver's identification number or the last four digits of the*  
34 *voter's social security number as provided by the voter on the voter's*  
35 *application for registration.*

36 (c) *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 *felony conviction records for the purpose of removing the names of inel-*  
39 *igible voters from the registration list in compliance with section 303 of*  
40 *the help America vote act of 2002.*

41 (d) *The chief state election official shall compare information derived*  
42 *from the voter registration records of voters in the state of Kansas to state*  
43 *records on death for the purpose of removing the names of ineligible voters*



1 *from the registration list in compliance with section 303 of the help Amer-*  
2 *ica vote act of 2002.*

3 (e) The chief state election official may adopt rules and regulations  
4 to carry out the provisions of this section.

5 Sec. 5. K.S.A. 2005 Supp. 25-2908 is hereby amended to read as  
6 follows: 25-2908. (a) Each polling place shall use either: (1) A registration  
7 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-  
8 2507(b)(1), and amendments thereto; or (2) a registration book, as de-  
9 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-  
10 tion officer shall determine which books are used in each county, and  
11 which book voters shall sign.

12 (b) A person desiring to vote shall provide to the election board:

13 (1) The voter's name;

14 (2) if required, the voter's address; and

15 (3) *the voter's valid identification as defined in subsection (d);*

16 (4) the voter's signature on the registration or poll book. A signature  
17 may be made by mark, initials, typewriter, print, stamp, symbol or any  
18 other manner if by placing the signature on the document the person  
19 intends the signature to be binding. A signature may be made by another  
20 person at the voter's direction if the signature reflects such voter's inten-  
21 tion.

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

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

26 (2) *request from the voter valid identification as defined in subsection*  
27 *(d);*

28 (3) request the voter's signature on the registration or poll book;

29 ~~(4) provide the required signature at the request of and on behalf~~  
30 ~~of any voter who is unable to personally affix a signature by reason of~~  
31 ~~temporary illness or disability, or lack of proficiency in reading the English~~  
32 ~~language;~~

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

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

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

42 ~~(d) A first-time voter shall provide to the election board a form of~~  
43 ~~Valid identification such as shall include a current and valid Kansas~~

1 driver's license, nondriver's identification card, utility bill, bank state-  
2 ment, paycheck, government check or other government document ~~un-~~  
3 ~~less such voter has previously submitted current and valid identification~~  
4 ~~in the county where registered. The document provided in accordance~~  
5 ~~with this section shall contain the voter's current name and address as~~  
6 ~~indicated on the registration book or poll book containing 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 (e) If a ~~first-time~~ voter is unable or refuses to provide current and  
10 valid identification at the polling place, or if the name and address do not  
11 match the voter's name and address on the registration book or poll book,  
12 the voter may vote a provisional ballot according to K.S.A. 25-409, and  
13 amendments thereto. The voter shall provide a valid form of identification  
14 as defined in subsection (d) ~~of this section~~ to the county election officer  
15 in person or provide a copy by mail or electronic means before the meet-  
16 ing of the county board of canvassers. At the meeting of the county board  
17 of canvassers the county election officer shall present copies of identifi-  
18 cation received from provisional voters and the corresponding provisional  
19 ballots. If the county board of canvassers determines that a voter's iden-  
20 tification is valid and the provisional ballot was properly cast, the ballot  
21 shall be counted.

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

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

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

43 (i) The secretary of state may adopt rules and regulations defining

1 valid forms of identification.

2 Sec. 6. K.S.A. 2005 Supp. 25-3002 is hereby amended to read as  
3 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- 4 (1) The original canvass by election boards.
- 5 (2) Intermediate and final canvasses by county boards of canvassers.
- 6 (3) Final canvass by the state board of canvassers.
- 7 (4) All election contests.
- 8 (5) All other officers canvassing or having a part in the canvass of any  
9 election.

10 (b) Rules for canvassers:

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

16 (2) The occurrences listed in this subpart (2) shall not invalidate the  
17 whole ballot but shall invalidate that portion, and that portion only, in  
18 which the occurrence appears. The votes on such portion of the ballot  
19 shall not be counted for any candidate listed or written in such portion,  
20 but the remainder of the votes in other portions of the ballot shall be  
21 counted. The occurrences to which this subpart (2) shall apply are:

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

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

27 (3) When a registered voter has cast a provisional ballot intended for  
28 a precinct other than the precinct in which the voter resides but located  
29 within the same county, the canvassers shall count the votes for those  
30 offices or issues which are identical in both precincts. The canvassers shall  
31 not count the votes for those offices or issues which differ from the offices  
32 or issues appearing on the ballot used in the precinct in which the voter  
33 resides.

34 (4) A write-in vote for those candidates for the offices of governor  
35 and lieutenant governor shall not be counted unless the pair of candidates  
36 have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amend-  
37 ments thereto, and:

38 (A) Both candidates' names are written on the ballot; or

39 (B) only the name of the candidate for governor is written on the  
40 ballot.

41 (5) A write-in vote for those candidates for the offices of president  
42 and vice-president shall not be counted unless the pair of candidates have  
43 filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments

1   there to, and:

2       (A) Both candidates' names are written on the ballot; or

3       (B) only the name of the candidate for president is written on the  
4   ballot.

5       (6) A write-in vote for candidates for state offices elected on a state-  
6   wide basis other than offices subject to paragraph (4) shall not be counted  
7   unless the candidate has filed an affidavit of candidacy pursuant to K.S.A.  
8   25-305, and amendments thereto.

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

12       (8) No ballot ~~cast by a first-time voter as defined by K.S.A. 25-1122,~~  
13 ~~and amendments thereto, or K.S.A. 25-2008, and amendments thereto,~~  
14 shall be counted if the voter fails to provide valid identification.

15       Sec. 7. K.S.A. 25-2354 and K.S.A. 2005 Supp. 25-1122, 25-1122d,  
16 25-1123, 25-2908 and 25-3002 are hereby repealed.

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