

## HOUSE BILL No. 2364

By Committee on Federal and State Affairs

2-2

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9 AN ACT concerning elections; concerning presentation of photographic  
10 identification at time of voting; amending K.S.A. 2006 Supp. 25-1122,  
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. 2006 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. to the election officer: (1) the voter's name;~~  
30 ~~(2) if required, the voter's address; (3) the voter's signature on the regis-~~  
31 ~~tration book; and (4) a current and valid form of identification listed in~~  
32 ~~subsection (j) of K.S.A. 25-2908, and amendments thereto. A current and~~  
33 ~~valid form of identification listed in subsection (j) of K.S.A. 25-2908, and~~  
34 ~~amendments thereto, shall be presented in addition to any other form of~~  
35 ~~identification required pursuant to this section. A signature may be made~~  
36 ~~by mark, initials, typewriter, print, stamp, symbol or any other manner~~  
37 ~~if by placing the signature on the document the person intends the sig-~~  
38 ~~nature to be binding. A signature may be made by another person at the~~  
39 ~~voter's direction if the signature reflects such voter's intention.~~

40 *The election officer shall compare the voter's signature on the registra-*  
41 *tion book with the signature on the photographic identification provided*  
42 *by the voter. If the election official is satisfied as to the identity of the*  
43 *voter, the election official shall provide to the voter an advance voting*

1 *ballot. If the photographic identification does not contain the signature*  
2 *of the voter, an additional form of identification that provides the voter's*  
3 *signature shall be required from the voter. The additional form of iden-*  
4 *tification shall comply with the provisions of subsection (j) of K.S.A. 25-*  
5 *2908, and amendments thereto.*

6 (c) If the registered voter is applying for an advance voting ballot to  
7 be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter  
8 shall provide on the application for an advance voting ballot the voter's  
9 current and valid Kansas driver's license number, nondriver's identifica-  
10 tion card number or the last four digits of the voter's social security num-  
11 ber, or shall provide with the application a copy of the voter's current and  
12 valid Kansas driver's license, nondriver's identification card, ~~utility bill,~~  
13 ~~bank statement, paycheck, government check~~ or other government doc-  
14 ument containing the voter's current name and address as indicated on  
15 the registration book. ~~Such voter shall not be required to provide iden-~~  
16 ~~tification if such voter has previously provided current and valid identi-~~  
17 ~~fication in the county where registered.~~

18 (d) If a ~~first-time~~ voter is unable or refuses to provide current and  
19 valid identification, or if the name and address do not match the voter's  
20 name and address on the registration book, the voter may vote a provi-  
21 sional ballot according to K.S.A. 25-409, and amendments thereto. The  
22 voter shall provide a valid form of identification as defined in subsection  
23 (c) of this section to the county election officer in person or provide a  
24 copy by mail or electronic means before the meeting of the county board  
25 of canvassers. At the meeting of the county board of canvassers the county  
26 election officer shall present copies of identification received from provi-  
27 sional voters and the corresponding provisional ballots. If the county  
28 board of canvassers determines that a voter's identification is valid and  
29 the provisional ballot was properly cast, the ballot shall be counted.

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

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

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

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

42 (4) For the general election occurring on the first Tuesday in April,  
43 between January 1 of the year of such election and the last business day

1 of the week preceding such general election.

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

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

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

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

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

21 (f) Unless an earlier date is designated by the county election office,  
22 applications for advance voting ballots transmitted to the voter in person  
23 in the office of the county election officer shall be filed on the Tuesday  
24 next preceding the election and on each subsequent business day until  
25 no later than 12:00 noon on the day preceding such election. If the county  
26 election officer so provides, applications for advance voting ballots trans-  
27 mitted to the voter in person in the office of the county election officer  
28 also may be filed on the Saturday preceding the election. Upon receipt  
29 of any such properly executed application, the county election officer shall  
30 deliver to the voter such ballots and instructions as are provided for in  
31 this act.

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

37 In any county having a population exceeding 250,000, the county elec-  
38 tion officer may designate places other than the central county election  
39 office as satellite advance voting sites. At any satellite advance voting site,  
40 a registered voter may obtain an application for advance voting ballots,  
41 such ballots and instructions shall be delivered to the voter in the same  
42 manner and subject to the same limitations as otherwise provided by this  
43 subsection.

1 (g) Any person having a permanent disability or an illness which has  
2 been diagnosed as a permanent illness is hereby authorized to make an  
3 application for permanent advance voting status. Applications for per-  
4 manent advance voting status shall be in the form and contain such in-  
5 formation as is required for application for advance voting ballots and also  
6 shall contain information which establishes the voter's right to permanent  
7 advance voting status.

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

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

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

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

9     Sec. 2. K.S.A. 2006 Supp. 25-1123 is hereby amended to read as  
10 follows: 25-1123. (a) When an application for an advance voting ballot has  
11 been filed in accordance with K.S.A. 25-1122, and amendments thereto,  
12 the county election officer shall transmit to the voter applying therefor  
13 one each of the appropriate ballots. Except as provided by subsection (b),  
14 the county election officer shall transmit the advance voting ballots to the  
15 voter at one of the following addresses as specified by the voter on such  
16 application: (1) The voter’s residential address or mailing address as in-  
17 dicated on the registration list; (2) the voter’s temporary residential ad-  
18 dress; or (3) a medical care facility as defined in K.S.A. 65-425, and  
19 amendments thereto, psychiatric hospital, hospice or adult care home  
20 where the voter resides. No advance voting ballot shall be transmitted by  
21 the county election officer by any means prior to the 20th day before the  
22 election for which an application for an advance voting ballot has been  
23 received by such county election officer. If the advance voting ballot is  
24 transmitted by mail, such ballot shall be transmitted with printed instruc-  
25 tions prescribed by the secretary of state and a ballot envelope bearing  
26 upon the outside a printed form as described in K.S.A. 25-1120, and  
27 amendments thereto, and the same number as the number of the ballot.  
28 If the advance voting ballot is transmitted to the applicant in person in  
29 the office of the county election officer or at a satellite advance voting  
30 site, such advance voting ballot and printed instructions shall be trans-  
31 mitted in an advance voting ballot envelope bearing upon the outside a  
32 printed form as described in K.S.A. 25-1120, and amendments thereto,  
33 and the same number as the number of the ballot unless the voter elects  
34 to deposit the advance voting ballot into a locked ballot box without an  
35 envelope. All ballots shall be transmitted to the advance voting voter not  
36 more than 20 days before the election but within two business days of  
37 the receipt of such voter’s application by the election officer or the com-  
38 mencement of such 20-day period. In primary elections required to be  
39 conducted on a partisan basis, the election officer shall deliver to such  
40 voter the ballot of the political party of the applicant.

41     (b) The restrictions in subsection (a) relating to where a county elec-  
42 tion officer may transmit an advance voting ballot shall not apply to an  
43 advance voting ballot requested pursuant to an application for an advance

1 voting ballot filed by a voter who has a temporary illness or disability or  
2 who is not proficient in reading the English language.

3 (c) The county election officer shall compare the driver's license  
4 number, nondriver's identification card number, ~~social security number~~  
5 ~~or 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 or other government document containing the~~  
8 ~~voter's current name and address as indicated on the registration book.~~  
9 If no identification information was provided by the ~~first-time~~ voter, or if  
10 such information does not match the information on the voter registration  
11 list, the county election officer shall not transmit an advance voting ballot.

12 Sec. 3. K.S.A. 2006 Supp. 25-2908 is hereby amended to read as  
13 follows: 25-2908. (a) Each polling place shall use either: (1) A registration  
14 book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-  
15 2507(b)(1), and amendments thereto; or (2) a registration book, as de-  
16 fined in K.S.A. 25-2507(b)(2), and amendments thereto. The county elec-  
17 tion officer shall determine which books are used in each county, and  
18 which book voters shall sign.

19 (b) A person desiring to vote shall provide to the election board: (1)  
20 the voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's  
21 signature on the registration or poll book; ~~and~~ (4) *a current and valid*  
22 *form of identification listed in subsection (j). A current and valid form of*  
23 *identification listed in subsection (j) shall be presented in addition to any*  
24 *other form of identification required pursuant to this section.* A signature  
25 may be made by mark, initials, typewriter, print, stamp, symbol or any  
26 other manner if by placing the signature on the document the person  
27 intends the signature to be binding. A signature may be made by another  
28 person at the voter's direction if the signature reflects such voter's  
29 intention.

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

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

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

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

39 (4) ~~if the voter is a first-time voter as described in subsection (h) of~~  
40 ~~this section, request valid identification from the voter unless such voter~~  
41 ~~has previously submitted current and valid identification in the county~~  
42 ~~where registered, compare the signature on the registration or poll book~~  
43 ~~with the signature on the photographic identification provided by the~~

- 1 voter. If the member of the election board is satisfied as to the identity of  
2 the voter, the member of the election board shall place such member's  
3 initials in the space provided and allow the voter to vote. If the photo-  
4 graphic identification does not contain the signature of the voter, an ad-  
5 ditional form of identification that provides the voter's signature shall be  
6 required from the voter;
- 7 (5) give the voter one ballot, on the upper right-hand corner of which  
8 shall be written the number corresponding to the voter's number in the  
9 registration book or poll book; and
- 10 (6) mark the voter's name in the registration book and party affiliation  
11 list.
- 12 (d) A ~~first-time~~ voter shall provide to the election board a form of  
13 valid identification such as a current and valid Kansas driver's license,  
14 nondriver's identification card, utility bill, bank statement, paycheck, gov-  
15 ernment check or other government document unless such voter has  
16 previously submitted current and valid identification in the county where  
17 registered. The document provided in accordance with this section shall  
18 contain the voter's current name and address as indicated on the regis-  
19 tration book or poll book.
- 20 (e) If a ~~first-time~~ voter is unable or refuses to provide current and  
21 valid identification at the polling place, or if the name and address do not  
22 match the voter's name and address on the registration book or poll book,  
23 the voter may vote a provisional ballot according to K.S.A. 25-409, and  
24 amendments thereto. The voter shall provide a valid form of identification  
25 as defined in subsection (d) of this section to the county election officer  
26 in person or provide a copy by mail or electronic means before the meet-  
27 ing of the county board of canvassers. At the meeting of the county board  
28 of canvassers the county election officer shall present copies of identifi-  
29 cation received from provisional voters and the corresponding provisional  
30 ballots. If the county board of canvassers determines that a voter's iden-  
31 tification is valid and the provisional ballot was properly cast, the ballot  
32 shall be counted.
- 33 (f) If the name of any person desiring to vote at an election is not in  
34 the registration books, an election board member shall print the name  
35 and address of the person appearing to vote in the registration book or  
36 poll book. The person appearing to vote shall add such person's signature  
37 to the registration book or poll book beside such person's printed name,  
38 as listed in the registration book or poll book, and the election board  
39 judge shall challenge such person's vote pursuant to K.S.A. 25-414, and  
40 amendments thereto. During the pendency of a challenge other voters  
41 shall be given ballots and be permitted to vote.
- 42 (g) A voter who has received an advance voting ballot may vote a  
43 provisional ballot on election day at the precinct polling place where the

1 voter resides. If the voter returns the advance voting ballot to a judge or  
2 clerk at the precinct polling place, the judge or clerk shall void such  
3 advance voting ballot. Any such provisional ballot shall be counted only  
4 if the county board of canvassers determines that the provisional ballot  
5 was properly cast and the voter has not otherwise voted at such election.

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

11 (i) The secretary of state may adopt rules and regulations defining  
12 valid forms of identification.

13 (j) (1) *The following forms of identification shall be considered cur-*  
14 *rent and valid if such form of identification contains the name and pho-*  
15 *tograph of the applicant and an expiration date which has not expired:*

16 (A) *A Kansas driver's license;*

17 (B) *a Kansas identification card issued by the Kansas department of*  
18 *revenue;*

19 (C) *a United States passport;*

20 (D) *an employee badge or identification;*

21 (E) *a debit or credit card;*

22 (F) *a military identification;*

23 (G) *a student identification;*

24 (H) *a retirement center identification;*

25 (I) *a neighborhood association identification; or*

26 (J) *a public assistance identification.*

27 (2) *If the voter fails to furnish the identification required by this sub-*  
28 *section, the voter shall be allowed to vote a provisional ballot. The can-*  
29 *vassing board shall determine the validity of the ballot pursuant to K.S.A.*  
30 *25-3002 and amendments thereto.*

31 Sec. 4. K.S.A. 2006 Supp. 25-3002 is hereby amended to read as  
32 follows: 25-3002. (a) The rules prescribed in this section shall apply to:

33 (1) The original canvass by election boards.

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

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

36 (4) All election contests.

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

39 (b) Rules for canvassers:

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



1 of an election contest.

2 (2) The occurrences listed in this subpart (2) shall not invalidate the  
3 whole ballot but shall invalidate that portion, and that portion only, in  
4 which the occurrence appears. The votes on such portion of the ballot  
5 shall not be counted for any candidate listed or written in such portion,  
6 but the remainder of the votes in other portions of the ballot shall be  
7 counted. The occurrences to which this subpart (2) shall apply are:

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

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

13 (3) When a registered voter has cast a provisional ballot intended for  
14 a precinct other than the precinct in which the voter resides but located  
15 within the same county, the canvassers shall count the votes for those  
16 offices or issues which are identical in both precincts. The canvassers shall  
17 not count the votes for those offices or issues which differ from the offices  
18 or issues appearing on the ballot used in the precinct in which the voter  
19 resides.

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

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

25 (B) only the name of the candidate for governor is written on the  
26 ballot.

27 (5) A write-in vote for those candidates for the offices of president  
28 and vice-president shall not be counted unless the pair of candidates have  
29 filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments  
30 thereto, and:

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

32 (B) only the name of the candidate for president is written on the  
33 ballot.

34 (6) A write-in vote for candidates for state offices elected on a state-  
35 wide basis other than offices subject to paragraph (4) shall not be counted  
36 unless the candidate has filed an affidavit of candidacy pursuant to K.S.A.  
37 25-305, and amendments thereto.

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

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

1     Sec. 5. K.S.A. 2006 Supp. 25-1122, 25-1123, 25-2908 and 25-3002  
2     are hereby repealed.  
3     Sec. 6. This act shall take effect and be in force from and after its  
4     publication in the statute book.