

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on February 17, 1995 in Room 521-S of the Capitol.

All members were present except: Rep. Jim Long, Excused
 Rep. Phyllis Gilmore, Excused

Committee staff present: Carolyn Rampey, Legislative Research Department
 Dennis Hodgins, legislative Research Department
 Arden Ensley, Revisor of Statutes

Conferees appearing before the committee: None

Others attending: See attached list

Chairman Dawson recognized Rep. Chronister, Chairman of the Subcommittee that made revisions to HB 2079. Rep. Chronister told the Committee that Kansas has no choice but to implement the National Voter Registration Act (NVRA). She said that the Subcommittee tried to recommend legislation that is as unobtrusive as possible.

Mr. Ensley prefaced his review of the proposed legislation by saying that Kansas already has enacted laws that make it convenient for people to register to vote. However, he said the thrust of the federal legislation is to require government to actively make an effort to register people and that certain groups are targeted, such as persons who receive public assistance and persons who have drivers' licenses and non-driver identification cards.

Mr. Ensley explained that the NVRA applies only to national elections, but that the subcommittee and the Secretary of State, who proposed HB 2079 in its original version, wished to avoid a dual system of election laws. Therefore, the draft before the Committee reflected an attempt to integrate the requirements of the NVRA into existing laws that apply to elections at all levels.

According to Mr. Ensley, the subcommittee had several concerns that it addressed in its proposed legislation. One was what the state would do if the mandate contained in the NVRA were repealed. (The subcommittee's recommendation is that the provisions of HB 2079 will expire after the Legislature has had the opportunity to enact legislation to preserve those parts of the election laws that are unrelated to the mandate.) Another concern was whether federal funding would be available to fund the mandate. (At this point, the mandate is unfunded. However, if federal funds become available, the proposed legislation would authorize the Secretary of State to accept and spend the money.)

Following his introductory remarks, Mr. Ensley proceeded to review the proposed legislation section by section. A copy of the proposed legislation is attached. See Attachment 1.

Chairman Dawson informed the Committee that, in addition to items listed on the prepared agenda, the Committee would consider HB 2148 at its meeting on Monday, February 20. She also told the Committee that HB 2079 would be taken up at the middle or end of the week of the 20th.

The Chair adjourned the meeting.

The next meeting is scheduled for Monday, February 20, 1995, at 9:00 a.m. in Room 521-S of the Capitol.

HOUSE BILL No. 2079

By Committee on Governmental Organization and Elections

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- 9 AN ACT relating to elections; amending K.S.A. 21-4615, 25-409, 25-414,
 10 25-1136, 25-1337, 25-2303, 25-2309, 25-2309c, 25-2311, 25-2312, 25-
 11 2315, 25-2316c, 25-2504, 25-2709, 25-2909, 25-3008, 25-3306, 25-
 12 3602 and K.S.A. 1994 Supp. 25-2352 and repealing the existing
 13 sections; and also repealing K.S.A. 25-410.
 14
 15 *Be it enacted by the Legislature of the State of Kansas.*

New Section 1. (a) Any person who is named in the registration list maintained by the county election officer for the county in which an election is being held shall be permitted to vote a ballot for the precinct in which such person's residence, as described in the registration list maintained by the county election officer for such county, is located unless such person's offer to vote is challenged pursuant to this section.

(b) Any person offering to vote shall be entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto, if such person offering to vote is challenged by an election judge in accordance with subsection (c) or by any qualified elector who affirms under penalty of perjury, on forms

provided by the county election officer, the challenging person's statement of the reason for the challenge and that the challenging person has a good faith belief that the challenged person is not a qualified elector for the precinct in which the challenged person is offering to vote.

(c) It shall be the duty of each judge of elections to challenge any person who: (1) Has moved from an address in the registration list to another address in the same county; (2) has not moved but the registration list indicated otherwise; (3) has changed such person's name by marriage, divorce or legal proceedings; (4) has moved to another county within 30 days immediately preceding the election; or (5) such election judge knows or suspects not to be qualified as an elector.

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16 ~~Section 1~~ K.S.A. 25-409 is hereby amended to read as follows: 25-
17 409. ~~(a) If any person challenged pursuant to K.S.A. 25-414, and amend-~~
18 ~~ments thereto, shall refuse to subscribe the oath tendered application for~~
19 ~~registration pursuant to K.S.A. 25-410 25-2309, and amendments thereto,~~
20 ~~the judges shall reject such person's vote.~~
21 (b) If the a person is challenged pursuant to K.S.A. 25-414, and
22 amendments thereto, subscribes the oath prescribed by K.S.A. 25-410,
23 and amendments thereto, and the judges are satisfied that such person is
24 a legal voter, the person shall be allowed to vote in the same manner as
25 any other voter. If the judges are not satisfied that such person is a legal
26 voter, such person shall be permitted to ~~subscribe the application for~~
27 ~~registration and mark an absentee a ballot, which The ballot shall there-~~
28 ~~upon be sealed in an envelope, and The judges shall endorse on the~~
29 ~~envelope write on the envelope the word "challenged" "provisional" and~~
30 ~~statement of the reason for the challenge, and that the ballot contained~~
31 in the envelope is the same ballot which was challenged pursuant to
32 K.S.A. 25-409 et seq. and amendments thereto. Such statement shall be
33 attested by two of the judges. ~~The judges shall attach the application for~~
34 ~~registration to the envelope containing the provisional ballot.~~ The enve-

Sec. 2.

make

pursuant to K.S.A. 25-2309, and amendments thereto

their

their statement

If the provisional voter is challenged pursuant to new section 1, the judges shall also attach the challenging person's affirmed statement required by new section 1 to the envelope containing the provisional ballot.

the precinct in which the registrant's address, as contained in the voter registration list, is located.

(d) Except as provided in K.S.A. 25-409 (e), the county board of canvassers may accept for counting, subject to the provisions of K.S.A. 25-3002 and amendments thereto, or reject the provisional ballot of a registrant offering to vote who has not otherwise voted or cast any other vote in the election for which the provisional ballot is being cast if it appears to the board of canvassers, based upon the evidence as presented to the board of canvassers, that such registrant is a qualified elector for the precinct in which the registrant's address, as affirmed by the registrant on the application for registration which is attached to the envelope containing such provisional ballot, is located.

(e) The county board of canvassers shall not accept for counting and may not count the provisional ballot of a person offering to vote who:

- (1) has voted or cast any other vote in the election for which the provisional ballot is being offered;
- (2) is or was dead prior to the close of the polls on election day for the election for which the provisional ballot is being offered;
- (3) has failed to sign or affirm such person's application for registration; *or*
- (4) would not be entitled to register to vote pursuant to 25-2309(h)(3).

(f) The county election officer shall present all provisional ballots to the county board of canvassers for the purpose of a preliminary canvass of provisional ballots as the first order of business at the meeting of the county board of canvassers required by K.S.A. 25-3104, and amendments thereto. Such preliminary canvass of provisional ballots may, in the discretion of the county board of canvassers, commence at any time between 8:00 o'clock a.m. and 10:00 o'clock a.m. on the Thursday next following any election held on a Tuesday or, for elections not held on a Tuesday, on a day and hour designated by the county board of canvassers not sooner than the second day following the day of such election. If the

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county board of canvasser's preliminary canvass of the provisional ballots is to commence prior to the day and time provided in K.S.A. 25-3104, and amendments thereto, the county election officer shall publish a notice of the date and time of the commencement of such preliminary canvass one time in the official newspaper for the county election officer's county at least two days in advance of the commencement of such preliminary canvass. The preliminary canvass of provisional ballots shall be open to the public and may not be conducted in executive session. In conducting the preliminary canvass of provisional ballots, the chair of the county board of canvassers shall announce in a loud and clear voice the name of the person whose provisional ballot is being considered and a description of the voting area or district in which such person is offering to vote and such board's preliminary decision to accept or reject such person's provisional ballot and shall write the reason for its decision upon the envelope containing such ballot but shall not unseal the envelope containing such ballot except as provided in this subsection. Any person may object to the county board of canvasser's preliminary decision to accept any provisional ballot. If any person objects to the county board of canvasser's preliminary decision to accept a provisional ballot, the envelope containing such provisional ballot shall not be unsealed, opened or counted by the county election officer but shall be retained by such election officer pending any election contest filed pursuant to Article 14 of this chapter. The chair of the county board of canvassers shall announce, in a loud and clear voice, the conclusion of the preliminary canvass of provisional ballots. The preliminary decision of the county board of canvassers concerning any provisional ballot not objected to prior to the conclusion of the preliminary canvass shall become the final decision of such board. Each envelope containing one and only one provisional ballot accepted by the final decision of the county board of canvassers shall be opened and, if the ballot contained in such envelope is a ballot for the precinct in which the applicant's address, as affirmed by such applicant on the application for registration which is attached to the envelope containing such provisional ballot, is located, shall be counted by the county election officer in the combined tabulation of vote totals required by K.S.A. 25-3106, and amendments thereto. Envelopes containing provisional ballots rejected by the final decision of the county board of canvassers shall not be unsealed or opened and the ballots contained therein shall not be counted by the county election officer but shall be retained by such election officer pending any election contest filed pursuant to Article 14 of this chapter. Upon the conclusion of the preliminary canvass of provisional ballots, the county election

, subject to the provisions of K.S.A. 25-3002, amendments thereto,

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officer shall report the number of rejected provisional ballots and the number of accepted provisional ballots to which an objection was timely made which remain in the possession of such county election officer to the secretary of state according to rules and regulations promulgated by the secretary of state.

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13 ~~(d) Following the determination of acceptance or rejection of any pro-~~
14 ~~visional ballot by the county board of canvassers, the county election~~
15 ~~officer shall update the registration record, if appropriate, for voting in~~
16 ~~future elections, and send, by nonforwardable first-class mail, to the ad-~~
17 ~~dress specified on the application, notice of disposition of the application.~~
18 ~~The registrant's name shall not be removed from the official list of eligible~~
19 ~~voters by reason of such a change of address except as provided in K.S.A.~~
20 ~~25-2316c, and amendments thereto.~~

(g)
(formally K.S.A. 25-414(d))

43 ~~Sec. 2. K.S.A. 25-414 is hereby amended to read as follows: 25-414.~~

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1 ~~(a) It shall be the duty of each judge of election to challenge any person~~
2 ~~offering to vote, whom he the judge shall know or suspect not to be~~
3 ~~qualified as an elector.~~
4 ~~(b) A person who: (1) Has moved from an address in the registration~~
5 ~~book to another address in the same county; or (2) has not moved, but~~
6 ~~the registration list indicates otherwise, is a qualified elector, but shall be~~
7 ~~challenged by an election judge and entitled to cast only a provisional~~
8 ~~ballot pursuant to K.S.A. 25-409, and amendments thereto.~~
9 ~~(c) The application shall be delivered to the election judges and at-~~
10 ~~tached to the provisional ballot envelope. Such application and ballot en-~~
11 ~~velope containing the ballot shall be transmitted to the county election~~
12 ~~officer with election returns and supplies.~~
13 ~~(d) Following the determination of acceptance or rejection of any pro-~~
14 ~~visional ballot by the county board of canvassers, the county election~~
15 ~~officer shall update the registration record, if appropriate, for voting in~~
16 ~~future elections, and send, by nonforwardable first-class mail, to the ad-~~
17 ~~dress specified on the application, notice of disposition of the application.~~
18 ~~The registrant's name shall not be removed from the official list of eligible~~
19 ~~voters by reason of such a change of address except as provided in K.S.A.~~
20 ~~25-2316c, and amendments thereto.~~
21 ~~New Sec. 3. A registrant who has moved to a new address in the~~
22 ~~same county shall be permitted to update the voter's registration record~~
23 ~~and vote a provisional ballot at the registrant's new polling place, or at a~~
24 ~~central location determined by the county election officer.~~

25 Sec. 4. K.S.A. 25-1136 is hereby amended to read as follows: 25-
 26 1136. (a) The vote of any absentee voter may be challenged in the same
 27 manner as other votes are challenged, as nearly as may be, and the judges
 28 of the special election board shall determine the validity of each absentee
 29 ballot. Whenever the judges determine that the form accompanying an
 30 absentee ballot is insufficient, or that the voter is not a registered voter,
 31 or the challenge is otherwise sustained, the absentee ballot envelope shall
 32 not be opened. In all such cases, the judges shall endorse on the back of
 33 the envelope the word "~~challenged~~" "*provisional*" and the reason for sus- state
 34 taining the challenge.

35 (b) Any absentee ballot envelope which has not been signed shall not
 36 be opened, and no vote on the ballot therein shall be counted. Such
 37 envelope shall be challenged in the same manner in which other votes or ballot
 38 are challenged.

39 (c) Whenever it shall be made to appear to the judges of a special
 40 election board by sufficient proof that an absentee voter has died, the
 41 envelope containing the absentee ballot of such deceased voter shall not
 42 be opened. In all such cases, the judges shall endorse on the back of the
 43 envelope the word "~~challenged~~" "*provisional*" and the reason for sustain-

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1 ing the challenge.

2 (d) If objection is made to an absentee ballot because of form, con-
 3 dition, or marking thereof, the ballot shall be marked "void" if the judges
 4 uphold the objection to the entire ballot, and otherwise shall be marked
 5 on the back thereof, "objected to" with a statement of the substance of
 6 the objection.

7 (e) Void, ~~challenged~~ *provisional* and objected to absentee ballots shall
 8 be transmitted to the county election officer in the same manner as per-
 9 sonally cast ~~challenged~~ *provisional* ballots are transmitted but shall be
 10 placed in separate envelopes or sacks, appropriately labeled and sealed.
 11 Votes contained in void and ~~challenged~~ *provisional* absentee ballots shall
 12 not be included in the total of votes certified by the special election board.
 13 Void, ~~challenged~~ *provisional* and objected to absentee ballots shall be
 14 reviewed by the board of county canvassers, and such board shall finally
 15 determine the acceptance or rejection of each void, ~~challenged~~ *provi-*
 16 *sional* or objected to ballot.

17 Sec. 5. K.S.A. 25-1337 is hereby amended to read as follows: 25-
 18 1337. In counties where voting machines are used, voters offering to vote
 19 may be challenged pursuant to K.S.A. 25-414, *and amendments thereto*.
 20 The person challenged shall be allowed to vote *a provisional ballot only*
 21 ~~if he or she~~ *such person* subscribes the oath ~~provided by K.S.A. 25-410~~
 22 *application for registration pursuant to K.S.A. 25-2309, and amendments*
 23 *thereto. Challenged Provisional votes* in counties where voting machines
 24 are used shall be cast and the ~~challenged provisional~~ *ballots* shall be re-
 25 viewed and finally determined in the manner provided by K.S.A. 25-409,
 26 *and amendments thereto*.

27 Sec. 6. K.S.A. 25-2303 is hereby amended to read as follows: 25-
 28 2303. (a) The officer responsible for administering the provisions of this
 29 act shall be the county election officer. "County election officer" means
 30 the election commissioner in counties having an election commissioner,
 31 and the county clerk in counties which do not have an election commis-
 32 sioner. Words and terms defined in chapter 406 of the laws of 1968 shall
 33 have the same meaning in this act as is ascribed thereto in such act, unless
 34 inconsistent with the provisions of this act.

35 (b) ~~The county election officer shall appoint the city clerk of any city~~
 36 ~~of the first or second class in such county to be a deputy county election~~
 37 ~~officer for the purpose of registration under the provisions of this act if~~
 38 ~~such city clerk has had the responsibility to register voters under the~~
 39 ~~statutes of this state effective immediately prior to the effective date of~~
 40 ~~this act.~~ "Voter registration agency" means any office in the state, other
 41 than an office of the division of motor vehicles, that provides public as-
 42 sistance, that provides state-funded programs primarily engaged in pro-
 43 viding services to persons with disabilities, recruitment offices of the

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the office of the city clerk in any city of the
 first or second class.

1 ~~armed forces, and other offices designated by the chief state election of-~~
 2 ~~ficial as voter registration agencies.~~ A voter registration agency shall provide
 3 voter registration services to persons who apply for the agency's
 4 services or assistance, and upon completion of each recertification, re-
 5 newal or change of address form.

6 (c) Deputy county election officers shall maintain records and per-
 7 form duties under the provisions of this act only in the manner prescribed
 8 by the county election officer. County election officers may appoint such
 9 deputy county election officers as they deem ~~deem~~ *deemed* appropriate, includ-
 10 ing but not limited to, the city clerk of any city, personnel in any public
 11 high school, any public library or public institution of higher education,
 12 in addition to those required to be appointed under the provisions of ~~this~~
 13 ~~section subsection (b).~~

14 Sec. 7. K.S.A. 25-2309 is hereby amended to read as follows: 25-
 15 2309. (a) Any person may apply in person or, by mail, through a voter
 16 registration agency, or by other delivery to the a county election officer
 17 to be registered. Such application shall be made on: (1) A form approved
 18 by the secretary of state, which shall be provided by the a county election
 19 officer or chief state election official upon request in person, by telephone
 20 or in writing by an individual applicant; or (2) the mail voter registration
 21 application prescribed by the federal election commission. Such applica-
 22 tion shall be signed by the applicant under penalty of perjury and shall
 23 contain the original signature of the applicant.
 24 (b) ~~Applications made under this section shall give voter eligibility~~
 25 ~~requirements and such information as is necessary to identify the appli-~~
 26 ~~cant and to determine the qualifications of the applicant as an elector and~~
 27 ~~the facts authorizing such person to be registered, including, but not~~
 28 ~~limited to, the following data concerning the applicant:~~
 29 (1) Name;
 30 (2) place of residence, including specific address or location, and
 31 mailing address if the residence address is not a permissible postal ad-
 32 dress;
 33 (3) date of birth;
 34 (4) sex;
 35 (5) telephone number, if available;
 36 ~~(6) naturalization data (if applicable);~~
 37 ~~(7) if applicant has previously registered or voted elsewhere, resi-~~
 38 ~~dence at time of last registration or voting;~~
 39 ~~(8) when present residence established; and~~
 40 ~~(9) (7) name under which applicant last registered or voted, if differ-~~
 41 ~~ent from present name;~~
 42 ~~(8) an attestation that the applicant meets each eligibility require-~~
 43 ~~ment.~~

to vote

affirming the accuracy of the information contained on the application for registration

or the computerized, electronic or digitized transmitted signature of the applicant.

Forms used for applications for registration shall state

shall request such information from the applicant

(6) social security number;

(7) Kansas driver's license number or Kansas non-driver identification number

(8)

(9) approximate date when present residence established

(10)

(11)

is:

- (A) A citizen of the United States;
- (B) eighteen years of age or older;
- (C) a resident of the voting area in which the applicant seeks to vote; and
- (D) not otherwise ineligible by law.

1 (9) a statement that the penalty for submission of a false voter reg-
 2 istration application is a maximum presumptive sentence of 17 months in
 3 prison;

4 (10) a statement that, if an applicant declines to register to vote, the
 5 fact that the applicant has declined to register will remain confidential
 6 and will be used only for voter registration purposes;

7 (11) a statement that if an applicant does register to vote, the office
 8 to which a voter registration application is submitted will remain confi-
 9 dential and will be used only for voter registration purposes; and

10 (12) political party affiliation declaration, if any. An applicant's fail-
 11 ure to make a declaration will result in the applicant being registered as
 12 an unaffiliated voter.

13 If the application discloses any previous registration in any other county
 14 or state, as indicated by item (7) (6) or item (9) (7), or otherwise, the
 15 application shall include a statement that applicant has abandoned any
 16 such other name or former residence. If the application discloses former
 17 registration in any other county or state, the applicant shall sign a notice,
 18 to be furnished by the county election officer and to be mailed by such
 19 officer shall upon the registration of the applicant, which give notice shall
 20 be addressed to the election official of the place of former registration,
 21 notifying such official of applicant's present residence and registration,
 22 and authorizing cancellation of such former registration.

23 (c) Any person who applies for registration through a voter registra-
 24 tion agency shall be provided with, in addition to the application under
 25 subsection (b), a form which includes:

26 (1) The question "If you are not registered to vote where you live
 27 now, would you like to apply to register to vote here today?";

28 (2) a statement that if the applicant declines to register to vote, this
 29 decision will remain confidential and be used only for voter registration
 30 purposes,

31 (3) a statement that if the applicant does register to vote, information
 32 regarding the office to which the application was submitted will remain
 33 confidential and be used only for voter registration purposes; and

34 (4) if the agency provides public assistance, (i) the statement "Apply-
 35 ing to register or declining to register to vote will not affect the amount
 36 of assistance that you will be provided by this agency.";

37 (ii) boxes for the applicant to check to indicate whether the applicant
 38 would like to register or declines to register to vote, together with the
 39 statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE
 40 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE
 41 AT THIS TIME.";

42 (iii) the statement "If you would like help in filling out the voter reg-
 43 istration application form, we will help you. The decision whether to seek

If the application is a duplicate of an application already on file in the office of the county election officer, the county election officer may remove the duplicate registration from the registration books and party affiliation lists and shall report such removal according to rules and regulations promulgated by the secretary of state.

1 or accept help is yours. You may fill out the application form in private.”;
2 and

3 (iv) the statement “If you believe that someone has interfered with
4 your right to register or to decline to register to vote, your right to privacy
5 in deciding whether to register or in applying to register to vote, or your
6 right to choose your own political party or other political preference, you
7 may file a complaint with the Kansas Secretary of State, 300 SW 10th St.,
8 Topeka, KS 66612-1594.”

9 (d) If any person, in writing, declines to register to vote, the voter
10 registration agency shall maintain the form prescribed by subsection (c)

, but such agency shall not be required to
maintain more than one declination for each
person.

11 (e) (e) It shall be the duty of each individual applicant to return the

12 application to the county election office A voter registration agency shall
13 transmit the completed registration application to the county election of-

application for

14 ficer not later than five days after the date of acceptance. Upon receipt
15 of a complete and correct an application for registration, the county elec-

completion of such application

16 tion officer shall send, by nonforwardable first-class mail, a certificate of
17 registration notice of disposition of the application to the applicant at the

18 postal delivery address shown on the application. If a certificate of reg-
19 istration notice of disposition is returned as undeliverable, a second mail-

20 ing confirmation mailing prescribed by K.S.A. 25-2316c, and amendments
21 thereto, shall be attempted occur. Registration shall not be considered

22 completed until the certificate of registration is received by the applicant.
23 If an application is rejected, the applicant shall be promptly notified of

24 such rejection and the specific reason or reasons therefor. If an applica-
25 tion is a duplicate of a registration already on file the applicant shall be

26 so notified.

27 (f) If an application is received while registration is closed, such ap-
28 plication shall be considered to have been received on the next following
29 day during which registration is open.

for registration

30 (d) (g) Any registered voter whose residence address is not a per-
31 missible postal delivery address may shall designate a postal address for

32 registration records. When a county election officer has reason to believe
33 that a voter's registration residence is not a permissible postal delivery

34 address, the county election officer shall attempt to determine a proper
35 mailing address for the voter.

(h) Upon receipt of an application for registration, the county
election officer shall enter the applicant's name as a registrant on the voter
registration list at the address on the registrant's application for registration or
shall consider such application for registration as updating any previous voter

registration by the applicant unless:

(1) the applicant on such application for registration is a registrant already included in the voter registration list at the address affirmed on such registrant's application for registration;

(2) except as required pursuant to K.S.A. 25-2311(e) and amendments thereto, registration is closed at the time the application for registration is received; or

(3) the applicant providing the application for registration has failed or refused to:

(A) sign, affirm or attest the application for registration;

(B) provide the information required by K.S.A. 25-2309 (b)(1), 25-2309(b)(2) or 25-2309(b)(3); or

(C) attest that the applicant is:

(i) a citizen of the United States;

(ii) eighteen years of age or older;

(iii) a resident of the voting area/district/precinct in which the applicant seeks to register to vote; and

(iv) not otherwise, by law, ineligible to vote.

(i) Except for application's for registration deemed duplicative pursuant to K.S.A. 25-2309(b), and amendments thereto, or K.S.A. 25-2309(h), and amendments thereto, upon the county election officer's determination to accept or reject an applicant's application for registration, the county election officer shall send, by non-forwardable first-class mail, notice of disposition of the application for registration to the applicant at the postal delivery address shown on the application. If a notice of disposition is returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.

36 Sec. 8. K.S.A. 25-2309c is hereby amended to read as follows: 25-
37 2309c. Unless otherwise specifically provided, whenever any notice or
38 other official mailing is required to be mailed to a registered voter at the
39 place of residence specified in the registration books, such notice shall
40 be addressed to the current mailing address of that voter as it appears in
41 the registration records and shall be sent by nonforwardable first-class
42 mail. If such mailing is returned by the post office as undeliverable and
43 the voter is still a resident of the state of Kansas, the county election

1 officer shall send by forwardable first-class mail a notice that it is neces-
2 sary to reregister to vote. The notice also shall include voter registration
3 materials if the voter is still a resident of the county of the original reg-
4 istration. The notice authorized by this section shall be on a form pre-
5 scribed by the secretary of state.

6 Sec. 9. K.S.A. 25-2311 is hereby amended to read as follows: 25-
7 2311. (a) County election officers shall provide for the registration of
8 voters at one or more places on all days except the following:

9 (1) Days when the main offices of the county government are closed
10 for business, except as is otherwise provided by any county election officer
11 under the provisions of K.S.A. 25-2312 and amendments thereto;

12 (2) days when the main offices of the city government are closed for
13 business, in the case of deputy county election officers who are city clerks
14 except as is otherwise provided by any county election officer under the
15 provisions of K.S.A. 25-2312 and amendments thereto;

16 (3) the 14 days preceding the day of primary and general state elec-
17 tions;

18 (4) the 14 days preceding the day of primary city and school elections,
19 if either has a primary;

20 (5) the 14 days preceding each first Tuesday in April of odd-num-
21 bered years, being the day of city and school general elections;

22 (6) the 14 days preceding the day of any election other than one
23 specified in paragraphs (3), (4) and (5) of this subsection; and

24 (7) the day of any primary or general election or any question sub-
25 mitted election.

26 (b) For the purposes of this section in counting days that registration
27 books are to be closed, all of the days including Sunday and legal holidays
28 shall be counted.

29 (c) The secretary of state shall notify every county election officer of
30 the dates when registration shall be closed preceding primary and general
31 state, city and school elections. The days so specified by the secretary of
32 state shall be conclusive. Such notice shall be given by the secretary of
33 state by mail at least 60 days preceding every primary and general state,
34 city and school election.

35 (d) The last days before closing of registration books as directed by
36 the secretary of state under subsection (c) of this section, county election
37 officers shall provide for registration of voters during regular business
38 hours, during the noon hours and at other than regular business hours
39 upon such days as the county election officers deem necessary. The last
40 three business days before closing of registration books prior to state
41 primary and general elections, county election officers shall provide for
42 registration of voters until 9:00 p.m. in cities of the first and second class.

43 (e) County election officers shall accept and process applications re-

1 *ceived by voter registration agencies and the division of motor vehicles*
2 *not later than the 15th day preceding the date of any election; mailed*
3 *voter registration applications that are postmarked not later than the 15th*
4 *day preceding the date of any election; or, if the postmark is illegible or*
5 *missing, is received in the mail not later than the ninth day preceding the*
6 *day of any election.*

7 (e) (f) The secretary of state may adopt rules and regulations inter-
8 preting the provisions of this section and specifying the days when reg-
9 istration shall be open, days when registration shall be closed, and days
10 when it is optional with the county election officer for registration to be
11 open or closed.

12 (f) (g) Before each primary and general election, and at times and in
13 a form prescribed by the secretary of state, each county election officer
14 shall certify to the secretary of state the number of registered voters in
15 each precinct of the county as shown by the registration books in the
16 office of such county election officer.

17 Sec. 10. K.S.A. 25-2312 is hereby amended to read as follows: 25-
18 2312. Places of registration which are in the main office building of the
19 county government in the case of election commissioners and in the main
20 offices of the city government in the case of city clerks shall be open
21 during the same business hours as any such building is open generally for
22 business. County election officers may provide that any place of registra-
23 tion *except a voter registration agency and division of motor vehicle offices*
24 *shall be open for registration on Saturdays or for additional hours on any*
25 *day or days that registration of voters may be provided.*

26 Sec. 11. K.S.A. 25-2315 is hereby amended to read as follows: 25-
27 2315. The expenses of registration incurred under this act shall be paid
28 by the county in all cases except expenses incurred by city clerks, *voter*
29 *registration agencies and the division of motor vehicles*, in which case
30 such expenses shall be paid by such city *or such agency*. County and city
31 governing bodies. *the division of motor vehicles and voter registration*
32 *agencies* upon which this section imposes financial obligation shall make
33 adequate provision to carry out the intent of this act by authorizing suf-
34 ficient expenditure for both regular and temporary employees, record-
35 keeping methods approved by the secretary of state and such other ex-
36 penditures as may be appropriate.

37 Sec. 12. K.S.A. 25-2316c is hereby amended to read as follows: 25-
38 2316c. ~~(a) When a registered voter changes name by marriage, divorce~~
39 ~~or legal proceeding, if such voter is otherwise qualified to vote at such~~
40 ~~voting place such voter shall be allowed to vote a provisional ballot at any~~
41 ~~election on the condition that such voter first gives an affidavit to the~~
42 ~~election judges stating the facts relevant to such change of name and~~
43 ~~authorizes the county election officer to change the voter's registration~~

1 records to reflect such change ~~completes the application for registration~~
2 ~~prescribed by K.S.A. 25-2309, and amendments thereto. Completion of~~
3 ~~the application shall authorize the county election officer to update the~~
4 ~~registration records, if appropriate, for voting in future elections. The~~
5 ~~county election officer shall send, by nonforwardable first-class mail, a~~
6 ~~new certificate of registration notice of disposition to any voter giving such~~
7 ~~affidavit completing such application.~~

8 (b) When a registered voter changes residence, such voter must rer-
9 egister in order to be eligible to vote, except that when a registered voter
10 changes residence from one place in a precinct to another place within
11 the same precinct, if such voter is otherwise qualified to vote in the voting
12 place within the precinct in which the current residence is located reg-
13 istrant has moved from an address on the registration book to another
14 address within the county and has not reregistered, such voter registrant
15 shall be allowed to vote a provisional ballot at any election in such precinct
16 on the condition that such voter registers at such time by completing a
17 registration card, making an oath in the form prescribed by the secretary
18 of state and providing proof of residence in accordance with rules and
19 regulations adopted by the secretary of state therefor. Such registration
20 card registrant first completes the application for registration prescribed
21 by K.S.A. 25-2309, and amendments thereto. Completion of the applica-
22 tion shall authorize the county election officer to ~~change update the vot-~~
23 ~~er's registration records to reflect such change record, if appropriate, for~~
24 ~~voting in future elections. The county election officer shall send, by non-~~
25 ~~forwardable first-class mail, a new certificate of registration notice of dis-~~
26 ~~position to any such voter. Any person registering to vote at the polls as~~
27 ~~herein authorized shall be permitted to vote at such election. Whenever~~
28 ~~the county election officer receives from any other election officer a no-~~
29 ~~tice of registration of a voter in a different place than that shown in the~~
30 ~~records of the county election officer, such officer shall remove the name~~
31 ~~of such voter from the registration book and party affiliation list~~

32 (c) Every application for registration completed under this section
33 shall be returned to the county election officer with the registration books.

34 (e) (d) When a voter fails to vote at a general election at which mem-
35 bers of the United States presidential electoral college are elected, such
36 voter's name shall be subject to removal from the voter registration book
37 and the party affiliation list in the manner provided in subsection (d).
38 When a voter fails to vote at any other general election held on the Tues-
39 day following the first Monday in November in an even-numbered year,
40 such voter's name may be subject to removal from the voter registration
41 book and the party affiliation list in the manner provided in subsection
42 (d) if the county election officer determines that the removal of the names
43 of voters who failed to vote in such election is necessary to the mainte-

1 nance of accurate voter registration records. A registrant shall not be (a)
2 removed from the registration list on the ground that the registrant has
3 changed residence unless the registrant:

or no longer has a residence which would permit
inclusion or retention in the registration list
if

4 (1) Confirms in writing that the registrant has moved outside the
5 county in which the registrant is registered, or registers to vote in any
6 other jurisdiction; or

7 (2) has failed to respond to the notice described in subsection (d) and (b)
8 has not appeared to vote in an election during the period beginning on
9 the date of the notice and ending on the day after the date of the second
10 federal general election that occurs after the date of the notice.

11 ~~(d)~~ (b) When a voter's name is subject to removal from the registra-

tion book and the party affiliation list as provided in subsection (e), the
12 county election officer shall attempt to notify such voter by first-class mail
13 at the mailing address specified in the registration book. Such notification
14 shall advise that the registration books show that the person did not vote
15 in the applicable November general election and that it is necessary to
16 re-register if the residence of such person has changed. Such notification
17 shall be mailed in an envelope or on a postcard which clearly indicates
18 that it is not to be forwarded to another address. If such notification is
19 not returned undelivered to the county election officer and no address
20 correction which indicates that the voter has moved is received by the
21 county election officer, the voter's name shall not be removed from the
22 registration book or party affiliation list. If such notification is returned
23 undelivered to the county election officer or if an address correction
24 which indicates that the voter has moved is received by the county elec-
25 tion officer, the county election officer shall check to verify that the mail-
26 ing address on the notification is the same as that on the voter registration
27 list. If it is determined that an error was made in addressing the notifi-
28 cation, another notice shall be sent to the correct mailing address. If it is
29 determined that no error was made in addressing the original notification
30 or if the second notification is returned undelivered or an address cor-
31 rection is received therefor, the name of such person shall be stricken
32 from the registration books and the party affiliation lists. A county election
33 officer shall send a confirmation notice upon which a registrant may state
34 such registrant's current address, within 45 days of the following events:

35 (1) A notice of disposition of an application for voter registration is
36 returned as undeliverable;

37 (2) change of address information supplied by the National Change
38 of Address program identifies a registrant whose address may have
39 changed;

40 (3) if it appears from information provided by the postal service that
41 a registrant has moved to a different residence address in the county in
42 which the registrant is currently registered, or
43

1-16

1 (4) if it appears from information provided by the postal service that
2 a registrant has moved to a different residence address outside the county
3 in which the registrant is currently registered.

4 The confirmation notice shall include a postage prepaid and pread-
5 dressed return card in a form prescribed by the chief state election official.

6 ~~(e) (f)~~ Except as otherwise provided by law, when a voter dies or is (c)
7 disqualified for voting, the registration of the voter shall be void, and the
8 county election officer shall remove such voter's name from the registra-
9 tion books and the party affiliation lists. Whenever (1) an obituary notice
10 appears in a newspaper having general circulation in the county reports
11 the death of a registered voter, or (2) a registered voter requests in writing
12 that such voter's name be removed from registration, or (3) a court of
13 competent jurisdiction orders removal of the name of a registered voter
14 from registration lists, or (4) the name of a registered voter appears on a
15 list of deceased residents compiled by the secretary of health and envi-
16 ronment as provided in K.S.A. 65-2422, and amendments thereto, or
17 appears on a copy of a death certificate provided by the secretary of health
18 and environment, or (5) pursuant to ~~K.S.A. 25-2316d, and amendments~~
19 ~~thereto~~, a registered voter fails to vote in two consecutive state general
20 elections the county election officer shall remove from the registration
21 books and the party affiliation lists in such officer's office the name of any
22 person shown by such list or death certificate to be deceased. The county
23 election officer shall not use or permit the use of such lists of deceased
24 residents or copies for any other purpose than provided in this section.

25 ~~(g)~~ When the chief state election official receives written notice of a (d)
26 felony conviction in a United States district court, such official shall notify
27 within five days the county election officer of the jurisdiction in which
28 the offender resides. Upon notification of a felony conviction from the
29 chief state election official, or from a county or district attorney or a
30 Kansas district court, the county election officer shall remove the name
31 of the offender from the registration records.

32 (f) Election board judges are hereby authorized to administer oaths
33 for the purpose of taking affidavits under this section. All such affidavits
34 shall be made upon forms approved by the secretary of state. Every af-
35 fidavit given under this section shall be returned to the county election
36 officer with the registration books.

37 ~~(g) (h)~~ Except as otherwise provided in this section, no person whose (e)
38 name has been removed from the registration books shall be entitled to
39 vote until such person has registered again.

40 New Sec. 13. Once each calendar year a check of the registration
41 records of voters in the state of Kansas shall be commenced by the chief
42 state election official or the county election officer by comparing such
43 records to the National Change of Address files. A county election officer

1 may complete one or more checks each calendar year. If the chief state
2 election official performs the check, any discrepancies discovered in the
3 check shall be reported to the appropriate county election officer, who
4 shall initiate the confirmation process prescribed by *subsection (d) of*
5 *K.S.A. 25-2316(d)* within 45 days. The chief state election official may
6 adopt rules and regulations to carry out the provisions of this section.

7 Sec. 14. K.S.A. 1994 Supp. 25-2352 is hereby amended to read as
8 follows: 25-2352. (a) ~~An application for voter registration for elections~~
9 ~~shall be included as part of the application for any motor vehicle driver's~~
10 ~~license and nondriver identification card issued by the division of vehicles.~~
11 *(1) Each Kansas division of motor vehicles driver's license application and*
12 *nondriver identification card application (including any renewal appli-*
13 *cation) submitted to a division of motor vehicles office in Kansas shall*
14 *serve as an application for voter registration unless the applicant fails to*
15 *sign the voter registration application. An individual who completes the*
16 *application for voter registration and is otherwise eligible shall be regis-*
17 *tered to vote in accordance with the information supplied by the individ-*
18 *ual.*

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

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

23 (1) May require a second signature or other information that dupli-
24 cates, or is in addition to, information in the driver's license or nondriver's
25 identification card section of the application ~~only if the duplicate or ad-~~
26 ~~ditional information is necessary for prevention of multiple registration~~
27 ~~of the same individual, for determination of eligibility to vote, or for ad-~~
28 ~~ministration of voter registration or other aspects of the election process~~
29 ~~to prevent duplicate voter registrations, and to enable Kansas election~~
30 ~~officials to assess the eligibility of the applicant and to administer voter~~
31 ~~registration and other parts of the election process;~~

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

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

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

43 ~~(3)~~ (5) shall be made available by the division of vehicles (as submit-

1 ted by the applicant, or in machine-readable or other format) to the sec-
 2 retary of state and county election officers, as provided by rules and reg-
 3 ulations adopted by the secretary of state; and

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

6 (c) The motor vehicle driver's license and nondriver identification
 7 card form used for change of residence address shall also serve as a no-
 8 tification of change of residence address for voter registration for elec-
 9 tions, unless the registrant states on the form that the change is not for
 10 voter registration purposes.

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

15 (e) Following the line fixed for the signature of the applicant on the
 16 application for voter registration, a statement shall be printed stating that
 17 ~~voting without being qualified is a class A misdemeanor carrying penalties~~
 18 ~~of not to exceed one year in jail or a fine of not to exceed \$2,500 or both~~
 19 ~~such imprisonment and fine the penalty for submission of a false voter~~
 20 ~~registration application is a maximum presumptive sentence of 17 months~~
 21 ~~in prison.~~

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

25 New Sec. 15. Distributing or receiving voter registration applications
 26 for compensation is knowingly accepting any money, benefit, property or
 27 thing of value as consideration solely for distributing or receiving voter
 28 registration applications.

29 Distributing or receiving voter registration applications for compen-
 30 sation is a severity level 9, nonperson felony.

31 Sec. 16. K.S.A. 25-2504 is hereby amended to read as follows: 25-
 32 2504. "County election officer" means the election commissioner in coun-
 33 ties having an election commissioner, and the county clerk in counties
 34 which do not have an election commissioner.

35 "Chief state election official" means the secretary of state.

36 Sec. 17. K.S.A. 25-2709 is hereby amended to read as follows: 25-
 37 2709. ~~The county election officer may destroy~~ The following election
 38 records ~~may be destroyed~~ after they have been on file for the period
 39 stated:

40 (1) Appointments and oaths of office of election board members, two
 41 years.

42 (2) Registration lists, five years.

43 (3) Poll books, five years.

(g) The provisions of this section shall
 expire on the date that the congress of the
 United States repeals, or removes the mandatory
 requirements imposed upon states under, the
 national voter registration act.

- 1 (4) Party affiliation lists, five years.
- 2 (5) Abstracts of voting records, 20 years.
- 3 (6) Affidavits required to be filed by the election laws of the state of
- 4 Kansas, including absentee and mail ballot envelopes containing voters'
- 5 declarations, two years.
- 6 (7) All other election records used at polling places, two years.
- 7 (8) ~~Declination forms maintained by voter registration agencies and~~
- 8 ~~the division of motor vehicles, two years.~~
- 9 (9) Confirmation notices, two years.
- 10 (10) Confirmation responses, two years.

Provisional ballot envelopes, and contents, if any with attached application for registration and challenging persons affirmed statement, if any

11 Sec. 18. K.S.A. 25-2909 is hereby amended to read as follows: 25-
 12 2909. (a) Any voter unable to mark such person's ballot by reason of
 13 physical disability, visual handicap or lack of proficiency in reading the
 14 English language or any voter 65 or more years of age may request assis-
 15 tance in voting.
 16 (b) Upon request as provided in subsection (a), the voter shall be
 17 accompanied to the voting booth by a person chosen by the voter or, if
 18 no person is chosen, by two members of the election board of different
 19 political parties, who shall mark the ballot as such voter directs.
 20 (c) If a voter requests assistance but is challenged, such voter shall
 21 be permitted to vote as provided by law for ~~challenged~~ *provisional* voters.
 22 (d) If a voting place is inaccessible to a disabled voter by reason of
 23 stairs or steps, such voter may request that such person's ballot be brought
 24 to the entrance to such voting place, for the purpose of allowing such
 25 voter to vote. Two members of the election board of different political
 26 parties shall take a ballot to the voter so requesting and shall remain with
 27 such voter while such person votes. In voting places where paper ballots
 28 are used, such board members shall deposit such voter's ballot in the
 29 ballot box. In voting places where voting machines are used, such voter
 30 shall vote on an absentee ballot, and, if the county election officer so
 31 directs, the two board members, upon returning to the voting place, shall
 32 cast the voter's votes, exactly in the manner shown on such voter's ballot,
 33 on a voting machine. If the voter's votes are cast on a voting machine,
 34 the absentee ballots used in this subsection shall be marked "VOID" with
 35 a notation indicating that the votes thereon have been tabulated on a
 36 voting machine. Any such ballot, together with objected to and ~~challenged~~
 37 *provisional* ballots, shall be packaged in accordance with K.S.A. 25-3008,
 38 and amendments thereto.

(11) Declination forms maintained by voter registration agencies, two years, except that the provisions of this subpart (11), shall expire on the date that the Congress of the United States repeals or removes the mandatory requirements imposed upon states under the national voter registration act.

39 (e) Intoxication shall not be regarded as a physical disability.
 40 Sec. 19. K.S.A. 25-3008 is hereby amended to read as follows: 25-
 41 3008. Before leaving the voting place the supervising judge shall ascertain
 42 that the election supplies and ballots that are to be returned have been
 43 packaged, packed and separated as provided in this section:

1-20

1 (a) All ballots both voted and unvoted, except void, objected to and
2 ~~challenged~~ *provisional* ballots, shall be placed in bags or sacks. Such bags
3 or sacks shall be sealed and appropriately labeled. The method of sealing
4 and labeling shall be a method approved by the secretary of state and
5 directed by the county election officer.

6 (b) Ballots that are spoiled and returned by the voter shall be marked
7 "spoiled" on the back thereof and shall be placed in the bags or envelopes
8 specified in subsection (a) of this section.

9 ~~(c) Challenged ballots and objected to ballots~~ *Provisional ballot en-*
10 *velopes containing ballots, with applications for registration attached,*
11 shall be placed in an appropriately labeled envelope, and shall be sealed
12 as in subsection (a) of this section.

13 ~~(d) Objected to ballots shall be placed in an appropriately labeled~~
14 ~~envelope, and shall be sealed as in subsection (a) of this section.~~

15 ~~(e)~~ (e) Ballots that are cast but not counted shall be marked "void"
16 on the back thereof and shall be placed in the same envelope that contains
17 ~~challenged and~~ objected to ballots.

18 ~~(e)~~ (f) Ballots specified in subsections (a) and (b) shall be separately
19 packaged from ballots specified in subsections (c) ~~and~~ (d) ~~and~~ (e).

20 ~~(f)~~ (g) Poll books, registration books, party affiliation lists, tally sheets,
21 abstracts and election supplies not listed in the preceding subsections of
22 this section shall be returned sealed but not packaged with the items
23 specified in subsections (a), (b), (c), (d) ~~and~~ (e) ~~and~~ (f).

24 Sec. 20. K.S.A. 25-3306 is hereby amended to read as follows: 25-
25 3306. County election officers ~~and~~, deputy election officers, *voter regis-*
26 *tration agencies, and offices of the division of motor vehicles* shall inform
27 each person registering as a voter that such person may declare a party
28 affiliation with any recognized political party or a voter affiliation with
29 any registered political organization and shall inform such person of the
30 procedure for declaring such affiliation. A printed notice containing such
31 information shall be posted conspicuously at each registration place.

32 Sec. 21. K.S.A. 25-3602 is hereby amended to read as follows: 25-
33 3602. (a) Each petition shall consist of one or more documents pertaining
34 to a single issue or proposition under one distinctive title. The documents
35 shall be filed with the county election officer or other official, if another
36 official is designated in the applicable statutes. The filing shall be made
37 at one time all in one group. Later or successive filings of documents
38 relating to the same issue or proposition shall be deemed to be separate
39 petitions and not a part of any earlier or later filing.

40 (b) Each petition shall, unless otherwise specifically required:

41 (1) State the question which petitioners seek to bring to an election in
42 the form of a question as it should appear upon the ballot in accordance
43 with the requirements of K.S.A. 25-620 and amendments thereto.

1 (2) name the taxing subdivision or other political subdivision in which
2 an election is sought to be held;

3 (3) contain the following recital above the spaces provided for sig-
4 natures: "I have personally signed this petition. I am a registered elector
5 of the state of Kansas and of
6 _____

7 (here insert name of political or taxing subdivision)

8 and my residence address is correctly written after my name."

9 The recital shall be followed by ~~blank~~ spaces for the signature, resi-
10 dence address and date of signing for each person signing the petition.

11 When petitioners are required by law to possess qualifications in ad-
12 dition to being registered electors, the form of the petition shall be
13 amended to contain a recital specifying the additional qualifications re-
14 quired and stating that the petitioners possess the qualifications; and

15 (4) contain the following recital, at the end of each ~~set of documents~~ document
16 carried by each circulator: "I am the circulator of this ~~petition~~ document
17 personally witnessed the signing of ~~the petition by each person whose~~ this document
18 name appears thereon. I am a resident and a registered elector of the
19 state of Kansas and of
20 _____

21 (here insert name of political or taxing subdivision)

22 the political or taxing subdivision in which the election is sought to be
23 held.

24 _____
25 (Signature of circulator)

26 _____
27 (Circulator's residence address)

28 The recital of the circulator of each ~~petition~~ document
29 or affirmation before a notarial officer in the manner prescribed by K.S.A.
30 1992 Supp. 53-501, et. seq. and amendments thereto.

31 (c) Any person who has signed a petition who desires to withdraw
32 such person's name may do so by giving written notice to the county
33 election officer or other designated official not later than the third day
34 following the date upon which the petition is filed.

35 (d) Any petition shall be null and void unless submitted to the county
36 election officer or other designated official within 180 days of the date of
37 the first signature on the petition.

38 (e) Unless the governing body of the political or taxing subdivision in
39 which the election is sought to be held authorizes a special election, all
40 elections which are called as a result of the filing of a sufficient petition
41 shall be held at the next succeeding primary or general election as defined
42 by K.S.A. 25-2502, and amendments thereto, in which the political or
43 taxing subdivision is participating.

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1 (f) When a petition requires signatures equal in number to a per-
2 centage of the total number of registered voters, ~~such percentage shall~~
3 ~~be based on the most recent number of registered voters as certified to~~
4 ~~the office of the secretary of state pursuant to subsection (f) of K.S.A. 25-~~
5 ~~2311, and amendments thereto~~

6 (g) A county election officer shall verify a signature only if the address
7 of the signer on the petition is the same as the signer's address in the
8 registration book.

9 New Sec. 22. The secretary of state may adopt rules and regulations
10 to comply with the National Voter Registration Act.

11 Sec. 23. K.S.A. 21-4615 is hereby amended to read as follows: 21-
12 4615. (1) A person who has been convicted in any state or federal court
13 of a crime punishable by death or by imprisonment for a term of one year
14 or longer and is imprisoned pursuant to such conviction felony shall, by
15 reason of such conviction and imprisonment, be ineligible to hold any
16 public office under the laws of the state of Kansas, or to register as a
17 voter or to vote in any election held under the laws of the state of Kansas
18 or to serve as a juror in any civil or criminal case.

19 (2) The disabilities imposed by this section shall attach when the con-
20 victed person is delivered to the custody of the secretary of corrections
21 for imprisonment upon conviction and shall continue until such person
22 is finally discharged from parole or conditional release or is discharged
23 from custody by reason of the expiration of the term of imprisonment to
24 which the person was sentenced; except that when a sentence of impris-
25 onment is modified by the court within 120 days from the date thereof
26 and the convicted person is admitted to probation or assigned to a com-
27 munity correctional services program, such person shall not thereafter be
28 subject to the disabilities imposed by this section.

29 (3) The disabilities imposed upon a convicted person by this section
30 shall be in addition to such other penalties as may be provided by law.

31 New Sec. 24. Any person registered to vote for federal elections dur-
32 ing the period from January 1, 1995, through the effective date of this
33 act shall be deemed to be registered to vote in all elections in Kansas, if
34 otherwise qualified, upon the effective date of this act.

K.S.A. 2-623, 2-1314b, 3-121, 3-152a, 3-303, 3-316, 10-203,
10-1116c, 12-110b, 12-110c, 12-154, 12-184, 12-1,101, 12-302,
12-621, 12-6,104, 12-10a01, 12-11a01, 12-11a03, 12-1236, 12-1247,
12-1257, 12-1427, 12-1680b, 12-1684, 12-1767, 12-1767b, 12-1925,
12-1929, 12-1933, 12-2708, 12-2720, 12-4801, 12-5401, 12-5504,
13-13a024, 13-14,112, 13-1707f, 13-1707j, 13-2415, 14-524,
14-1007a, 15-112, 15-915, 15-11b02, 17-1330, 17-1335, 17-1344,
17-1370, 19-117, 19-15,122, 19-2106e, 19-2697, 19-2717, 19-2786a,
19-2786i, 19-2818, 19-2823, 19-2845, 19-3311, 19-3601b, 19-3612d,
19-3612e, 19-3629, 19-3631, 19-4004, 19-4403, 19-4443a, 19-4470,
19-4603, 19-4605, 19-4625, 19-4626, 24-137, 24-139, 24-1219,
27-322, 27-334, 31-305, 38-501, 60-1403, 65-204, 65-4060, 68-438,
68-515b, 68-518, 68-560, 68-598, 68-1106, 71-501, 71-617,
72-4523, 72-8136e, 72-8154, 72-8155a, 72-8183, 72-8213, 72-8801,
73-446, 73-451, 79-1962, 79-5029, 79-5030, 80-938, 80-1503,
80-1514b, 80-1546, 80-1547, 80-1921, 80-2205, 80-2506, 80-2516,
80-2519, 80-2522, 82a-1030, 82a-1036 and 82a-1425 and K.S.A. 1994
Supp. 2-623, 12-187, 12-1267, 12-1276, 12-1774, 12-1927, 12-2535,
12-3904, 12-5302, 17-1330a, 19-204, 19-211, 19-15,142, 19-2651,
19-2698, 19-2763, 19-27,156, 19-3622, 19-4102, 72-6433, 75-2317,
79-1946, 80-109 and 80-2525

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, electors or qualified electors in a voting area or district, the number of required signatures shall not be based upon a percentage of the total number of registered voters, electors or qualified electors in such voting area or district but shall be based upon a percentage of the number of electors of such voting area or district who voted for secretary of state at the last preceding general election.

Sec. __. K.S.A. 25-1436 is hereby amended to read as follows: 25-1436.

25-1436. ~~Grounds for contest.~~ Any contest of election to which K.S.A. 25-1435, and amendments thereto, applies shall be brought on any one or more of the following grounds:

(a) The person to whom a certificate of election was issued was ineligible to hold such office at the time of the election;

(b) some voters were deprived of the right of voting for a candidate or on a question submitted, when such voters had the right under the election laws of this state to vote thereon, and such deprivation could change the result of the election;

(c) illegal votes were received or legal votes were rejected which could change the result of the election;

(d) error or fraud occurred in computing the results of the election which could change the result of the election;

(e) the person to whom the certificate of election was issued offered or gave, or caused to be offered or given, a bribe to any person charged by law with any election duty, for the purpose of procuring such person's election; ~~or~~

(f) any other cause which shows that another was the person to whom the certificate of election for such office should have been issued. _____ ;

~~History: L. 1978, ch. 138, § 3, L. 1985, ch. 121, § 1, March 28.~~

(g) one or more provisional ballots which should have been accepted by the county board of canvassers were rejected, in error, by such board which could change the result of the election if such ballots were accepted and counted; or

(h) one or more provisional ballots which were accepted by a preliminary decision of the county board of canvassers but which ballots were not counted because a person objected to such county board of canvasser's preliminary decision in the manner provided for in K.S.A. 25-409(f), and amendments thereto, should be accepted and counted and, if such ballots were accepted and counted, could change the result of the election.

Sec. ____ . K.S.A. 25-436 is hereby amended to read as follows:

~~25-436. Deadline for registration of electors receiving mailed ballots, procedure for electors registering late.~~ (a) The county election officer shall not mail a ballot under this act to those electors not registered 30 days prior to the date of the election. ~~Electors registered~~ (b) after 30 days prior to the date of the election, but prior to the closing of the registration books, may apply for a ballot under subsection (d) of K.S.A. 25-433.

History: ~~L. 1983, ch. 125, § 6, July 1.~~

(c) Any registrant who is not an elector in a mail ballot election may offer to vote in such election under the mail ballot election act in the manner provided in K.S.A. 25-409, and amendments thereto, for persons challenged pursuant to new section 1 and amendments thereto. No application for registration offered by any registrant pursuant to this subsection shall be accepted by a county election officer after noon on the date of the election. No ballot provided or voted under this subsection may be transmitted by mail. Any ballot voted pursuant to this subsection shall be accepted or rejected for counting in the manner provided in K.S.A. 25-409 and amendments thereto.

New Sec. . (a) All costs incurred by agencies and political subdivisions of the state of Kansas, in implementing the provisions of the national voter registration act, shall be reimbursed from funds or moneys received under federal grants made available for such purposes.

(b) The secretary of state is hereby authorized to enter into agreements for participation in or for such grants with agencies of the federal government and to accept and disburse such funds among the agencies and political subdivisions of the

state in accordance with such agreements and this act. For the purposes of this section, the secretary shall determine the aggregate amount of costs incurred by each state agency and political subdivision solely for the implementation of the national voter registration act and reimbursable under this section.

New Sec. . The provisions of this act shall expire on July 1, of the year in which the first regular session of the legislature is convened following the date that the congress of the United States repeals, or removes the mandatory requirements imposed upon states under, the national voter registration act.

35 Sec. 25. K.S.A. 21-4615, 25-409, 25-410, 25-414, 25-1136, 25-1337,
36 25-2303, 25-2309, 25-2309c, 25-2311, 25-2312, 25-2315, 25-2316c, 25-
37 2504, 25-2709, 25-2909, 25-3008, 25-3306, 25-3602 and K.S.A. 1994
38 Supp. 25-2352 are hereby repealed.
39 Sec. 26. This act shall take effect and be in force from and after its
40 publication in the Kansas Register.